

Decision Maker: COUNCIL

Date: 15th May 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. These were supported by General Purposes and Licensing Committee at its meeting on 10th April 2013, with an additional recommendation that the terms of reference of the Appeals Sub-Committee should include listing and compensation appeals under the Community Right to Bid.
- 1.2 Changes to officer structures and chief officer titles have recently been announced and it is also recommended that the Constitution be updated wherever necessary to take these into account.
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2. **RECOMMENDATION(S)**

- 2.1 **That Council approves the proposed changes to the Constitution set out at appendix 1 to this report, and also approves any necessary corrections to the Constitution to accord with the new officer structures and titles.**

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, meeting on 4th April 2013, 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 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.
- 3.3 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. This was approved by General Purposes and Licensing Committee on 10th April 2013, and the additional wording is included in appendix 1, which shows all the proposed amendments highlighted in *italics*.
- 3.4 The Constitution contains numerous references to chief officer titles and also at appendix 5 a diagram of the Council's departmental structure. To keep these up to date with the changes that took effect on 1st April 2013 it is recommended that Council gives authority for officer/departmental titles in the Constitution to be amended as necessary. Updates to the Scheme of Delegation to Officers, which is also part of the Constitution (Appendix 10), are dealt with in a separate report to annual Council.

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