

Item No. 11.	Classification: Open	Date: June 27 2007	Meeting Name: Council Assembly
Report title:		Amendment to constitutional rules relating to Major Projects Board	
Ward(s) or groups affected:		All	
From:		Strategic Director of Legal and Democratic Services	

RECOMMENDATION

1. That the council assembly approves the amendment to the constitution set out in this report to clarify the powers of the major projects board.

BACKGROUND INFORMATION

2. The major projects board ("MPB") was set up under Part 3E of the Constitution as an executive committee in January 2006. In May 2006, at the constitutional council, some changes were made to Part 3E as a result of the early learning from the operation of the MPB. As the MPB has started to function, it has become apparent that other aspects of the constitution are not sufficiently clear.
3. On June 19 2007 the constitutional steering panel (CSP) considered a report requesting that the constitution be amended to clarify the powers of the major projects board. The CSP agreed the suggested changes to the constitution as outlined in this report.

KEY ISSUES FOR CONSIDERATION

Policy implications

4. The rationale for the major projects board is that it should be able to consider all issues arising from the project and take all necessary decisions falling within the scope of the projects that it is overseeing. To that end, it has been constituted as an executive committee, the intention being that it should have all the powers of the executive within its frame of reference, e.g. to acquire land through compulsory purchase orders, dispose of interests in land etc.
5. However, the constitution does not specifically provide for this. This creates a risk that the MPB could be challenged if it makes decisions on matters specifically stated as being reserved to the executive. Therefore, the proposal is that the following provision should be inserted as the second paragraph in Part 3E, and footnoted to Part 3C:

"Executive committees have the power within the role and functions delegated to them to decide all matters reserved to the executive."

The changes are set out in detail in Appendix 1.

Community Impact Statement

6. This decision has been judged to have no or a very small impact on local people and communities.

Legal Implications

7. Any legal implications are set out in the body of the report.

Resource Implications

8. The report has no financial implications.

REASONS FOR URGENCY

9. Failure to change the constitution swiftly will undermine the ability of the MPB to operate as it should, or expose the council to unacceptable legal risk if the MPB attempts to exercise the powers that it is intended to have. There is only one council assembly scheduled before the summer break at which this could be taken,

REASONS FOR LATENESS

10. The major projects board debated the lack of clarity in the constitution for the first time on June 14 and the CSP could only consider this issue on June 19, at which point there were fewer than 7 working days before council assembly.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Report to constitutional steering panel	Room 3.15 Town Hall Peckham Road London SE55 8UB	Lesley John 020 7525 7228

APPENDICES

No.	Content
1	Amendment to constitutional rules relating to Major Projects Board

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Legal and Democratic Services	
Report Author	Deborah Collins, Strategic Director of Legal and Democratic Services Lesley John, Constitutional team	
Version	Final	
Dated	June 22 2007	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director for Legal and Democratic Services	Yes	Yes
Finance Director	No	No
Strategic Director for Major Projects	Yes	Yes
Executive Member	Yes	No
Date final report sent to Constitutional/Community Council/Scrutiny Team		June 22 2007

APPENDIX 1

AMENDMENT TO CONSTITUTIONAL RULES RELATING TO MAJOR PROJECTS BOARD

Note: The new text is underlined.

PART 3E: MATTERS RESERVED TO EXECUTIVE COMMITTEES

The leader will maintain a written record of any delegations to executive committees here.

Executive committees have the power within the role and functions delegated to them to decide all matters reserved to the executive.

Major Projects Board

The major projects board to:

1. Agree the delivery plans for each major project.
2. At regular intervals monitor the achievement of the delivery plan through performance management reports on each major project.
3. Receive annual reports as appropriate.
4. Agree exception reports when there is any significant delay or barrier to delivery of the agreed plan.
5. Establish project delivery boards ensuring arrangements for stakeholder consultation and involvement are in place.
6. Monitor the effectiveness and appropriateness of the project delivery boards and agreed to any necessary changes.
7. Hear deputations or receive reports from stakeholders relating to matters on the agenda for the meeting.
8. Allocate and agree resources, use of resources for each major project, within the financial parameters for each project set by the executive.
9. Confirm the executive member lead on each major project.
10. Sign off major projects when they are completed or no longer require significant executive input.
11. Resolve conflicts and dependencies between any major projects within the financial parameters for each project set by the executive.
12. Agree the scheme of management (delegations) to officers.
13. Agree policy decisions in respect of major projects that are required to deliver the major project.
14. Agree the programme plan for the projects board.

Nothing in the above shall infer authority for decisions that are set out elsewhere in the constitution.

The major projects board will adopt the executive procedure rules, except Rule 2.3(b), Rule 2.6(iii) and Rule 2.11.

The major projects board shall comprise the leader together with four other executive members of the council. The leader shall appoint the vice-chair. The quorum for a meeting of the major projects board shall be three.

NOTE:

- (a) All matters not reserved to the executive, executive committees or to individual members are delegated to the appropriate chief officer and heads of service. All delegated matters can always be decided by the parent body. See also Part 3K: Matters delegated to officers.

PART 3C: MATTERS RESERVED TO THE EXECUTIVE FOR COLLECTIVE DECISION MAKING

Add at end new note (b):

(b) Executive committees have the power within the role and functions delegated to them to decide all matters reserved to the executive.