

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

MEETING OF THE COUNCIL – 12 OCTOBER 2011

REPORT OF THE ADMINISTRATION COMMITTEE - 29 SEPTEMBER 2011

The Council is asked to approve various Constitutional changes endorsed at the 29 September meeting of the Administration Committee.

FOR DECISION

1. APPOINTMENT OF CHIEF OFFICERS WITH RESPONSIBILITY FOR SHARED SERVICES

- 1.1 The report attached at Appendix A was submitted to the Administration Committee on 29 September 2011.

Recommendation

- 1.2 The Council is asked to endorse the changes to the Constitution, detailed at **Appendix A**, that were agreed by the Mayor on 14 September under the provisions of Standing Order 37.

FOR DECISION

2. CHANGES TO EXECUTIVE DELEGATED FUNCTIONS

- 2.1 Article 7.08(c) of the Constitution requires an annual report to be made on the changes, made by the Leader to the executive's Scheme of Delegation, that have been made in the previous twelve months.

- 2.2 Council is asked to note the changes set out in **Appendix B**.

FOR INFORMATION

3. CENTRALISATION OF PROPERTY FUNCTIONS

- 3.1 The majority of changes to the Constitution brought about by the decision to centralise property functions are 'executive' functions

and have already been approved by the Leader. There are also, however, a few other amendments which require Council approval and these are set out at Appendix C, with the existing text and the recommended new text.

Recommendation

- 3.2 Council is recommended to approve the changes to the Constitution as set out in **Appendix C**.

FOR DECISION

4. AMENDMENT OF THE SCHEME OF DELEGATION TO REFLECT THE COUNCIL'S CHANGING MANAGEMENT ARRANGEMENTS

- 4.1 The Council's Scheme of Delegation to Officers has remained substantially unchanged for the last ten years. This is in great part because the Council's management structure has remained constant, with clear and largely unchanging responsibility areas for many chief officers.
- 4.2 However we are moving into a period where the Royal Borough's management structure is already beginning to look significantly different from only a year ago, including a mixture of Royal Borough, bi-borough and tri-borough posts. The management structure expected to be in place as from 20 October is attached at Appendix D.
- 4.3 Whilst there are no proposals to change the functions delegated to officers in each substantive service area, the post title(s) of the officer(s) to which these powers are to be delegated will need to change in many cases, and these changes will need to be effected as and when the new posts come into operation – as indeed some already have.
- 4.4 In the light of the above, a pragmatic solution is needed so that the Scheme of Delegation can remain as up-to-date as possible at any given point in time whilst obviating the need several times formally to report on this to Members.
- 4.5 Fortunately the Constitution makes provision for this - Article 14 gives the Monitoring Officer authority to make editorial changes of this sort to the Constitution. The Scheme of Delegation has therefore been revised to reflect the management structure expected to be in place as from 20 October and this is attached at Appendix E. Any further changes required will be made as and when new senior posts ones come into operation.

- 4.6 The Director of Legal Services and Monitoring Officer concur in this approach and advise that given the Tri-Borough projects will be delivered using Section 113 of the Local Government Act 1972 this means that officers 'borrowed' using S.113 are treated for all the Council's statutory functions as officers of the Royal Borough. As long as they are properly identified as being deployed in a particular role they may take action in that role as allowed under the Scheme of Delegation.

Recommendation

- 4.7 Council is invited to note that the Leader has already approved the revised Scheme of Delegation insofar as it relates to executive-side functions and is asked to adopt the revised Scheme of Delegation at **Appendix E**.

FOR DECISION

5. MEMBERS ALLOWANCES SCHEME

- 5.1 At the Council meeting on 20 April, it was announced that Councillor Moylan was stepping down as Deputy Leader and Cabinet Member for Planning Policy. Councillor Paget-Brown became Deputy Leader and retained his Transportation portfolio, while Councillor Ahern became Cabinet Member for Planning Policy (and Chief Whip).
- 5.2 Under the Members' Allowances Scheme, as agreed at Council on 2 March, the position of Deputy Leader and Cabinet Member for Planning Policy attracted a Special Responsibility Allowance (SRA) of £41,262 p.a. The position of Cabinet Member for Transportation, Environment and Leisure attracted an SRA of £40,509.

Recommendation

- 5.3 Council is invited amend the Scheme so that the SRA of £41,262 be paid to the 'Deputy Leader and Cabinet Member for Transportation, Environment and Leisure', while the SRA of £40,509 be paid to the 'Cabinet Member for Planning Policy' from, in each case, the date of appointment. This amendment will have a neutral effect on the overall budget of the Members' Allowances Scheme.

6. CHANGES TO THE CONTRACT REGULATIONS

- 6.1 The report attached at Appendix F was submitted to the Administration Committee on 29 September 2011.

Recommendation

6.2 The Council is recommended to make the changes to the Contract Regulations highlighted in the Annex at **Appendix F**.

7. THE BRIBERY ACT 2010

- 7.1 The report attached at Appendix G was submitted to the Administration Committee on 29 September 2011.

Recommendation

- 7.2 The Council is recommended to make the changes to the Constitution as set out in paragraphs 4 and 5 of **Appendix G**, to reflect the introduction of the Bribery Act 2010.

8. APPOINTMENT OF AN HONORARY RECORDER OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

- 8.1 The Courts Act 1971 established the Crown Court in England and Wales (a single court which sits at a number of locations throughout England and Wales) and abolished the courts of quarter sessions. The 1971 Act gave Borough Councils the power to appoint a circuit judge or a recorder of the Crown Court as Honorary Recorder of the Borough concerned.
- 8.2 The Lord Chief Justice has issued guidelines for the appointment of Honorary Recorders. The guidelines advise that it has been the practice of most city councils to appoint the resident judge to be Honorary Recorder of the city, thereby continuing the link between the city and its criminal court which had existed throughout the history of the courts of quarter sessions abolished by the 1971 Act. The guidelines also advise that the involvement of the city's senior resident judge in civic affairs and events have been found to be valuable and are genuinely enjoyed and appreciated on both sides. The Lord Chief Justice is keen to encourage those city and borough councils which have not made such appointments to consider doing so.
- 8.3 At each Crown Court centre a judge is appointed "Resident Judge" and leads the team of judges who sit there and provides the essential link between the judiciary and the administration.
- 8.4 Since the closure of Knightsbridge Crown Court in the 1990's there has not been a Crown Court in the Royal Borough of Kensington and Chelsea. Those cases where the Council is the prosecuting authority are currently heard at Isleworth Crown Court. The Resident Judge at Isleworth Crown Court is His Honour Judge McGregor-Johnson. Judge McGregor-Johnson has been approached and has indicated that he would be pleased to accept the appointment as Honorary Recorder of the Royal Borough of Kensington and Chelsea.

- 8.5 His Honour Judge Richard McGregor-Johnson was called to the Bar (Inner Temple) in 1973. He was appointed as an Assistant Recorder in 1990, a Recorder in 1994. He has been a Circuit Judge since 1998, the Resident Judge at Isleworth Crown Court since 2004 and a Senior Circuit Judge since 2010.
- 8.6 The appointment of an Honorary Recorder would be made by the Council under Section 54 of the Courts Act 1971. The appointment does not require the approval of the Lord Chancellor or the Lord Chief Justice but the Lord Chief Justice encourages councils to consult the Senior Presiding Judge for England and Wales.
- 8.7 The Senior Presiding Judge for England and Wales, The Right Honourable Lord Justice Goldring, has been duly consulted and he has confirmed that he agrees to this appointment. He also comments that His Honour Judge Richard McGregor-Johnson will make an admirable Recorder.
- 8.8 There are no financial implications other than the cost of recognising the appointment at an appropriate time, probably within an event already programmed.

Recommendation

- 8.9 The Council is recommended to appoint His Honour Judge McGregor-Johnson to be Honorary Recorder of the Royal Borough of Kensington and Chelsea during his tenure as resident judge at Isleworth Crown Court and that the appointment be formally recognised at an appropriate civic ceremony.

FOR DECISION

**Councillor Sir Merrick Cockell
Chairman**

Background papers used in the preparation of this report: None other than previously published reports.

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