SUBJECT: AMENDMENTS TO CONSTITUTION

Notification No.   5   Date   April 2015

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
Part 3 Section 1.3	44	Add in Column 1 " Local Safeguarding Children Board" Add in Column 2 "Function" "(a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the Havering area; and (b) to ensure the effectiveness of what is done by each such person or body for those purposes."	
Part 3 Section 1.3	44	Add in Column 1 "Safeguarding Adults Board" Add in Column 2 "Function" (a) to help and protect adults at risk of neglect or abuse (b) to ensure the effectiveness of what each of its members does.	

Part 3 Section 3 Paragraph 3.5.6 (b)	79	**Remove** " :(i) section 29 of the National Assistance Act 1948 (ii) section 45 of the Health Services and Public Health Act 1968 (iii) section 2 of the Chronically Sick and Disabled Persons Act 1970" and **replace** with: " and their carers including placement in residential or nursing homes in the statutory or independent sector, home care, respite care, and any other appropriate care and support, pursuant to the Care Act 2014."	
Part 3 Section 3 Paragraph 3.5.6 (e)	79	**Change** to: "In special circumstances, to exceed the maximum personal allowance for community care services under the Care Act 2014."	
Part 3 Section 3 Paragraph 3.5.6 (f)	79	**Change** to: "To take deferred payments charges against interests in property in accordance with section 34 Care Act 2014 and associated Regulations."	
Part 3 Section 3 Paragraph 3.5.6 (h)	80	**Change** to: "To make application to act, and to act, as deputy for finance and affairs for persons who, for reasons of mental disorder, are incapable of managing their own affairs, or to act as appointee for the receipt of DWP benefits."	
Part 3 Section 3 Paragraph 3.5.6 (i), (j), (l) and (n)	80	• **Delete these four paragraphs**	
Part 3 Section 3 Paragraph 3.5.6 (o)	80	**Change** to: "To exercise the Council's discretion in the assessment of charges and contributions for the provision of community care and support services."	

Part 3 Section 3 Paragraph 3.5.6 (p)	80	**Change to :** "To administer all arrangements including assessments, payments, refusals and termination with respect to the making of direct payments to people eligible to receive care and support including carers. "	
Part 3 Section 3 Paragraph 3.5.6 (r)	80	**Delete this paragraph.**	
Part 3 Section 3 Paragraph 3.5.6 (s)	80	**Change to:** "To enter into contracts for the provision of residential and other care and support services pursuant to duties under the Care Act 2014 and other relevant community care legislation."	
Part 3 Section 3 Paragraph 3.5.6 (v)	81	**Delete this paragraph**	
Part 3 Section 3 Paragraph 3.5.6	81	Add a new paragraph: "To take any appropriate steps as are necessary to comply with the Care Act 2014 and any other relevant community care legislation including but not limited to: information and advice services, adult safeguarding, oversight of the residential care market, dealing with provider failure and the provision of independent advocacy for service users."	
Part 3 Section 3 Paragraph 3.5.6	81	Add a new paragraph: "To take any appropriate steps to recover unpaid charges for the provision of care and support services whether by way of enforcement through court process or otherwise."	