



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BRI 3UH

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DATE: 8 April 2013

GENERAL PURPOSES AND LICENSING COMMITTEE

Meeting to be held on Wednesday 10 April 2013

Please see the attached report marked “to follow” on the agenda.

8 CHANGES TO THE CONSTITUTION (Pages 3 - 16)

*Copies of the documents referred to above can be obtained from
www.bromley.gov.uk/meetings*

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Agenda Item 8

Report No.
RES13078

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE
COUNCIL

Date: 10th April 2013
22nd April 2013

Decision Type: Non-Urgent Non-Executive Non-Key

Title: CHANGES TO THE CONSTITUTION

Contact Officer: Graham Walton, Democratic Services Manager
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Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 The Constitution Improvement Working Group has made a number of recommendations for minor changes to the Council's Constitution relating to the Council Procedure Rules and terms of reference for the Rights of Way Sub-Committee and the Health and Wellbeing Board.
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2. **RECOMMENDATION(S)**

- 2.1 That General Purposes and Licensing Committee considers the proposed changes to the Constitution and refers them to full Council for approval.
- 2.2 That Council approves the proposed changes to the Constitution.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £320,320
 5. Source of funding: 2012/13 revenue budget
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Staff

1. Number of staff (current and additional): 8 (7.22 fte)
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: This report does not involve an executive decision.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not applicable

3. COMMENTARY

3.1 The Constitution Improvement Working Group has proposed a number of minor changes to the Constitution. The proposed changes are –

- Enabling any five Councillors (three of whom must be members of the body concerned) to add an item to the agenda for the next scheduled meeting of the Council, a Committee or Sub-Committee, or where this will not allow the matter to be dealt with adequately, to have the matter considered at a special meeting.
- Setting a three-hour guillotine for meetings. This does not mean that meetings cannot take longer than three hours, but it does require that Chairmen and Committees consider at the three hour mark whether to continue.
- Clarifying the right of Councillors to ask supplementary questions by stating that this will normally be limited to one supplementary question.
- Reinforcing access to part 2 papers and meetings by Councillors.
- Setting out terms of reference for Rights of Way Sub-Committee and the Health and Wellbeing Board

3.2 The changes are set out as track-changes in Appendix 1.

Non-Applicable Sections:	Policy/Legal/Financial/Personnel
Background Documents: (Access via Contact Officer)	Constitution of the London Borough of Bromley

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CHANGES TO THE CONSTITUTION: PART 3 - RESPONSIBILITY FOR FUNCTIONS

1. Responsibility for Local Choice Functions

- (a) The Council has determined that all local choice functions contained in Schedule 2 of the Local Authorities (Functions and Responsibilities) Functions Regulations) are to be Non-Executive functions, except for Best Value Reviews which shall be both an Executive and Non-Executive function; and
- (b) That all local choice functions contained in Schedule 3 of the Functions Regulations are to be Non-Executive functions.

2. Responsibility for Council Functions

The Council has delegated the responsibilities and functions to the Committees and Sub-Committees named below and these delegations will include appointment of Councillors to all relevant outside bodies that fall within the Council's policy for making such appointments. These Committees may consider and decide any matter of relevant Non-Executive business referred to the Committee by a Sub-Committee or a Chief Officer.

2.01 General Purposes and Licensing Committee (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)

- (a) Electoral issues
- (b) Making byelaws
- (c) Administration of the Local Government Pension Scheme
- (d) Staffing matters
- (e) Probity Strategy
- (f) Audit
- (g) Open Government
- (h) Fraud Prevention
- (i) Complaint Procedures
- (j) Member appointments
- (k) Health and Safety
- (l) Licensing of births, deaths and marriages
- (m) Licensing matters
- (n) Non-executive highway functions as set out in Schedule 1 to the Functions Regulations (excluding functions under the Town & Country Planning Act 1990)
- (o) Any non-executive function not delegated elsewhere or reserved to Council.

- 2.02 **Audit Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)
- Monitor internal audit’s strategy, plan and performance.
 - Review summary internal audit reports and the main issues arising, and seek assurance that action has been taken where necessary.
 - Consider the reports of external audit and inspection agencies.
 - Consider the effectiveness of the authority’s risk management arrangements, the control environment and associated anti fraud and anti corruption arrangements.
 - Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
 - Be satisfied that the authority’s assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it.
 - Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies, and that the value of the audit process is demonstrated and actively promoted.
 - Review the financial statements, external auditor’s opinion and reports to members, and monitor management action in response to the issues raised by external audit.
- 2.03 **Pensions Investment Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority.)
- (a) monitoring the financial position of the Pension Fund, including consideration of the triennial actuarial valuations;
 - (b) investment of the Pension Fund, including the appointment of investment managers;
 - (c) management of the Council’s additional voluntary contributions (AVC) scheme;
- 2.04 **Rights of Way Sub-Committee** (Membership proportional – may include one Member of the Executive from each recognised party group subject to Executive Members not being in the majority) – Functions relating to non-vehicular highway matters within the remit of the General Purposes & Licensing Committee.
- 2.05 **Local Joint Consultative Committee** (Membership proportional to include the Leader or named Deputy also from the Executive, the Chairman of General Purposes and Licensing Committee or named Deputy also from the General Purposes and Licensing Committee and the Chairman of the Main Policy Development and Scrutiny

Committee or named Deputy also from the Main Policy Development and Scrutiny Committee)

- (a) To enable regular consultation and discussion between the Local Authority and its employees.
- (b) To consider matters referred to it by the General Purposes and Licensing Committee or the Executive or by employee representatives or Trade Union representatives.
- (c) To make recommendations to the General Purposes and Licensing Committee or Executive.
- (d) To refer matters for consideration by and advice of London Councils.

2.06 **Appeals Sub-Committee** (Membership excluding Members of the Executive drawn from a panel appointed by the Council and constituted as and when necessary by the Council or, where delegated, named decision-maker.)

To determine appeals against any decision of the Council including:

- staff dismissal, discipline, grading, capability, early retirement, pension entitlement or other reasons
- access to information
- social services matters including domiciliary charges, registration of child minders, persons providing day care for children, registration of residential care homes and others, which carry a statutory right of appeal
- education transport appeals.

(Note: This Sub-Committee will not consider appeals by Chief Officers concerning appraisal, disciplinary investigations or disciplinary matters).

2.07 **Licensing Sub-Committee** (Three Members to be drawn from the General Purposes and Licensing Committee and to include no more than one Member of the Executive)

- 1. Gaming, entertainment, food and miscellaneous licensing and functions relating to licensing and registration as set out in Schedule 1 of the Functions Regulations.
- 2. All functions arising pursuant to the Licensing Act 2003 apart from a function conferred by Section 5 of that Act in respect of the Statement of Licensing policy.

2.08 **Development Control Committee** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)

- 1. **Planning and conservation.** All the Council's powers and duties relating to town and country planning and development control as specified in Schedule 1 of the Functions Regulations.

2. **Unitary Development Plan.** To be responsible for preparing, revising and recommending the Plan to the Executive.
 3. **Highways use and regulation.** The exercise of powers relating to the regulation of the use of highways under the Town & Country Planning Act 1990, as set out in Schedule 1 to the Functions Regulations.
 4. **Common land and village greens.** Power to register common land or village greens and to register variation of rights of common.
- 2.09 **Plans Sub-Committees** (Membership proportional – may include one Member of the Executive from each recognised party group, subject to Executive Members not being in a majority)
1. To exercise all the powers and duties of the Council as local planning authority – as set out in Schedule 1 of the Functions Regulations.
 2. To exercise all the powers and duties of the Council in relation to Building Control matters – as set out in Schedule 1 to the Functions Regulations.
- 2.10 **Standing Advisory Council on Religious Education (SACRE)** (Seven Members)
- An independent Statutory body charged to advise the Council upon matters connected with religious worship in schools and the religious education to be given in accordance with an Agreed Syllabus.
- 2.11 **Urgency Committee** (Five Members, comprising the Mayor, the Chairman of the General Purposes and Licensing Committee and the Leaders of the three largest party groups).
- To deal with urgent non-executive decisions that are not of a sensitive nature – any such decisions made shall be reported to the next available meeting of the full Council.
- 2.12 **Health & Wellbeing Board** (11 Elected Members, including one representative from each of the two Opposition Parties; the two statutory Chief Officers (without voting rights); two representatives from the Clinical Commissioning Group (with voting rights); a Health Watch representative (with voting rights) and a representative from the Voluntary Sector (with voting rights). The Chairman of the Board will be an Elected Member appointed by the Leader. The quorum is one-third of Members of the Board providing that elected Members represent at least one half of those present. Substitution is permitted. Other members without voting rights can be co-opted as necessary.)
1. Providing borough-wide strategic leadership to public health, health commissioning and adults and children’s social care commissioning, acting as a focal point for determining and agreeing health and wellbeing outcomes and resolving any related conflicts.
 2. Commissioning and publishing the Joint Strategic Needs Assessment (JSNA) under the Health and Social Care Act.

3. Commissioning and publishing a Joint Health & Wellbeing Strategy (JHWS) – a high level strategic plan that identifies, from the JSNA and the national outcomes frameworks, needs and priority outcomes across the local population, which it will expect to see reflected in local commissioning plans.
4. Receiving the annual CCG commissioning plan for comment, with the reserved powers to refer the CCG commissioning plan to the NHS Commissioning Board should it not address sufficiently the priorities given by the JSNA.
5. Holding to account all areas of the Council, and other stakeholders as appropriate, to ensure their annual plans reflect the priorities identified within the JSNA.
6. Supporting joint commissioning and pooled budget arrangements where it is agreed by the Board that this is appropriate.
7. Promoting integration and joint working in health and social care across the borough.
8. Involving users and the public, including to communicate and explain the JHWS to local organisations and residents.
9. Monitor the outcomes and goals set out in the JHWS and use its authority to ensure that the public health, health commissioning and adults and children's commissioning and delivery plans of member organisations accurately reflect the Strategy and are integrated across the Borough.
10. Undertaking and overseeing mandatory duties on behalf of the Secretary of State for Health and given to Health and Wellbeing Boards as required by Parliament.
11. Other such functions as may be delegated to the Board by the Council or Executive as appropriate.

3. Responsibility for Executive Functions

Other than those matters reserved to the Council or delegated to a Non-Executive Committee or to a Chief Officer as a Non-Executive function, all other remaining functions are Executive functions.

CHANGES TO THE CONSTITUTION: PART 4 - COUNCIL PROCEDURE RULES

3.1 Calling special meetings.

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (iv) the Director of Resources as Monitoring Officer; the Head of Paid Service; the Finance Director.

3.2 Business

The business to be considered shall be as set out on the agenda.

3.3 Additional Items

Any five Members of the Council (three of whom must be members of the body concerned) may require the proper officer to add an item to the agenda for the next scheduled meeting of the Council, a committee or sub-committee, or, where this [will not permit the matter to be dealt with adequately](#), to convene a special meeting.

8. DURATION OF MEETING

8.1 The mayor may, at the commencement of each Council meeting, put a time limit for discussion on any item where a time limit is not set elsewhere in these Council Procedure Rules, provided, always, this time limit may be extended with the agreement of the meeting during the course of an item if it is considered that more time is required.

8.2 Interruption of the meeting

If the business of the meeting has not been concluded by 10.00 pm (or after three hours, if the meeting did not commence at 7pm) the Mayor will, at the first convenient opportunity, draw the attention of the Council to the time and to the provisions of this Standing Order.

8.3 Adjournment of the meeting

The Mayor will then decide if any of the remaining business is of sufficient importance to warrant an adjournment of the meeting and, if so, will declare the meeting adjourned to such date and time (prior to the next ordinary meeting of the Council) as he/she may direct at the time or afterwards.

8.4 Voting on outstanding business

With the exception of business so specified, the Mayor will put to the vote one by one and without debate all outstanding Committee reports and motions on the agenda for this meeting and then close the meeting.

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9. Questions from the Public

9.7 Supplementary questions

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in Rule 9.4 above.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by Members (this will usually be no more than one per Member.)

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10. Questions by Members

10.6 Supplementary question

A member asking a question under Rule 10.2 or 10.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

After a reply to a supplementary question has been given, the Mayor may, having regard to the time available and other matters on the agenda, allow further supplementary questions to be asked by other Members (this will usually be no more than one per Member).

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17. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public). All Members shall have the right to attend all meetings of the Council (including [for items](#) where the public are excluded) and to have access to agendas for those meetings, except:

- where the Member has a de-barring interest in an item as set out in the Council's Code of Conduct;
- exceptionally where the Council is unable to comply with the presumption due to a conflict with another legal duty and the Monitoring Officer has set out the reasons on the relevant agenda.

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22. **APPLICATION TO THE EXECUTIVE COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 3-13, 15-19 (but not Rule 18.1) apply to meetings of the Executive, Committees and Sub-Committees. Rule 21 applies to all Council Committees but not to meetings of the Executive or Standards Committees.

GENERAL PURPOSES AND LICENSING COMMITTEE

10th April 2013

8. CHANGES TO THE CONSTITUTION – ADDITIONAL RECOMMENDATION

At its meeting on 3rd April 2013, the Executive approved procedures for administering the Community Right to Bid under the Localism Act 2011. The Community Right to Bid gives local groups the right to nominate a building or other land for listing as an asset of community value. Once an asset is listed the owner cannot dispose of it without notifying the Council, and the Council then has to give the community group six weeks to decide whether or not they want to bid for it. If they want to bid, the owner cannot dispose of the asset to anyone else for six months from the notification to sell the asset. At the end of this period (known as the moratorium period) the owner can dispose of the asset to whomever they choose. Owners can also claim compensation for losses arising out of the listing or the moratorium period.

At the suggestion of the Executive and Resources PDS Committee, the Executive added a requirement that appeals under this process against listing and compensation decisions be heard by Members at the Appeals Sub-Committee.

Therefore, the General Purposes and Licensing Committee is requested to approve one further minor change to the Constitution to be referred to full Council as follows –

Appendix 1 (page 3)

Changes to the Constitution: Part 3 – Responsibility for Functions

2.06 Appeals Sub-Committee

Add, after “...- education transport appeals” a further line –

“- internal reviews relating to listing and compensation appeals under the Community Right to Bid.”

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