


<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>8<sup>th</sup> March 2017</p>	
<p><b>Report of:</b> Graham White, Acting Corporate Director, Governance and Acting Monitoring Officer</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Tower Hamlets Constitution - Part 1 Summary and Explanation and Part 2 Articles – Proposed Changes</b></p>	

<b>Originating Officer(s)</b>	Paul Greeno
<b>Wards affected</b>	All

### Summary

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15.01(a) of the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes of the Constitution

### Recommendations:

The General Purposes Committee is recommended to:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Agree that all the proposed revisions are non-material;
3. Agree the revised Part 1 Summary and Explanation of the Constitution in Appendix 2 with the revisions shown as tracked changes;
4. Agree the revised Part 2 Articles of the Tower Hamlets Constitution in Appendix 3 with the revisions shown as tracked changes; and
5. Note that the revisions to the Constitution will go to Council for approval.

## **1. REASONS FOR THE DECISIONS**

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The Constitution has been updated from time to time: the last time being 28 January 2015. It has not, however, undergone a thorough review for some time and therefore decisions taken by the Council since 28 January 2015 as well as changes in legislation or corrections of matters of fact have not been incorporated.
- 1.4 A full review of the Constitution is thereby being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.

## **2. ALTERNATIVE OPTIONS**

- 2.1 General Purposes Committee could decide not to agree the proposed changes.

## **3. DETAILS OF REPORT**

### **The purpose of the review**

- 3.1 As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes the Constitution.
- 3.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.

- 3.3 The Constitution has been updated from time to time: the last time being on 28 January 2015. This is the latest version that has been published on the Council's website. The Constitution has not, however, undergone a thorough review for some time and therefore a number of changes in legislation or fact have not been incorporated. A full review of the Constitution is thereby being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 3.4 The review is ongoing but has been completed in respect of Parts 1 to 3, some of the Procedure Rules in Part 4 and some of the Codes of Conduct in Part 5 but due to the scale and scope, it has been decided to present amendments in bite size chunks for ease of reference and this report is considering Parts 1 and 2 only.

### **Monitoring Officer Review**

- 3.5 As to the completed part of the review in respect of Parts 1 and 2, 109 changes have been identified. A spreadsheet has been prepared (see Appendix 1) that sets out the revision and the reason for it.
- 3.6 There are a number of changes (referred to in entry number 1) that have been made and the purpose of which is to correct grammar (e.g. the addition of the definite article), numbering corrections, or typographical errors and due to the nature of the changes that have been made, these have not specifically recorded in the spreadsheet at Appendix 1.
- 3.7 In respect of entry numbers 59 to 62 and 92 to 95, these changes have gone to Council and been approved.
- 3.8 All of the remaining changes reflect either changes in legislation; changes to correct matters of fact
- 3.9 Appendix 2 contains the revised Part 1 Summary and Explanation of the Constitution showing all the revisions as tracked changes.
- 3.10 Likewise, Appendix 3 contains the revised Part 2 Articles of the Constitution showing all the revisions as tracked changes.

### **Consideration by the Constitutional Working Party**

- 3.11 This Constitution Review has been discussed at the Governance Review Working Group where it was noted that to take this review forward, reports will go to General Purposes and Full Council.
- 3.12 It was also agreed that prior to those reports going forward, it would be useful for these changes to be discussed with Members and a Constitutional Working Party was formed to which all political groups were invited to attend.

These revisions to Parts 1 and 2 were discussed at a Constitutional Working Party meeting on 17<sup>th</sup> January 2017 and the changes proposed were agreed at that meeting.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

#### **5. LEGAL COMMENTS**

- 5.1 Any legal implications are addressed in the body of the report.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

#### **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

#### **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 It is not considered that there are any environmental implications.

#### **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

#### **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no crime and disorder reduction implications.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 - Spreadsheet setting out the revisions and the reasons
- Appendix 2 - Revised Part 1 Summary and Explanation of the Constitution with the revisions shown as tracked changes
- Appendix 3 - Revised Part 2 Articles of the Tower Hamlets Constitution with the revisions shown as tracked changes.

### **Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report**

- None.

### **Officer contact details for documents:**

- N/A