

Non-Executive Report of the: General Purposes Committee Tuesday, 25 February 2020	 TOWER HAMLETS
Report of: Corporate Director, Governance and Monitoring Officer	Classification: Open (Unrestricted)
Constitution Updates including Directorate Schemes of Delegation	

Originating Officer(s)	Matthew Mannion
Wards affected	(All Wards);

Executive Summary

The General Purposes Committee have a responsibility to oversee the Council's Constitution and any work to update/review its contents. This report provides an update on a number of matters related to the Constitution including around Schemes of Delegation, Committee Terms of Reference and Council Procedure Rules.

It is for the Committee to make a determination on potential changes in each case unless it decides to forward the issues to Council for its consideration.

Recommendations:

The General Purposes Committee is recommended to:

1. Consider the proposed changes to the Constitution set out in relation to Schemes of Delegation (Paragraphs 3.2 to 3.4 and Appendix 2), Terms of Reference (Paragraphs 3.5 to 3.6) and Council Procedure Rules (Paragraphs 3.7 to 3.12) and to note any factual changes to be undertaken by the Monitoring Officer.
2. Agree any changes it considers appropriate and/or refer relevant matters to Council for consideration.

1. REASONS FOR THE DECISIONS

- 1.1 The Committee retains oversight of the Council's Constitution and as such is the appropriate body to receive update reports on any significant review work on the Constitution.

2. ALTERNATIVE OPTIONS

- 2.1 The report sets out where the Committee is noting the actions of officers or is a decision for the Committee. In each case the Committee can determine not to agree the proposed changes to the Constitution.

3. DETAILS OF THE REPORT

- 3.1 The General Purposes Committee have a responsibility to oversee the Council's Constitution and any work to update/review its contents. This report provides an update on a number of matters related to the Constitution.

Schemes of Delegation - Update

- 3.2 At the previous General Purposes Committee it was reported that the Governance and Resources Directorate Schemes of Delegation had been completed and both are included in the up to date Constitution. However, the Place, Children and Culture, and Health, Adults and Community's Schemes were still in progress. It was agreed that a further update would be provided to the February Committee meeting by which time it was expected that work would be much further progressed.
- 3.3 Significant further work has been undertaken by the Directorates and Legal Services and it can be reported that the situation is now that:
- Place Scheme – The main Place Scheme is with legal services for review. However, an updated scheme from Tower Hamlets Homes has been provided. This will be published alongside the Place Scheme once it is agreed.
 - Children and Culture – This Scheme has been returned to the Directorate who are completing sign-off from each Service area and they have programmed the report for final sign-off at their DLT in early March it will then be circulated and published.
 - Health, Adults and Community – completed and published – See Appendix 2

Schemes of Delegation - Explainer

- 3.4 Whilst preparing the Schemes of Delegation it has been highlighted that most people using the Directorate Schemes of Delegation are likely to search out that section without reading through other parts of the Constitution. It was therefore proposed that a short introduction be added to each Scheme setting out its role and authority. The following has been drafted following discussions:

“The Council’s legal powers are granted by law either to the Mayor or full Council, allowing the authority to carry out its functions for the benefit of the residents, workers and businesses in the borough of Tower Hamlets.

The Mayor and full Council both have power to delegate the exercise of these duties to members and officers. These delegations are set out in the Constitution. In addition, each Corporate Director also has the power to further delegate powers to individual officers and these are set out for the [Insert Directorate Name] in this scheme of delegation.

Note that - under the Local Government Act 2000, all of the Council’s functions, its legal powers and duties, are the responsibility of the Mayor and are known as “executive functions”, except where they are expressly specified under sch.1, sch.3 or sch.4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to not be the responsibility or sole responsibility of an authority’s executive.”

Audit Committee Terms of Reference

- 3.5 At its meeting on 14 November 2019, the Audit Committee agreed an updated version of its Terms of Reference. The update was to highlight that the Committee was able to appoint an Independent Person to provide advice to the Committee.
- 3.6 The updated Terms of Reference are attached at Appendix 1 and with General Purposes Committee agreement will be added to the Constitution.

Council Procedure Rules

- 3.7 Three amendments have been requested in respect of the Council Procedure Rules. General Purposes Committee are asked to consider them all for possible inclusion in the Constitution.

Deadline for Amendments to the Budget

- 3.8 Currently the deadline to submit amendments to the Budget at the February Budget Council meeting is 9:30am the day before the meeting with the amendments, and any officer comments, circulated to Members by 7pm that day.
- 3.9 It has been proposed to bring this forward to 5pm the Friday before the meeting. The amendments would then be circulated to Members by 7pm two days (ie the Monday) before the Council meeting. This change will provide Members with longer to consider any amendments to the budget before the Council meeting.

Ungrouped Members Moving Amendments to Motions and Reports

- 3.10 In 2019 Council agreed to amend the Constitution to allow Ungrouped Members to submit motions on notice for consideration at Council meetings

without requiring a seconder. This was to ensure that Ungrouped Members were not prevented from being able to put down issues they wished to discuss at meetings.

- 3.11 A further request has now been received to allow Ungrouped Members the ability to submit amendments to motions and reports without requiring a seconder. This would expand the ability of Ungrouped Members to have an influence on debates at Council meetings. General Purposes Committee are asked to consider whether they consider the an appropriate change to the Procedure Rules.

Change the Order of Business – bringing forward consideration of Reports to Council

- 3.12 It has been proposed that to ensure a full discussion of all formal decision reports presented to Council that the 'Reports from Committees' and 'Other Items' sections of the agenda are moved ahead of Member Questions in the agenda order.

Factual Changes

- 3.13 Finally, the Committee are asked to note that there are a number of factual changes to the Constitution that the Monitoring Officer will be making. These related to changes to officer post holders in the Organisational Structure set out in Part A – Section 13 and also from the impact of Council's recently agreed delegations to partner bodies.

4. EQUALITIES IMPLICATIONS

- 4.1 Efficient and effective Council decision-making processes ensure that the Council can work to maintain support for all residents of the borough. Transparent decision-making helps ensure that residents are able to engage with the Council appropriately in relation to those decisions.

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 Not specific to this report, however failures of directorate delegations carry a risk of problems in relation to all statutory implications.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 This report recommends consideration of the proposed changes to the Constitution, Terms of Reference and Council Procedure Rules to refresh the Council's constitution.

6.2 There are no financial implications emanating from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 This report complies with the requirements of section 9P of the Local Government Act 2000 which requires the Council to prepare and keep up to date a Constitution. The Constitution must contain a copy of the authority's standing orders, a copy of the authority's Code of Conduct (adopted in accordance with the principles listed under section 28 of the Localism Act 2011), such information as the Secretary of State may see fit and any other such information the Council considers appropriate. The Constitution must be available for public inspection.

7.2 In terms of the schemes of delegation for directorates, the relevant provision in legislation is section 101 of the Local Government Act 1972 (the 1972 Act), which provides that the Council may arrange for the discharge of any of its functions by a committee, sub-committee or an officer of the authority. Section 100G(2) of the 1972 Act also requires the Council to maintain a list specifying the powers which are exercisable by officers of the Council and stating the title of the officer able to exercise a particular power.

Linked Reports, Appendices and Background Documents

Linked Report

- Previous reports on the Constitution to the General Purposes Committee

Appendices

- Appendix 1 – Audit Committee Terms of Reference
- Appendix 2 – Health, Adults and Community Directorate Scheme of Delegation

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