

General Purposes Committee

Date:	1 July 2015
Classification:	For General Release
Title:	Role of Proper Officer in respect of Formal Meetings and Other Related Constitutional Changes
Report of:	Head of Committee and Governance Services
Wards Involved:	All
Policy Context:	City for All
Financial Summary:	There are no financial implications
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1. Executive Summary

- 1.1 The Cabinet Member for Finance, Corporate and Customer Services recently approved the establishment of a Tri-borough Legal Service. Following this, a minor reorganisation was also agreed by the Chief Executive under delegated authority of the former Democratic Services parts of the Legal and Democratic Services and the Lord Mayor's office so that these services now report to the Chief of Staff, who in turn reports to the Chief Executive.
- 1.2 As a result of the establishment of a Tri-borough Legal Service consideration needs to be given to the location of the proper officer functions relating to formal meetings and Cabinet Member Decisions and other associated constitutional issues.
- 1.3 It is proposed that these be transferred to the Chief Executive from the now deleted post of Head of Legal and Democratic Services with effect from the rising of the Council meeting on 8 July 2015. Other constitutional changes arise, as highlighted in this report.

2. Recommendation

- 2.1 That the Council be recommended to approve the transfer of the existing proper officer functions allocated within the Constitution to the Head of Legal

and Democratic Services to the Chief Executive with effect from the rising of the Council meeting on Wednesday 8 July 2015.

- 2.2 That the Council be recommended to approve the proposed new Standing Order 57 set out in paragraph 3.4 below.
- 2.3 That the Chief Executive be authorised to make the necessary changes to the Constitution, including Standing Orders and the Scheme of Delegations in order to reflect the decision proposed in recommendation 2.1 above.

3. Background

- 3.1 Following the establishment of a Tri-borough Legal Service it is necessary to determine the location of the proper officer functions relating to formal meetings and formal Cabinet Member decision making as currently set out in the Constitution. Most of these are actually carried out on a routine basis by the Head of Committee and Governance Services who has been authorised to do so on behalf of the existing proper officer. Upon approval of this report it is intended that similar authorisation be issued. As the Committee and Governance Services team, following the approval of the reorganisation referred to in paragraph 1.1 above, now reports to the Chief of Staff who reports to the Chief Executive it makes sense for these functions to be allocated to the Chief Executive who will, in turn, authorise the Chief of Staff and the Head of Committee and Governance Services to exercise these on his behalf.
- 3.2 Rather than set out a number of specific references where it would be required it is recommended that authority be given to the Chief Executive to make the necessary changes to the Constitution in order to implement recommendation 2.1 above.
- 3.3 Examples of these functions are as follows:
 - Notice of Meetings
 - Conducting draw for Council Questions and Councillor Issues;
 - Advising Mover of a Notice of Motion of an amendment (for purposes of Council meetings)
 - The editing, in consultation with the Mover, of any Notice of Motion to put into proper form
 - To receive notice of membership of Committees from the respective Party Whips
 - To issue reports to Cabinet Members and Policy and Scrutiny Members
- 3.4 Also related is the need to obtain approval to a change to Standing Order 57 which currently reads as follows:

(a) Current Standing Order 57:

“The affixing of the Common Seal to any document shall be attested by any one of the following: Chief Executive; Head of Legal and Democratic Services; Tri-borough Director of Law or authorised Divisional Head of Law, Corporate Lawyer or Principal Solicitor”.

(b) Proposed New Standing Order 57:

“The affixing of the Common Seal to any document shall be attested by any one of the following: Chief Executive; Tri-borough Director of Law or Divisional Head of Law or Principal Solicitor authorised by the Chief Executive or Tri-borough Director of Law”.

4. Legal Implications

- 4.1 The proper officer will carry out certain statutory functions. However, accepting that these duties will continue to be exercised by the new proper officer no legal issues will arise.

5. Financial Implications: None

6. Other Implications: None.

**If you have any questions about this report, or wish to inspect one of the background papers, please contact Mick Steward: 7641 3134;
Email: msteward@westminster.gov.uk**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1972
BACKGROUND PAPERS**