

Decision Maker: GENERAL PURPOSES AND LICENSING COMMITTEE

Date: Tuesday 23 March 2021

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

Title: MINOR CONSTITUTION CHANGES

Contact Officer: Graham Walton, Democratic Services Manager
Tel: 0208 461 7743 E-mail: graham.walton@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All

1. Reason for report

- 1.1 This report presents three minor changes to the Constitution for reference to full Council – (i) a request from the Chairman of the Pensions Investment Sub-Committee for the Sub-Committee to be appointed as a full Committee, reporting direct to the Council, from the next Council year onwards; (ii) some changes to allow electronic sealing and signing of documents and (iii) to clarify executive and non-executive delegations concerning joint arrangements and partnerships.
-

2. **RECOMMENDATIONS**

That Council be recommended to -

- (1) Agree the appointment of a Pensions Investment Committee from the start of the 2021/22 Council year to replace the Pensions Investment Sub-Committee.**
- (2) Amend the terms of reference of the General Purposes and Licensing Committee and agree the terms of reference of the new Pensions Investment Committee as set out in Appendix A to this report.**
- (3) Agree to modify Articles 14.4 and 14.5 of the Constitution to permit electronic execution and sealing of documents.**
- (4) Agree to Modify Article 11 of the Constitution to clarify the separation between Executive and Non- Executive functions.**

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
-

Corporate Policy

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

Financial

1. Cost of proposal: Estimated Cost:
 2. Ongoing costs: Recurring Cost:
 3. Budget head/performance centre: Democratic Representation
 4. Total current budget for this head: £1,084k
 5. Source of funding: Revenue Budget
-

Personnel

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours: Not Applicable
-

Legal

1. Legal Requirement: None:
 2. Call-in: Not Applicable: This is not an executive decision.
-

Procurement

1. Summary of Procurement Implications: Not Applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 This report presents three minor changes to the Constitution for consideration by this Committee and reference to full Council – (i) a request from the Chairman of the Pensions Investment Sub-Committee for the Sub-Committee to be appointed as a full Committee, reporting direct to the Council, from the next Council year onwards; (ii) some changes to allow electronic sealing and signing of documents and (iii) to confirm and clarify that executive delegations concerning joint arrangements and partnerships can be exercised by the Leader.

Pensions Committee

- 3.2 The Chairman of the Pensions Investment Sub-Committee has requested that the Sub-Committee to be appointed as a full Committee to reflect its important role, reporting direct to the Council, from the next Council year onwards. This is a decision for full Council, on the recommendation of this Committee, and would require only a few minor changes to the terms of reference set out in the Council's Constitution (see Appendix A.)
- 3.3 This Committee would retain responsibility for the staff pay and conditions issues touching on pension arrangements, but specific administration of the scheme and investment decisions would be the responsibility of the new Committee.
- 3.4 There would be no change to the Special Responsibility Allowance for chairing the proposed Committee

Electronic Sealing of Documents

- 3.5 Given the changes to working practices which have arisen during the pandemic more organisations have moved to virtual execution of documents including electronic sealing. Whilst it is hoped that Lockdown restrictions will be lifted completely from 21 June, there is still merit in looking at alternative methods of execution. Therefore it is recommended that Articles 14.04 and 14.5 of the Constitution are revised to explicitly permit electronic execution and sealing of documents within the range of acceptable options.

Joint Arrangements

- 3.6 Executive functions are vested in the Leader of the Council who can discharge them personally, or arrange for them to be discharged by the Executive, a sub-committee of the Executive, a Portfolio Holder, an officer or by another local authority. Article 11 of the Constitution, which covers delegation to and from other local authorities, is ambiguous as it could be inferred that accepting or delegating Executive functions to other local authorities is a matter for Council rather than the Leader /Executive and it is recommended that this is amended to make it clear that for executive functions the decision sits with the Leader and for other functions with the Council.

4. FINANCIAL IMPLICATIONS

- 4.1 The Chairman of the Pensions Investment Sub-Committee currently receives a Special Responsibility Allowance under the Members Allowances Scheme of £2,064 pa. Any additional payment will need to be found from within the current Democratic Representation budget of £1,084k.
- 4.2 There are no financial implications for the other changes proposed to the Constitution.

5. PERSONNEL IMPLICATIONS

5.1 The proposed constitutional changes will not impact of individual staff contract of employment.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy/ Legal/procurement
Background Documents: (Access via Contact Officer)	Council Constitution

Proposed Changes to the Constitution – Part 3

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~~

(and re-letter the following -)

- (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, including, where appropriate, determining cases relating to individual licenses.
- (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.

2.03 **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.)

Administration of the Local Government Pension Scheme -

- (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.