

PART 1 - PUBLIC

Decision Maker: Council

Date: 11th April 2011

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

Title: MINOR AMENDMENTS TO THE COUNCIL CONSTITUTION

Contact Officer: Graham Walton, Democratic Services Manager
Tel: 020 8461 7743 E-mail: graham.walton@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: N/A

1. Reason for report

- 1.1 This report seeks Council approval to some minor amendments to the Council's Constitution following changes to officer titles and responsibilities. The report also seeks approval for these changes to be reflected in the Scheme of Delegation to Officers, pending a full review of the Scheme for the Council's annual meeting.
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2. **RECOMMENDATIONS**

- (1) That Council approves the minor amendments to the Council Constitution set out in Appendix 1 relating to (i) the new officer titles of Director Resources and Finance Director, and (ii) various other minor corrections.
- (2) That, pending a full review at the next annual meeting of the Council, all references to the title of "Director of Legal, Democratic and Customer Services" in the Council's Scheme of Delegation to Officers be replaced by "Director of Resources," and any delegations relating to the role of the Section 151 officer be taken to refer to the Finance Director.

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: N/A.
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £434,444 (controllable budget)
 5. Source of funding: 2010/11 Revenue Budget
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Staff

1. Number of staff (current and additional): There are 10 posts in the Democratic Services Team.
 2. If from existing staff resources, number of staff hours: N/A
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Legal

Legal Requirement: Statutory requirement. The requirement for a Council Constitution is set out in section 37 of the Local Government Act 2000.

2. Call-in: Call-in is 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? No.
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

- 3.1 As of 11th April 2011, the former Resources and Legal, Democratic and Customer Services Departments will become a single Resources Department. Mark Bowen will become the Director of Resources, and Peter Turner will become the Council's Finance Director, holding the Section 151 responsibilities as chief finance officer. In addition, at the Council meeting on 28th February 2011, it was agreed that Sheila Bennett would be the Council's statutory Scrutiny Officer. As a consequence of these changes, it is necessary to make some minor amendments to the Council's Constitution to ensure that it is kept up to date. The opportunity has also been taken to identify some minor errors in the text which can be corrected.
- 3.2 **Appendix 1** contains a schedule of proposed changes. These are all related to changes in officer designations or correction of minor errors in the text. No material changes to the Constitution are proposed.

Non-Applicable Sections:	Policy/Financial/Legal/Personnel
Background Documents: (Access via Contact Officer)	Council Constitution

Schedule of detailed changes to the text of the Council Constitution

Current Page Number	Section	Proposed change
1	Contents	Change edition from “May 2010” to “April 2011”
8	Summary and explanation – Citizens’ Rights	Change “Head of Democratic and Support Services” to “Director of Resources”
13	Article 2	In first line of paragraph 2.02, delete “Election and Terms” (duplicate text)
18	Article 4	(l) change to “ <i>appointing</i> ” (m) change to “ <i>considering</i> ”
19	Article 5	In paragraph 5.01, change to “...purpose, <i>and</i> will have... ”
37	Article 12	In the table in paragraph 12.01 (b) change “Director of Legal, Democratic and Customer Services” to “Director of Resources” and “Director of Resources” to “Finance Director.”
38	Article 12	In the table in paragraph 12.01 (c) change “Director of Legal, Democratic and Customer Services” to “Director of Resources” and “Director of Resources/Assistant Director of Resources” to “Finance Director” and delete “(Deputy Chief Finance Officer).” Add a further row to the table: Post: “Assistant Director, Democracy and Registration” Designation: “Statutory Scrutiny Officer”
41	Article 12	Add new paragraph 12.05 (with re-numbering of subsequent paragraphs)- “12.05 Statutory Functions of the Scrutiny Officer The Scrutiny Officer will promote the role of the Council’s Policy Development and Scrutiny Committees, provide support to those Committees and provide support and guidance to Members of the authority on the functions of overview and scrutiny.”
45 – 50	Articles 14, 15 and 16	Change “Director of Legal, Democratic and Customer Services” to “Director of Resources” throughout.

Current Page Number	Section	Proposed change
67	Council Procedure Rules	Change 3.1 (iv) to read “the Director of Resources as Monitoring Officer; the Head of Paid Service; the Finance Director.”
70 & 71	Council Procedure Rules	In 10.2.2, 11.1 and 11.2, change “Director of Legal, Democratic and Customer Services” to “Director of Resources”
102	PDS Procedure Rules	In 5, change “Director of Legal and Democratic Services” to “Director of Resources”
113 to 135	Financial Regulations	Change “Director of Resources” to “Finance Director” throughout. Change “Director of Legal, Democratic and Customer services” to “Director of Resources” in 1.4 and 2.5.2. In 4.5.1, change “Director of Resources” to “Chief Executive”
117	Financial Regulations	In 2.4.3, change membership of Standards Committee to read – “It has a membership of ten, of which five of whom are persons independent of the Council”
4 - 23	Appendix 1 - Guidance	Change “Director of Legal, Democratic and Customer Services” to “Director of Resources” throughout. Change “Director of Resources” to “Finance Director” throughout
8	Appendix 1 - Guidance	Delete “Historically, Bromley has decided that its Executive will consist of a Leader plus six members of the Administration plus a member from each of the two major opposition parties. The Leader, six Administration members and the two nominees of the Opposition Parties will be notified to the Council at the Annual meeting each year.”
43	Appendix 5 – Council Structure	Correct title “General Purposes Committee” to “General Purposes and Licensing Committee.” Change Membership of the Executive to “Up to 10 Members” and delete reference to Minority Party Members
44	Appendix 5 – Departmental Structure	Amend diagram to reflect new departmental structures.