

## NOTICE OF MEETING

**COMMITTEE : CONSTITUTION COMMITTEE**

**DATE : TUESDAY, 20 JANUARY 2015**

**TIME : 17:30**

**PLACE : COMMITTEE ROOM 4  
TOWN HALL, LUTON**

<b>COUNCILLORS :</b>	<b>SHARIF (CHAIR)</b>	<b>O'CALLAGHAN</b>
	<b>RODEN (VICE CHAIR)</b>	<b>SALEEM</b>
	<b>CAMPBELL</b>	<b>SKEPELHORN</b>
	<b>R. J. DAVIS</b>	<b>TIMONEY</b>
	<b>FAROOQ</b>	<b>WHITTAKER</b>
	<b>FRANKS</b>	

**QUORUM : 3 MEMBERS**

**Contact Officer:** [Lisa Jerome] (01582 54 6041)

### **INFORMATION FOR THE PUBLIC**


**PURPOSE:** To consider and make recommendations to the Full Council in respect of proposed amendments to the Constitution and all incidental matters.

This meeting is open to the public and you are welcome to attend.

For further information, or to see the papers, please contact us at the Town Hall:

**IN PERSON**, 9 am to 5 pm, Monday to Friday, or

**CALL** the Contact Officer (shown above).

An induction loop  facility is available for meetings held in Committee Room 3.

Arrangements can be made for access to meetings for  disabled people.

If you would like us to arrange this for you, please call the Contact Officer (shown above).

# AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
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## EMERGENCY EVACUATION PROCEDURE

### **Committee Rooms 1, 2, 4 & Council Chamber:**

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

### **Committee Room 3:**

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main Town Hall entrance and proceed to the assembly point at St George's Square.

1	<b>APOLOGIES FOR ABSENCE</b>	
2	<b>MINUTES</b>	
	2.1 25th March 2013	
	2.2 21st May 2013	
	2.3 20th May 2014	
2.1	<b>Minute 25th March 2013</b>	4 - 4
2.2	<b>Minute 21st May 2013</b>	5 - 5
2.3	<b>Minute 20th May 2014</b>	6 - 6
3	<b>SECTION 106, LOCAL GOVERNMENT FINANCE ACT 1992</b>	
	Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).	

## DISCLOSURES OF INTEREST

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.

5

## URGENT BUSINESS

The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

6

## REFERENCES FROM COMMITTEES AND OTHER BODIES

7

## Part 7 Constitution

(Report of the Head of HR and Monitoring Officer)

7 - 8

8

## LOCAL GOVERNMENT ACT 1972, PART VA

To consider whether to pass a resolution under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 to exclude the public from the meeting during consideration of the item(s) listed below as it is likely, that if members of the public were present during the transaction of the item(s), exempt information within the meaning of the Paragraph(s) of Part 1 of Schedule 12A to the Local Government Act 1972 indicated next to the item, would be disclosed to them.

## **CONSTITUTION COMMITTEE**

**25<sup>TH</sup> MARCH 2013 at 7.00 P.M.**

PRESENT: Chair Councillor Roden, Councillors R. J. Davis, Franks, Harris, Hussain, Lewis and O'Callaghan.

### **1 APOLOGY FOR ABSENCE (REF: 1)**

An apology for absence from the meeting was received on behalf of Councillor Bailey.

### **2 AMENDMENT TO PART 7 OF THE COUNCIL'S CONSTITUTION – SCHEME OF DELEGATION TO OFFICERS (NON-EXECUTIVE FUNCTIONS) (REF: 7.1)**

The Head of HR and Monitoring Officer submitted a report updating Part 7 of the Constitution following the changes in the management structure.

**Resolved:** (i) That Full Council be recommended to:

- (a) Amend Part 7 of the Council's Constitution (Scheme of Delegation to Officers) (Non – Executive Functions) as set out in Appendix A to the report of the Head of HR and Monitoring Officer (Ref: 7.1); and
- (b) Request the Monitoring Officer to make any necessary changes to the Council's Constitution to give effect to the above recommendation.

### **3 REVIEW OF THE COMMITTEES OF THE COUNCIL (REF: 8.1)**

The Democracy Manager submitted a report seeking approval to proposed changes to Committees of the Council.

**Resolved:** (i) That Full Council be recommended to approve the following changes to Part 3 of the Council's Constitution with effect from 21<sup>st</sup> May 2013:

- (a) To disband the Community Involvement Board;
- (b) To amalgamate the functions of the Administration Committee and Regulation Committee;
- (c) To re-calculate the number of committee places for each political group as they apply to the remaining Committees of the Council, in accordance with the Local Government and Housing Act 1989.

**The meeting ended at 7.10 p.m.**

## **CONSTITUTION COMMITTEE**

**21<sup>st</sup> MAY 2013 at 6.30 p.m.**

**PRESENT:** Councillors Bailey MBE, Campbell, R. J. Davis, Farooq, Franks, Harris, Lewis, Roden, Sharif and Skepelhorn.

### **4 ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Sharif be elected Chair of the Constitution Committee for the ensuing Municipal Year.

### **5 ELECTION OF VICE-CHAIR (REF: 2)**

**Resolved:** That Councillor Harris be elected Vice Chair of the Constitution Committee for the ensuing Municipal Year.

### **6 APOLOGY FOR ABSENCE (REF: 3)**

An apology for absence from the meeting was received on behalf of Councillor Cato.

### **7 CONSULTATION WITH MEMBERS (REF: 7)**

**Resolved:** That the Chair and Vice-Chair be appointed as the Members of the Committee whom Chief Officers are required to consult before taking action previously delegated for specific functions not forming part of the previous Scheme of Delegation to Officers where consultation with Members has been specified and urgent action for which power is not delegated to Officers.

**(Note: The meeting ended at 6.31 p.m.)**

## **CONSTITUTION COMMITTEE**

**20<sup>TH</sup> MAY 2014 at 6.55 P.M.**

**PRESENT:** Chair Councillor Sharif, Vice-Chair Roden; Councillors Campbell, R. J. Davis, Farooq, Franks, O'Callaghan, Saleem, Skepelhorn, Timoney and Whittaker

### **1 ELECTION OF CHAIR (REF: 1)**

**Resolved:** That Councillor Sharif be elected Chair of the Constitution Committee for the ensuing Municipal Year.

### **2 ELECTION OF VICE-CHAIR (REF: 2)**

**Resolved:** That Councillor Roden be elected Vice Chair of the Constitution Committee for the ensuing Municipal Year.

### **3 CONSULTATION WITH MEMBERS (REF: 7)**

**Resolved:** That the Chair and Vice-Chair be appointed as the Members of the Committee whom Chief Officers are required to consult before taking action previously delegated for specific functions not forming part of the previous Scheme of Delegation to Officers where consultation with Members has been specified and urgent action for which power is not delegated to Officers.

**(Note: The meeting ended at 6.36 p.m.)**

COMMITTEE: CONSTITUTION

DATE:

SUBJECT: PART 7 OF THE CONSTITUTION SCHEME OF  
DELEGATION TO OFFICERS (NON-EXECUTIVE  
FUNCTIONS)

REPORT BY: HEAD OF HUMAN RESOURCES AND MONITORING  
OFFICER

CONTACT OFFICER: JOHN NEWMAN

IMPLICATIONS:

LEGAL ✓

COMMUNITY SAFETY

EQUALITIES

ENVIRONMENT

FINANCIAL

CONSULTATIONS

STAFFING

OTHER

WARDS AFFECTED: NONE

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### **PURPOSE**

1. To obtain clarification on part of the Scheme of Delegation to Officers (Non-Executive Functions)

### **RECOMMENDATION(S)**

- 2 The Committee is **Recommended** to Recommend to Full Council that the particular delegation to all Heads of Service to approve the final accounts of Contracts entered into by the Council be confirmed.

### **BACKGROUND**

3. At the meeting of Full Council held on 9 September 2014 it was required that a Report be presented to the next meeting of this Committee to explain the reasoning behind the inclusion of a particular delegated power in the Scheme of Delegation to Officers (Non-Executive Functions).

## REPORT

4. There has been a power given to Officers within Part 7 of the Constitution (Scheme of Delegation to Officers (Non-Executive Functions) to allow all Heads of Service to approve the final accounts of Contracts entered into by the Council.
- 5 This power has been included in the Scheme for many years.
- 6 It is considered to be importance to allow this power to continue as without it Officers will not be able to make final payments to the Council's Suppliers or other persons or Bodies to whom the Council is contractually indebted without the express approval of the Council in each case and this could lead to delay and the Council being potentially in breach of a legal obligation to pay or susceptible to a claim for interest on late payment. It would also be detrimental to the Council's reputation.

## **PROPOSAL/OPTION**

- 7 The Committee may:-
  - (a) accept the Recommendation,
  - (b) reject the Recommendation, or
  - (c) defer consideration and request further information.

## **LEGAL IMPLICATIONS**

- 8 There are no legal implications to this report. Agreed with John Newman in Legal Services. .

## **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

None.