

# MINUTES OF THE CONSTITUTION WORKING PARTY

Tuesday, 15 November 2011 at 6.00 pm

PRESENT: Councillors Clutten, Daby, Egan, Foxcroft, Hall, Oluyole and Wise

ALSO PRESENT: Councillor Peggy Fitzsimmons

Apologies for absence were received from Councillor Christine Allison, Councillor Amanda De Ryk and Councillor Alan Smith

## 1. Election of Chair and Vice-Chair

RESOLVED that Councillor Hall be elected Chair and Councillor Wise Vice-Chair of the Constitution Working Party for the municipal year 2011/12.

## 2. Declarations of Interests

None.

## 3. Minutes

RESOLVED that the minutes of the meeting of the Constitution Working Party held on June 2010 be confirmed and signed.

## 4. Adoption Panel Changes

The Head of Law introduced the report, stating that the Adoption Agencies Regulations 2005 had been amended by the Adoption Agencies and Independent Review of Determinations (Amendment) Regulations 2011 which had come into force in April 2011.

The Chair noted adoption panels would consist of members drawn from a central list as opposed to having a fixed membership and he asked if several elected members would be added to the list from whom the single elected member representative would be chosen. The Head of Law said it would be sensible to add more people to the central list.

RESOLVED that the amended provisions relating to the

Adoption Panel shown proposed in paragraph 5 of the report be agreed for submission to the Council for inclusion in the Constitution.

## **5. Positive Ageing Council constitution**

The Head of Law reported the Mayor had pledged in 2010 to establish an 'Elders Council' and that in February 2011 he agreed a model of a community based Positive Ageing Council with four meetings per year, following the local assembly format, which would be open to any resident over the age of 60 to attend and give a view.

The Mayor also noted changes to the Council's Constitution would be required in order that the Positive Ageing Council could be formally recognised within the Council's reporting framework and agreed that suggested changes to the Constitution would be considered by this Working Party.

The Working Party considered the changes and received a representation from Councillor Fitzsimmons objecting to the proposed limit on referrals to Mayor & Cabinet shown in paragraph 4.4 of the report.

The Working Party believed that as there was only a single Positive Ageing Council holding four meetings a year, any limit on referrals was unnecessary and they asked the Head of Law to amend the Constitution to allow any referral agreed at a main Council meeting to be forwarded to the Mayor & Cabinet.

**RESOLVED** That

(i) the establishment of the Positive Ageing council be endorsed; and

(ii) the changes set out in section 4 be agreed for submission to the Council for inclusion in the Constitution subject to 4.4 being amended by the Head of Law to allow the Positive Ageing Council to make referrals to the Mayor & Cabinet as long as they were agreed at a main PAC meeting.

## **6. Scheme of Delegation**

The Head of Law said changes to the Scheme of Delegation had previously been considered by the Council

Urgency Committee on October 20 2011 and two substantive changes had been recommended. The first allowed for changed Directorate responsibilities given the reduction in Directorates from five to four. The second reserved to Planning Committees all town and country planning matters relating to the demolition of any building that is in use as a public house, or which is currently unoccupied but was in use as a public house immediately prior to becoming unoccupied.

RESOLVED That the Council Scheme of Delegation be endorsed and Council be recommended to amend the Constitution accordingly.

## **7. Legislative update**

The Head of Law presented a report outlining current proposals in both the Localism Bill and the Health and Social Care Bill and invited comments on matters likely to affect the Council's Constitution.

The Working Party considered ethical arrangements and concluded that Lewisham should retain a Standards Committee and draw up a Local Code of conduct. The Chair asked for proposals to be worked up and considered at a future meeting. He added he did not expect current arrangements to be replicated, and he urged officers to look again at the model which existed in Lewisham before national mandatory requirements were introduced.

The Working Party considered at length the implications for the Council of community empowerment and decided that this and other aspects of the Localism Bill should be the subject of a further report to the Working Party once the Bill became law.

In terms of the Health and Social Care Bill, the Working Party noted the Bill made the formal consultative body on health matters the authority rather than a scrutiny body. The Working Party asked that the authority use its discretion to authorise the Healthier Communities Select Committee to continue to make representations on health matters. The Chair observed that this Bill and the Localism Bill both had widespread implications for the authority which the Working Party should consider in greater detail once the Bills became law.

RESOLVED that the contents of the Localism Bill and the Health and Social Care Bill be noted and officers be requested to further report once the Bills had been enacted setting

out the implications for the Council's Constitution and any recommendations for amendment.

## **8. Constitutional update**

The Head of Law provided the Working Party with a schedule of minor amendments to the Constitution arising from various previous items and reports.

In discussion on the Bribery Act the Head of Law confirmed officers, like members, followed a Code of Conduct and that all officers graded SMG1 and above completed a full declarations of interest return.

The Working Party requested that a schedule of changes be produced for ease of reference at the Council meeting.

The Chair raised the issue of Rule J11 and the Working Party agreed that the Appointments Committee be added to the list of bodies exempted from this rule as, owing to its small size, almost all of the membership were ineligible to be Chair owing to the other positions they already held.

**RESOLVED** That

(i) the amendments shown in Appendix 1 of the report be approved;

(ii) Rule J11 be amended to add the Appointments Committee to the list of bodies exempted from the rule;

(iii) a schedule of changes be produced for the November Council; and

(iv) the Constitution be recommended to the Council for adoption and be made publicly available.