

SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No. 4

Date 17th November 2014**Notification of amendments to the constitution****Amendments made by the Monitoring Officer**

Part 2, Article 11.02(c) of the constitution provides that the Monitoring Officer has a limited authority to amend the constitution. The Monitoring Officer is authorised to amend the constitution to correct errors or to comply with any legal requirement or to reflect organisational changes to the Council's structure. The Governance Committee must be notified of any such amendment at the first reasonable opportunity.

In accordance with this authority, the Monitoring Officer gives notice of the following amendments to the constitution.

Part and article/ section	Page ref	Substance of amendment / amended wording	Reason for amendment
Contents Page	2	Remove "committee" from Overview and scrutiny committee procedure rules	

Part 1 5. Overview and Scrutiny	6-7	<p>Change paragraph to: There are <i>six</i> overview and scrutiny <i>sub-committees</i> which support the work of <i>the Overview and Scrutiny Board</i> the Executive and the Council as a whole. They have statutory powers to report and make recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny <i>sub-committees</i> also monitor the decisions of the Executive. The <i>Overview and Scrutiny Board</i> can “call-in” a decision which has been made by the Executive but not yet implemented. This enables <i>it</i> to consider whether the decision is appropriate. <i>It</i> may recommend that the Executive reconsider the decision. <i>It</i> may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.</p> <p>The overview and scrutiny <i>board</i> also deal with Councillor Calls for Action and <i>sub-committees</i> have power to scrutinise a number of partner agencies in relation to matters concerning the National Health Service <i>and</i> crime and disorder.</p>	
Part 2 1.03 Definitions (b) 3.	11	Remove “Services” from Group Director title	
Part 2 2.02 (b) (iii)	13	<p>Change to: For these purposes, “confidential” and “exempt” information are defined in the Access to Information <i>Procedure</i> Rules in Part 4 of this constitution.</p>	
Part 2 3.02 Participation	15	<p>Add to: Overview and Scrutiny <i>Sub-Committees</i> and other committees.....</p>	

Part 2 Article 6: Overview and Scrutiny	19-20	<p>Add to: 6.01 The Council will appoint the overview and scrutiny <i>sub-committee</i>....</p> <p>6.02 ...sets out the powers and functions of the overview and scrutiny <i>sub-committee and Board</i>, which..... Overview and scrutiny <i>sub-committees</i> must report annually to <i>the Overview and Scrutiny Board</i> on their workings....</p> <p>Add new sentence to end of 6.02 <i>The Board is required to report annually to full Council.</i></p> <p>6.03 Overview and scrutiny <i>sub-committee and the Board</i> will conduct their proceedings.....</p> <p>6.04 The Health Overview and Scrutiny <i>Sub-Committee</i> is authorised..... to establish together with the health overview and scrutiny committees <i>or equivalent</i> of one or more local authorities.....</p>	
Part 2 9.06 Decision making (c) and 9.08 Party Whip	23	<p>Add to (c) the overview and scrutiny <i>board and sub-committees</i> will follow the Committee and Overview and Scrutiny Procedure Rules.....</p> <p>Second bullet point under Party Whip</p> <ul style="list-style-type: none"> • Overview and Scrutiny <i>Board or Sub-Committee</i> 	
Part 2 Appendix	28	See new table attached	
Part 2 4. Children & Learning	30	<p>Title: Children & Learning Overview and Scrutiny <i>Sub-Committee</i></p> <p>4.1co-opt to this Overview and Scrutiny <i>Sub-Committee</i> one representative.....</p> <p>4.4 The Councillor Members of the <i>Sub-Committee</i> are....</p>	
Part 2 5. Crime & Disorder	31	<p>Title: crime & Disorder <i>Sub-Committee</i></p> <p>5.1 The Crime and Disorder (Overview and Scrutiny) Regulations 2009 confer on the <i>Sub-Committee</i> the ability.....</p> <p>It is for the <i>Sub-Committee</i> to determine.....</p>	

Part 3.1 Council functions 1.4	35	1.4 functions delegated to overview and scrutiny <i>sub-committee or the overview and scrutiny board</i> .	
Part 3.1 Functions delegated to general council meetings	37	Change to regulations Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as subsequently amended.	
Part 3.1 Governance	38	Change to 4th point <ul style="list-style-type: none"> To monitor and review the role of Overview and Scrutiny including numbers, operations and responsibility of <i>The Overview and Scrutiny Board and Sub – Committees</i> and their terms of reference and make recommendations. 	
Part 3.1 1.4 Functions delegated to overview and scrutiny committee	44	Title: Functions delegated to overview and scrutiny <i>board and sub committees</i> Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny <i>Sub-Committee and Board</i> be empowered to undertake the following activities: Remove from final paragraphs: “All Overview and Scrutiny Committees have powers in relation to scrutiny of the Local Area Agreement and partner bodies’ contributions to it under the Local Government & Public Involvement in Health Act 2007”	

Part 3.1 Overview and Scrutiny Committee responsibility	45-46	<p>Add “Sub” between Scrutiny and Committee in the title</p> <p>Remove from Children & Learning</p> <ul style="list-style-type: none"> • <i>School improvement(BSF)</i> • <i>14-19 Diploma</i> • <i>Scrutiny of relevant aspects of the LAA</i> <p>Remove from Environment</p> <ul style="list-style-type: none"> • <i>Scrutiny of relevant aspects of the LAA</i> <p>Remove from Individuals</p> <ul style="list-style-type: none"> • <i>Scrutiny of relevant aspects of the LAA</i> <p>Remove from Towns & Communities</p> <ul style="list-style-type: none"> • <i>Community Engagement</i> • <i>Cohesion</i> • <i>3rd Sector Compact</i> • <i>Partnership with the ALMO</i> • <i>Scrutiny of relevant aspects of the LAA</i> <p>Change Value to <i>Board</i> and move to top row of the table, then remove:</p> <ul style="list-style-type: none"> • <i>Scrutiny if relevant aspects of LAA</i> 	
Part 3.2 Housing (e)	51	<p>Remove: <i>(ii) oversight and monitoring of the ALMO Home in Havering”</i></p> <p>Renumber following paragraphs (ii) to (vii)</p>	
Part 3.2 2.5 Functions delegated to individual cabinet members by the Leader	53	<p>Change to: (f) To recommend to the Cabinet a response to reports from the overview and scrutiny <i>Board or relevant sub-Committee</i></p>	
Part 3.2 2.7 Health and Wellbeing Board	55	<p>Change date of act from 2013 to 2012</p>	
Part 3.2 (c) Shared Service Joint Committee	59	<p>Add to second paragraph The committee’s functions will be <i>with effect</i> from the 1st April 2014....</p> <p>Remove last paragraph</p>	
Part 3.3 3.5.4 Head of Learning and Achievement	71	<p>Add “Sub” between Scrutiny and Committee</p>	

Part 3.3 (aa) Committee Administration and Member Support Manager	107	Changes to (i) (b) The Audit, Governance, Pensions and Adjudication and Review Committees, <i>Overview and Scrutiny Board</i> and the Overview and Scrutiny <i>Sub-Committees</i> shall.....	
Part 3.4 Functions not to be the responsibility of the Council's Executive	143	Add to 44B "sub" between scrutiny and committee	
Part 3.6 Proper officer functions	157	The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulation 2000 Add: <i>Board or Sub-</i> between scrutiny and committee	
Part 3.6 Proper officer functions 7, 9, 11(a), 11(d), 14(b), 31	159 -160	Remove: "Committee" from title in table Add: " <i>Board or sub-</i> " between scrutiny and committee for functions	
Part 3.6 Proper officer functions	162	Functions of Scrutiny Officer Change: (n) To promote the role of the authority's overview and scrutiny <i>Board or sub-committee</i> (o) To provide support to the authority's overview and scrutiny <i>Board or sub-committee</i> (p) (iii) officers of the authority, in relation to the functions of the authority's overview and scrutiny <i>Board or sub-committees</i>	
Part 4 Access to information	168	Remove: " <i>committees</i> " from title: Change first paragraph under (a) Rights to copies to: Subject to rule 11(b) below, <i>the overview and scrutiny board and sub-committees</i> Remove (<i>including any sub committees</i>) Add under (b) Limit on rights <i>Board or sub-</i> between scrutiny and committee	

Part 4 Budget Framework	173-175 2(b), 2(c)(i), 2(h) Last para of 4. 2(d) 4(b) 5. first para: 3rd para	Add <i>Board and Sub-</i> between Scrutiny and Committee Add <i>Board</i> after Scrutiny Change: <i>Where the overview and scrutiny Board is of the opinion.....</i> Change: <i>Committee to Board</i>	
Part 4 Committees	180	Remove paragraph 5. (e)	
Part 4 Committees	181-182 7(b) 7(e)	Change: Title: <i>Committee to Board</i> Para: <i>the Overview & Scrutiny Board</i> Add: <i>“Sub –“</i> between Scrutiny and Committee	
Part 4 Contracts	194 Para 6. Last para. of 7.	Remove <i>Head of Shared Services (re pension), Head of People & Change”</i> and replace with <i>Director of Exchequer and Transactional Services</i> Add: <i>“Communities &”</i> between Director and Resources	
Part 4 Contacts	200 Lasts para of 13.	Remove Assistant Chief Executive, Legal & Democratic Services. Replace with <i>Director of Legal & Governance</i>	
Part 4 Contacts	202 Para. under Retaining copies of contracts	Remove Assistant Chief Executive, Legal & Democratic Services. Replace with <i>Director of Legal & Governance</i>	

Part 4 Contracts	204 First para of 20	Add: “ <i>Communities &</i> ” between Director and Resources	
Part 4 Contracts	210 Para under Emergency Action	Add: “ <i>Communities &</i> ” between Director and Resources	
Part 4 Council	222 1.3 (g)	Add: “ <i>Board and Sub-</i> ” between scrutiny and committees	
Part 4 Council	223 2. (h) (iv) 224 3. (e)	Change:	
Part 4 Council	233 11.9 (b) (iii)	Change: Rule reference from Rule 11 (3) (b) to “ <i>Rule 11 (4) (b)</i> ”	
Part 4 Executive	250 6. (c) and (e) 251 Para 12.	Change: committee to <i>Board</i> Add: “ <i>sub –</i> ” between scrutiny and committee	
Part 4 Executive	254 Para. 17 (h) 255 Para 18. (b)	Add: “ <i>sub –</i> ” between scrutiny and committee	
Part 4 Financial	257-269	Add: “ <i>Communities &</i> ” between Director and Resources	
Part 4 Financial	264 12. (b)	Remove: “Value” from before Overview and Scrutiny And Change: Committee to Board	

Part 4 Financial	269 23.	Remove: “Assistant Director/	
Part 4 O&S Cttee	271 Para.1.	Change paragraph: “All councillors (except member of the Cabinet) may be members of <i>the Overview and Scrutiny Board</i> or one of the Overview and Scrutiny Sub-Committees.... Remove: “(OSCs)	
Part 4 O&S Cttee	271-273 Para 2. and Para 3 (a) (b), (c),	Change: OSCs to “ <i>Overview and Scrutiny Board or relevant Sub-Committees</i> ”	
Part 4 O&S Cttee	273 Para 3 (d)	Change paragraph: <i>Overview and Scrutiny Sub-Committees must report annually to the Overview and Scrutiny Board, and the Board must report annually to full Council on.....</i>	
Part 4 O&S Cttee	273 Para 4	Change: OSC to <i>Overview and Scrutiny Sub-Committee</i> ” Remove: “or sub-committee”	
Part 4 O&S Cttee	274 Para 5 (a)	Change: Children’s Services OSC to <i>Children and Learning Overview and Scrutiny Sub-Committee</i>	
Part 4 O&S Cttee	274 Para 5 (a) and (b)	Change: OSC to “ <i>Overview and Scrutiny Sub-Committee</i> ”	
Part 4 O&S Cttee	274 Para 6	Add: “ <i>Sub-</i> “ between Disorder and Committee	

Part 4 O&S Cttee	274-275 Para 7 and Para 8 Para 9(a) Para 10(a) and (c)	Change: OSC to “ <i>Overview and Scrutiny Board and Overview and Scrutiny Sub-Committees</i> ”	
Part 4 O&S Cttee	275 Para 9 (b)	Add: “ <i>Sub-</i> “ between Disorder and Committee. Change final paragraph “The proper office shall include any matter referred in accordance with either (a) or (b) abotve in the agenda for a meeting of the <i>Overview and Scrutiny Board</i> or relevant <i>Sub-Committee</i> and the Chairman.....”	
Part 4 O&S Cttee	275 Para 10 (b)	Change paragraph “In relation to the development of the Council’s approach to other matters not forming part of its policy framework or budget framework, “ <i>Overview and Scrutiny Sub-Committees make proposals to the Overview and Scrutiny Board. The Overview and Scrutiny Board may make proposals to the Cabinet.....</i> ”	
Part 4 O&S Cttee	275 Para 11(a)	Change paragraph “Once it has formed recommendations on proposals for development the <i>Overview and Scrutiny Sub-Committee</i> will prepare a formal report and submit it to <i>the Overview and Scrutiny Board</i> who will then submit the formal report to the proper officer for consideration.....”	
Part 4 O&S Cttee	275-276 Para 11 (b) (c) (d) and (e)	Change: OSC to “ <i>Overview and Scrutiny Board</i> ”	
Part 4 O&S Cttee	276 Para 12, 13 (a)	Change: OSC to “ <i>Overview and Scrutiny Board or Overview and Scrutiny Sub-Committee</i> ”	
Part 4 O&S Cttee	276 Para 13 (b)	Change: OSC to “ <i>Overview and Scrutiny Board</i> ”	

Part 4 O&S Cttee	276 Para 14 (a) Para 14 (b) 277 Para 14 (b)	Change paragraph: “ <i>The Overview and Scrutiny Board or relevant sub-committee may scrutinise and review decisions made or actions taken.....</i> ” Where any member or member of staff is required to attend <i>the Overview and Scrutiny Board of relevant sub-committee</i> under this provision, the Chairman of <i>the Board or relevant sub-committee</i> will inform the proper officer..... The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the <i>Overview and Scrutiny Board or relevant Sub-Committee</i> . Where the account to be given to the <i>Board or relevant Sub-Committee</i> will require the production of a report.....	
Part 4 O&S Cttee	277 Para 15 (a) (b)	Change paragraph: A member of the Cabinet may attend any meeting of the <i>Overview and Scrutiny Board</i> . Subject to (b) below, where a matter before the <i>Overview and Scrutiny Board or relevant sub-committee</i> relates to an issue within the portfolio of that Cabinet member, he or she may address the <i>Board of sub-committee</i> about it unless to do so would breach any provision of the Members’ Code of Conduct or any rule of law. Change “committee” in last sentence to “ <i>Board</i> ”	
Part 4 O&S Cttee	277 Para 16	Change: <i>The Overview and Scrutiny Board of relevant sub-committee may invite people other than those people referred to</i>	
Part 4 O&S Cttee	277 - 278 Para 17 (b) (c) (e) (f)	Change: “OSC” to “ <i>Overview and Scrutiny Board</i> ” Remove paragraphs (e) and (f)	

Part 4 O&S Cttee	278 Para 17 (g), (h), (h)(i), (i), (j) and (k)	Change: “committee(s)” to “ <i>Board(s)</i> ”	
Part 4 O&S Cttee	278 Para 17 (k)	Remove: Remove last paragraph “In the case of joint meetings, each Committee shall vote separately”	
Part 4 O&S Cttee	279 Para 17 (l) Para 18 (b)	Change: “relevant Committee” to “ <i>Board</i> ” Change: “of the relevant OSC or OSCs” to “ <i>Board</i> ”	
Part 4 O&S Cttee	280 Para 19, 20, 20(a) 20(a)(iv), 20(b)	Change: “OSC” to “ <i>the Overview and Scrutiny Board or relevant sub-committee</i> ”	
Part 4 O&S Cttee	280 Para 20 (a)(v)	Remove paragraph (v) and renumber remaining paragraphs	
Part 4 O&S Cttee	281 Para 21	Remove paragraph	
Part 4 Policy Rules	283-284 Para 4 (b)(ii) (c)	Add: “ <i>sub –</i> ” between scrutiny and committee	
Part 4 Policy Rules	284 Para 5 (a), (c),	Add: “ <i>Board or relevant sub-</i> ” between “scrutiny and committee	
Part 5 Members Code of Conduct	298 Para 6	Add: “ <i>Board or relevant sub-</i> ” between “scrutiny and committee	
Part 5 Member/officer protocol	319-322 Para 23 Para 25 Para 26 Para 35	Add: “ <i>Board or relevant sub-</i> ” between “scrutiny and committee	
Part 5 Member/officer protocol	320 Para 26	Change to paragraph: “The relevant Chairman of the Overview and Scrutiny <i>Board or relevant sub-</i> committee shall ensure that Members of the executive and Officer who appear before <i>it</i> are not questioned by Member of the <i>Board or sub-</i> Committee (whether through the nature, tone or language use),.....	
Part 6 Member Allowances	350	Change to schedule 1 (see attached table)	

Part 4 Contracts Schedule D	212 Para 1 Para 5	Rule 27 should read Rule 26	
Part 4 Contracts Schedule E	214 Para 1 Para 4	Rule 27 should read Rule 26	
Part 4 Contracts Schedule F	215 Para 1 Para 4	Rule 27 should read Rule 26	
Part 4 Contracts Schedule G	216 Para 1 Para 4	Rule 27 should read Rule 26	
Part 4 Contracts Schedule H	217 Para 1	Add – See Rule 26 at end of paragraph 1	
Part 4 Contracts Schedule K	220	Rule 27 should read Rule 26	
Part 3 Responsibility for Functions	42 Para 1 Para 2	General Hearings Delete “Initial Assessment Panels – to assess” insert “Member Review Panels – to review” Delete “referred to them by Initial Assessment Panels”	