

<b>CONSTITUTION WORKING PARTY</b>		
<b>Report Title</b>	<b>PROPOSED AMENDMENTS TO CONSTITUTION</b>	
<b>Key Decision</b>	<b>NO</b>	<b>Item: 4</b>
<b>Ward</b>		
<b>Contributors</b>	<b>Head of Law</b>	
<b>Class</b>	<b>Part 1</b>	<b>Date: 17 JUNE 2010</b>

## **1 Summary**

This report sets out some possible amendments to the Constitution for consideration by the Constitution Working Party (CWP) which is asked to decide whether to recommend to full Council to adopt those amendments.

## **2 Purpose of the Report**

The Council is under a duty both by law and under the Constitution to keep its constitution under review. The purpose of this report is to ask the CWP to consider the report prepared by the Head of Law by way of review and so fulfil both of these duties.

## **3 Recommendation**

It is recommended that the Constitution Working Party consider the possible amendments marked in the Appendix to this report and agree whether it recommends them to full Council.

## **4 Policy Context**

4.1 The Council introduced a directly elected mayor and cabinet model of political governance under the Local Government Act 2000. It took effect from the date of the local elections in May 2002. Since then it has made a number of changes to its Constitution to ensure best fit with local circumstances. Examples of these changes include:-

- the creation of a broader composition for the Standards Committee including 6 independent members
- amendments to the procedure for taking amendments to motions at Council meetings
- the inclusion of the councillor call for action procedures in the Constitution

- the inclusion of details relating to the Council's petition scheme
  - changes in the remit of and the creation of new select committees to reflect new statutory duties in relation to the overview and scrutiny of crime and disorder and police matters
  - amendments to the procedure for handling members' questions.
  - the creation of an Audit Panel
  - amendments to the Member Code of Conduct which is incorporated in the Council's Constitution
- 4.2 The Council is required by Section 37 Local Government Act 2000 to draw up and keep up to date a document referred to as the Constitution which contains information specified by the Secretary of State, the Council's standing orders, the Member code of conduct and such information as the Council considers appropriate. It must be available for public inspection. The Council's Constitution both before amendment and if amended after, contains all it is necessary by law to contain.
- 4.3 A number of changes are proposed. They are summarised below, and they are marked in the Appendix to this report.

1) Community governance reviews

Decisions relating to community governance reviews under the Local Government and Public Involvement in Health Act 2007 (the 2007 Act) are expressed as being reserved to Council. This is necessary because of the introduction of community governance reviews in the 2007 Act with a requirement that decisions in relation to them be for the full Council to make

2) Petition scheme

References to the Council petition scheme already appear in the Constitution but the Articles did not previously refer to it in relation to the terms of reference of Overview and Scrutiny bodies. An amendment is proposed to rectify this.

3) Joint select committees

Several joint select committees were established specifically for consultation in relation to proposed changes to the organisation of health provision in the area. They are no longer needed as the consultation is complete and are therefore omitted from the

Constitution.

4) The Mayor as councillor

Recent changes introduced in the 2007 Act mean that the term 'councillor' cannot be used as an umbrella for Mayor and other members of the Council. There are a number of amendments to reflect this. It is made clear that the Mayor may not be a member of committees though may attend as observer and speak.

5) Appointment to outside bodies

At Part III of the Constitution is a schedule of decisions which the law says are the responsibility either of the Council or the Mayor as is decided locally. They are known as "local choice functions" and include appointment to outside bodies. The bodies to which the Mayor appoints are updated to reflect the current position.

6) Amendments to motions

The procedure is slightly amended to be logically consistent. As notice of amendment to a motion has to be received in advance of the meeting, if an amendment is passed, it follows that there can be no further amendment to the amended motion from the floor as prior notice could not have been given. This amendment is proposed.

7) Overview and Scrutiny Committee Chairs

In view of the change in the political balance of the Council, members are asked to consider the allocation of chairs of overview and scrutiny bodies and the requirement or otherwise for political balance on Overview and Scrutiny Committee. Given that these appointments have only just been made, any amendment would need to be considered for the next municipal year. Members are reminded that statutory guidance in relation to Overview and Scrutiny Chairs requires that consideration is given to them being members of opposition groups. In Lewisham now the Chair of Public Accounts Select Committee is held by a member outside the largest political group.

8) Contract Procedure Rules – Section I

These have been replaced to reflect current EU law (e.g. Remedies Directive) and to make them more coherent. Standing Orders for Contract Letting for Schools have been removed as they no longer apply to schools, who have considerable freedom to follow their own procedures in this respect.

9) Standards Committee

Amendments to its terms of reference are proposed to reflect new duties under local investigation procedures. As and when Standards for England is abolished further amendment is likely to be necessary. The Head of Law will report in due course.

10) Guidance for members on outside bodies

This appears as an appendix to the Member Code of Conduct and has been updated to reflect existing law.

**5. Financial Implications**

There are no specific financial implications arising.

**6. Legal implications**

Many are contained in the body of the report. It is reserved to full Council to amend the terms of the Constitution. The Monitoring Officer has a duty under Article 18 of the Constitution to bring a report reviewing the operation of the Council's Constitution to it for consideration. The terms of reference of this Working Party are specifically to advise the Council in this respect. The Head of Law advises that none of the proposed amendments require consultation.

**7. Equalities Implications**

There are no specific implications.

**8. Crime & Disorder & Human Rights Implications**

There are no specific implications.

**Background Papers**

None Reported

If there are any queries on this report please contact Kath Nicholson Head of Law tel 020 8314 7648