

Constitution

Proposals for Change

Document	Suggested Change	Reason
Part 2 - Articles of the Constitution		
Article 2 (Annex 1)	<p>Clarify that the Monitoring Officer has power to make minor amendments to all constitutional documents relating to typographical changes, changes to the statutory framework and job titles and other consequential amendments following other changes to the Constitution.</p> <p>To confirm that the provisions of the Scheme of Members Allowances can be changed only by Full Council, having regard, where appropriate, to the recommendations of the Independent Remuneration Panel, and by the Monitoring Officer exercising the powers of minor amendment referred to above.</p> <p>To confirm that the Glossary of Terms which forms part 7 of the Constitution</p>	<p>At present the Monitoring Officer has the power to make minor amendments to <i>most</i> Constitutional documents without referral to Council. This change seeks to ensure that he/she can do so for <i>every</i> document, thereby helping to keep the Constitution up to date and accurate at all times.</p> <p>To correct an omission from the existing document</p> <p>To correct an omission from the existing document</p>

	may be amended by the Monitoring Officer	
Article 4.03	Confirm that the State of the Borough event is no longer a formal meeting of the Council	To provide maximum flexibility in the structure and choice of venue of the engagement event, thereby maximising participation.
Article 12.3	Insert the ability for the Monitoring Officer to <i>participate in</i> legal proceedings.	The existing provisions authorise the Monitoring Officer to 'institute, defend or settle' any legal proceedings. For the avoidance of doubt it should be clarified that this includes the power to participate in proceedings.
Part 3A - Responsibility for Functions		
1.1 (K) - Full Council	To remove reference to Council being the final arbiter on controversial issues removed through the Requisitioning process	To reflect the previous deletion of the Requisitioning process
2.1 - Strategic Committees	Clarify that extensions to contracts of more than £1m, or which take the aggregated value of a contract to more than £1m, can be determined by Officers under delegated powers where the provision for that extension was included within the original contract award and documentation.	To reflect the clarification contained within the amendment to Contract Regulation 16 (see the corresponding Annex with these papers)

4.4.1 - Health Overview Panel	Clarify that members of the HWBB should not be members of HOP	To reflect good (and current) practice
4.8.2 - Senior Staff Panel	Clarify that the appointment of the Director of Children's Services is a function of the Joint Appointments Committee with Richmond	To correct an omission from the existing document
6.5.2 - Joint Appointments Committee - Director of Children's Services	Insert provision that the Joint Committee recommends the appointment of a Director of Children's Services to the respective Full Council's of RBK and LBRuT	To reflect existing practice
7.3 Pension Board	Insert provision to allow for virtual meetings	Pension Boards are not local authority committees for the purpose of the LGA 1972 and are therefore not covered by the 2020 Covid 19 Regs which permit virtual meetings, but Reg 106(8) of the LGPS Regs 2013 allows a Board to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions - and this would allow it to hold virtual meetings in an emergency.
Part 4A - Meeting Procedure Rules		
Procedure Rule 8(A)(2) - Notices of Motion	Clarify that notice of motions must be submitted at least seven clear working days before a meeting of Council <i>excluding the day on which</i>	To provide certainty on the deadline for submission of a motion to Council - the Procedure Rules do not currently define whether or not 'seven working days' includes

	<i>notice is given and the day of the meeting</i>	the day on which notice is given or the day of the meeting
Procedure Rule 10(7) - Tabling of Motions or Amendments	Insert a provision that an amendment must not have the effect of simply negating a recommendation or effectively negating a recommendation by completely changing the subject matter of the recommendation.	To clarify that 'wrecking amendments' shall not be allowed. This resolves inconsistency in the existing Constitution which prohibits 'wrecking amendments' in the case of political groups motions submitted under Procedure Rule 8 but not in any other case. It also brings the Council's provisions into line with best practice and established common law. Members who wish to move a wrecking amendment can instead vote against the motion presented.
Procedure Rule 12 - Voting at Council Meetings and Procedure Rule 26 - Voting at Meetings	Amend references to voting by roll call to require requests for roll call votes to be made either by a minimum of three Members or at the discretion of the Mayor/Chair	Votes by roll call are designed to ensure that the way each individual Member voted is recorded, but outside of virtual meetings where they are necessary to ensure transparency for the public watching procedures from home they are otherwise rarely utilised because it is a requirement that the vote of all Members be recorded in the minutes even when voting by a show of hands. The current provisions do not identify how a roll call vote shall be requested. This change addresses that absence.
Procedure Rule 17(B) - Public Questions at Meetings of Committees	Insert a provision that the public question time shall not apply at single item extraordinary meetings of	From time to time it is necessary to arrange ad hoc meetings of Strategic Committees outside of the established schedule in order

	Strategic Committees	to urgently consider a single issue. The Public Question time provisions have normally not been applied to these meetings because they are intended specifically to address a single matter. It is proposed that this practice be formalised.
Procedure Rule 34 - Sealing of Documents	Amend to record that a Common Seal of the Council is held at the Guildhall as well by the South London legal Partnership	To reflect existing practice
Part 4 B - Access to Information Protocol		
Categories of Exempt Information	Amend explanatory note re Para 3 to clarify that exempt material relating to contractual terms is not available to all Members	To correct a typographical error which misrepresents the relevant legislation - the present wording reads 'Not exempt for Members where the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations of a contract.' The word ' <i>Not</i> ' appears by error and gives the opposite effect to the statutory position.
Part 4C - Call-In Procedure Rules		
1 (l)	Amend the form of proceedings of a Scrutiny Panel to require that every hearing shall commence with an introduction to the grounds for the call-in by a signatory to the call-in	The existing provisions provide the Scrutiny Panel with discretion as to the form of its hearing proceedings and lack clarity on whether or not a call-in can be introduced by an individual who was not party to its formal

	<p>request (in the case of call-ins by Members this shall not be a member of the Scrutiny Panel) and that immediately thereafter there shall be an opportunity for the Committee to ask questions of the signatory. Where this does not occur the Call-In shall automatically fail and the original decision is upheld without further debate.</p>	<p>submission. This amendment provides clarification and, by making this first stage mandatory, ensures that signatories to the call-in shall always have an appropriate opportunity at the outset of the proceedings to state their case. Failure to present a case for a call-in should result in its automatic dismissal.</p> <p>The Panel retains discretion to manage the order and form of the rest of its proceedings, including the calling of other speakers.</p>
	<p>Make provision for Members of the Panel who are party to a call-in request to declare a personal interest in the matter.</p>	<p>Call-ins can be triggered at the request of 9 Members. It is proposed that where any of those Members sit on the Scrutiny Panel which considers the call-in they should declare a personal interest. This does not prevent participation in the meeting (unless other significant personal or disclosable pecuniary interests also apply) but ensures full disclosure and transparency.</p>
<p>Part 4E - Financial Regulations</p>		
<p>Para 3.6 - Financial Delegations</p>	<p>To adjust the financial thresholds determining which Officers may exercise delegated powers in respect of certain decisions such as contract awards, virements and debt write offs as set out in the table at the end of</p>	<p>The current arrangements do not distinguish between the levels of authorisations for Corporate Heads of Service and Assistant Directors and it is proposed that some degree of differentiation be introduced. For contract awards it is recommended that the upper limit</p>

	<p>this Annex. .</p>	<p>for Corporate Heads of Service be set at £150,000 to coincide with the threshold in Contract Regulations for low value procurements. No changes are proposed in respect of Member level decision making in Committee</p>
	<p>To introduce the following delegations in respect of Death Grant Awards</p> <ul style="list-style-type: none"> ● S151: Above £100k ● Head of Insurance and Pensions Administration / Assistant Director of Business Services: Above £50k and up to and including £100k ● Pensions Administration Manager: Up to and including £50k <p>Contentious and sensitive matters can and should still be referred upwards outside of the financial delegations.</p>	<p>To remedy an absence in the current provisions</p>
	<p>To provide authority to Officers to approve fees and charges at levels aligned with the delegated authority</p>	<p>This corrects an omission in the existing document and formalises what is broadly existing practice. It seeks to balance the need</p>

	<p>set out for each tier of senior management in Financial Regulations;</p> <ul style="list-style-type: none"> ● financial implications of under £100k - CHoS or AD, ● financial implications of £100k-250K Executive Directors ● financial implications of 250K - 500K S151 Officer/Chief Executive <p>But that Committee approval is required where a fee/charge is proposed to increase by a level significantly higher than an inflationary uplift, if significant new subsidies or discounts are being introduced or if the amendment is likely to significantly change on demand or have a major impact on the budget</p>	<p>for Officers to be able to manage routine operational decisions in respect of fees and charges with safeguards that require Member oversight of changes with a significant impact.</p>
<p>Part 4G - Petitions Scheme</p>	<p>To insert a flowchart to illustrate the petitions process</p>	<p>To enhance clarity and understanding of the process</p>
	<p>To clarify that petitions in respect of consultations on Traffic Management Orders fall outside the scope of the scheme and will instead be considered as part of the statutory</p>	<p>For the avoidance of doubt. Separate statutory consultation provisions apply in respect of Traffic Management Orders. The same principle is already applied to petitions relating to planning applications.</p>

	consultation process.	
Part 6 - Scheme of Members Allowances		
Allowances for Independent & Co-opted/Advisory Members	Update Committee positions and names	To reflect the existing Committee structure
Paragraph 18 - Pensions	Remove a reference to the Council determining that Members are not entitled to pensions	This is no longer applicable - whereas it was previously within the discretion of each Authority to determine whether Members should be eligible for the Local Government Pension Scheme there is now no entitlement and no discretion to apply it.

PART 4E FINANCIAL REGULATIONS - PROPOSED AMENDMENTS TO DELEGATIONS AT PARAGRAPH 3.6

Financial Scheme of Delegation

3.6 The table below sets out the financial decisions that Strategic Committees and Officers have delegated authority to take, within the agreed budget.

(changes highlighted in yellow)

	Strategic Committee	CEx / S151	Executive Directors	Assistant Director	Corporate Head of Service
Contract Awards	> £1m	£500k - £1m	£100K-£500K £250k - £500k	<£100k £150K -£250k	<£100k <£150k
Acquisitions / Disposals	> £1m	£500k - £1m	£100k - £500k	<£100k £50K - £100k	<£100k <£50k
New Capital Schemes	> £500k	£250k - £500k	£100k - £250k	<£100k £50K - £100k	<£100k <£50k
Variations to Capital Schemes	> £500k	£250k - £500k	£100k - £250k	<£100k £50K - £100k	<£100k <£50k
Capital Virements	> £500k	£250k - £500k	£100k - £250k	<£100k £50K - £100k	<£100k <£50k
Revenue Virements	> £500k	£250k - £500k	£100k - £250k	<£100k £50K - £100k	<£100k <£50k
Debt Write-offs	> £100k	£50k - £100k	£10k - £50k	< £10k	<£10k N/A
Fees & Charges	Financial Implications	Financial	Financial	Financial	Financial Implications of

	>£500k*	implications of £250k - £500k	Implications of £100k - £250k	Implications of £50k-£100k	< £50k
New Delivery Models	> £500k / > 50 Staff / >1 Neighborhood area	£250k - £500k / 25 - 50 staff	£100k - £250k / 10-25 staff	< £100k / 10 staff	< £100k / 10 staff N/A

*Strategic Committee approval is also required where, in the view of the relevant Executive Director or the S151 Officer, a fee/charge is proposed to increase by a level significantly higher than an inflationary uplift, if significant new subsidies or discounts are being introduced or if the amendment is likely to significantly change demand or have a major impact on the budget