

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Wednesday, 3 April 2019</p>	
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Constitution Review Update</p>	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	(All Wards);

Executive Summary

As set out in the reports to the last three General Purposes Committee meetings, officers are working through a refresh of the Council's Constitution.

This report presents an update of the work overall and in particular asks General Purposes Committee to review the new Parts C and D as set out in the appendices.

Comments in relation to the whole constitution are welcome and will be used to help draft the final version for presentation to a later meeting.

Recommendations:

The General Purposes Committee is recommended to:

1. Review and Comment on the draft Parts C and D of the Constitution as set out in the report and in the appendices to the report.
2. Review and Comment on the update in respect of the review of Parts A and B of the Constitution as set out below and in the appendices to the report.

1. REASONS FOR THE DECISIONS

- 1.1 This report follows on from the report to the General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.

2. ALTERNATIVE OPTIONS

- 2.1 This report is seeking the views and comments of the General Purposes Committee. Members are free to suggest alternative content and/or styles.

3. DETAILS OF THE REPORT

- 3.1 This report follows on from the report to the General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.
- 3.2 The main focus of this report is to enable Members to review the proposed new Parts C and D however, the report also presents an update on the work in relation to Parts A and B. Therefore to aid clarity, the report will take Members through the Constitution in order starting with Part A.

Part A

- 3.3 Part A – Summary and Explanation – was brought to the General Purposes Committee on 11 November. Comments below provide an update following that meeting:
- Consider Constitutions from other large authorities (outside London) – constitutions have been sought from Manchester, Leeds and Birmingham. These are being referred to on content/text examples but the overall arrangement of the constitutions is more in line with the traditional look of the existing Tower Hamlets Constitution.
 - Section 3 - Key Decisions – Members are asked to take a view on the proposed Key Decision thresholds set out as discussed at the meeting held on 11 November 2018.
 - Section 7 – Council – the Annual Library Plan has been removed from the Budget and Policy Framework.
 - Section 13 – Officers of the Council – it is proposed to move the Council structure chart to this point in the Constitution from Part C.
 - Section 14 – Finance, Contracts and Legal Matters has been updated since the last time the Committee saw this part of the Constitution.
- 3.4 Members are asked to review and comment on updated Draft Part A set out in Appendix 1 and in particular consider the decisions required in respect of the Key Decision thresholds.

Part B

- 3.5 Part B – Responsibility for Functions and Decision-Making Procedures – was presented to the General Purposes Committee on 26 February 2019. Comments below provide an update following that meeting:
- Section 27 – Council Procedure Rules have been updated following the discussion at the last meeting.
 - Section 28 – Access to Information Procedure Rules have been updated following a review by legal services.
 - Overview and Scrutiny are undertaking a review of their sections of the Constitution and this is still in progress.

- 3.6 Members are asked to review and comment on the updated Draft B set out in Appendix 2 and in particular consider the changes made to the Council Procedure Rules.

Part C

- 3.7 Part C – Codes and Protocols – is presented to the Committee for the first time at this meeting.
- 3.8 This section of the Constitution contains the more detailed procedures that are important for those areas of work that they refer to but are not necessary helpful in the ‘public facing’ part of the Constitution (Parts A and B).
- 3.9 A number of these sections are being reviewed by the relevant officers/Committees. Any final changes must be agreed by Council. The following table sets out information on the sections set out in Part C.

Section	Title	Notes
32	<i>Code of Conduct for Members</i>	This is under review by the Standards Advisory Committee. The version presented to the SAC on 17 January 2019 is presented for information.
33	<i>Member / Officer Relations’ Protocol</i>	The version presented here is the same as in the existing constitution.
34	<i>Employee’s Code of Conduct</i>	This is under review by Human Resources, the current version is presented for information.
35	<i>Licensing Code of Conduct</i>	The Licensing Code of Conduct is the responsibility of the Licensing Committee. This is presented in its current form.
36	<i>Planning Code of Conduct</i>	The Planning Code of Conduct is undergoing a number of small revisions and will be considered by the Strategic Development Committee and Development Committee. The current version is presented here.
37	<i>Financial Regulations and Procedure Rules</i>	This section is under review by the Resources Directorate and will be reported up at a later date.
38	<i>Contracts and Procurement Procedure Rules</i>	This section is under review by the Resources Directorate and will be reported up at a later date.
39	<i>Officer Employment Procedure Rules</i>	This is under review by Human Resources, the current version is presented for information.
40	<i>Members’ Allowances Scheme</i>	The version agreed at Council on 20 March 2019 is presented.

3.10 Members are asked to review and comment on the draft Part C set out in Appendix 3.

Part D

3.11 Part D – Supplementary Documents – sets out information, data and procedures that are relevant to the rest of the Constitution but are generally only required in specific circumstances. Except where otherwise stated these Sections can be updated by officers when required rather than having go through a full Constitution review to make necessary changes. It has been agreed that the Monitoring Officer will keep General Purposes Committee updated on any changes made by officers.

3.12 To make the Part D easier to search, an attempt has been made to group the Sections by topic/type.

3.13 A number of these sections are being reviewed by the relevant officers/Committees and so significant sections are not yet included. The following table sets out information on the sections set out in Part D.

Section	Title	Notes
42	<i>Introduction and List of Delegations</i>	A new Section setting out the information contained in Part D and the delegations to allow changes to each Section.
43	<i>Council Functions</i>	Sets out the full table of Council Functions (as referenced in Part B).
44	<i>Local Choice Functions</i>	Sets out the full table of Local Choice Functions (as Referenced in Part B)
	<i>Petition Scheme</i>	Members views are requested on whether the Petition Scheme should be here or in Part B. The document is not required as part of the main constitution Sections but on the other hand is a public facing document.
45	<i>Statutory and Proper Officer Appointments</i>	Sets out the full table of appointments as referenced in Part B.
46-51	<i>Schemes of Delegation</i>	Sets out Corporate and Directorate Schemes of Delegation.
52	<i>Individual Mayoral Decision Procedure</i>	Sets out the procedure currently set out under the Executive Procedure Rules.
53 - 58	<i>Meeting Procedures (Committees)</i>	Meeting procedures for formal Committees.
59-65	<i>Meeting Procedures (Boards and Panels)</i>	Meeting procedures for Boards, Panels and other relevant groups.

66	<i>Social Media Policy</i>	There is an upcoming requirement to add a social media policy to the constitution this will be placed here.
67-	<i>Other potential Sections</i>	Further Sections may be identified to be added to Part D.

3.14 Members are asked to review and comment on the draft Part D set out in Appendix 4.

Next Steps

Schemes of Delegation

3.15 Directorate Schemes of Delegation – the next significant piece of work in relation to the Constitution Review is to update the Directorate Schemes of Delegation. Governance are working with officers from the relevant directorates to prepare the new documents and these will be brought to General Purposes Committee at a later meeting.

Committee on Standards in Public Life

3.16 The Committee on Standards in Public Life have recently published recommended best practice on Council procedures and reporting in respect of ethical standards in local government. Many of the issues raised are for the Standards Advisory Committee to consider but certain proposals may require changes to the Constitution. These will be enacted where necessary.

Conclusion

3.17 Once Members have commented on all of the above, officers will continue to progress the Constitution review. The intention is to bring a report to the May meeting on any specific issues that need considering, especially in relation to any comment following this report, before the final draft is considered by General Purposes Committee in June leading to final agreement at Council in July.

4. EQUALITIES IMPLICATIONS

4.1 The Constitution sets out how the Council operates and how decisions are taken. By ensuring properly transparent decision making the Constitution ensures that residents are able understand how decisions are taken and to participate in decision making as set out.

4.2 The changes set out are designed to improve the efficiency, transparency, accountability and general good governance of the Council.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 It is good practice to review the Constitution regularly, it also meets with a recommendation of the recent Corporate Peer Review which highlighted the need to ensure the Council removed 'bad bureaucracy whilst retaining good governance'.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This report provides drafts copy of the new Part B to refresh the Council's constitution for consideration by the Committee.

6.2 There are no financial implications emanating from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 Section 9P of the Local Government Act 2000 (as amended) requires the Council to prepare and keep up to date a constitution.

7.2 The constitution must contain the elements identified specified by the Secretary of State in the Constitution Direction issued in December 2000.

7.3 The constitution must be published and be available for inspection by members of the public.

Linked Reports, Appendices and Background Documents

Linked Report

- Reports to General Purposes Committee on 29 October and 11 December 2018 and 26 February 2019.

Appendices

- Appendix 1 – draft Part A of the new Constitution
- Appendix 2 – draft Part B of the new Constitution
- Appendix 3 – draft Part C of the new Constitution
- Appendix 4 – draft Part D of the new Constitution

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None

Officer contact details for documents:

N/A