

Non-Executive Report of the: Council Wednesday, 25 May 2022	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
COUNCIL'S CONSTITUTION 2022-23 – including the new Code of Conduct	

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

Executive Summary

The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of the processes are required by law, whilst others are a matter for the Council to determine.

Since the last major refresh of the Constitution in 2019, the General Purposes Committee have taken day-to-day responsibility for monitoring the Constitution and considering general updates as required.

It is considered best practice for the Annual Council meeting to note the Constitution and confirm its adoption each year. This report is therefore prepared on that basis. No additional changes are proposed as part of this report.

The report includes a reminder of the new Member Code of Conduct which was approved by Council on 17 November 2021 and came into force following the 5 May 2022 local elections.

Recommendations:

The Council is recommended to:

1. Note the work of the General Purposes Committee throughout the year to support the Constitution.
2. Agree to confirm the re-adoption of the Council's Constitution as set out at Appendices 1-4 to the report.

1. REASONS FOR THE DECISIONS

- 1.1 The revised Constitution was adopted in 2019 following a review. It is best practice for the Annual Council meeting to reconfirm that adoption each year.

2. ALTERNATIVE OPTIONS

- 2.1 None are presented although Council has the power to amend the Constitution should it wish or it could ask General Purposes Committee to review, on its behalf, any parts of the Constitution it so wishes.

3. DETAILS OF THE REPORT

- 3.1 The Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of the processes are required by law, while others are a matter for the Council to determine.
- 3.2 Since the last major refresh of the Constitution in 2019, the General Purposes Committee have taken day-to-day responsibility for monitoring the Constitution and considering general updates as required.
- 3.3 It is considered best practice for the Annual Council meeting to note the Constitution and confirm its adoption each year. This report is therefore prepared on that basis. No additional amendments are proposed as part of this report.

The work of the General Purposes Committee

- 3.4 During the 2021-22 municipal year, the General Purposes Committee considered regular reports proposing small amendments and updates to the Constitution. These are set out in detail in the reports to those meetings and key points are summarised below:
- 24 June 2021 meeting
 - Agreed to remove the formal Employee Appeals Sub-Committee process from the constitution following agreement of the new appeal procedures. (confirmed at 5 October meeting)
 - Addition of the Terms of Reference of the Channel Panel counter terrorism body.
 - 5 October 2021 meeting
 - Made amendments in light of the recent senior management restructures/changes. Setting out the new role of the Deputy Chief Executive.
 - Agreed to tidy up contract report thresholds to bring them in line with the previously agreed Key Decision thresholds.

- Agreed some small HR amendments including length of interim senior manager appointments and clarity around when there are independent reviews of Statutory Officer dismissals.
- A few amendments to the Council Procedure Rules in relation to the operation of hybrid committee meetings, questions at Council meetings and reporting up to Council by its Committees.
- Agreeing that future changes to the Executive Procedure Rules (except Cabinet appointment changes) must be brought to Council for noting.
- Forwarded the new Member Code of Conduct to Council for approval.
- 22 March 2022
 - Agreed the request to remove the current London Housing Consortium Terms of Reference following changes to its governance.

Member Code of Conduct

- 3.5 Council on 17 November 2021 considered a report proposing the adoption of a new Member Code of Conduct. The new Code had been prepared by the Standards Advisory Committee following the publication of a new Model Code of Conduct.
- 3.6 The content of the new Code is similar to the Council's previous Code but it has been designed to be a more readable document to better support Members in their work and in understanding their responsibilities.
- 3.7 Council agreed to the adoption of the Code and agreed that it should come into effect following the 5 May 2022 local elections. The new Code is therefore included in the Constitution presented to the Annual Council meeting. Members are asked to ensure they have familiarised themselves with its content.

Constitution Reviews

- 3.8 As it is now four years since the last review of the Constitution took place, the General Purposes Committee is asked to consider whether there are any sections of the Constitution it would like to review in depth as part of its work programme for 2022/23.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to this report, but equalities implications should be considered whenever a significant review of the constitution takes place.

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 None specific to this report but having an up to date Constitution helps ensure the Council's decision making processes are operating effectively which is important in supporting the Council's activities to tackle the above risks.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare a constitution and to keep it up to date.

7.2 Section 37 of the Local Government Act 2000 requires the constitution to contain the members' code of conduct as well as such other information which the authority considers appropriate.

7.3 The Constitution states that adopting or amending the Constitution is a function of full council. Making changes to the constitution is a function which is delegated to the General Purposes Committee.

7.4 The matters proposed in this report comply with the above legislation and with the Constitution.

Linked Reports, Appendices and Background Documents

Linked Report

- Constitution reports to the General Purposes Committee on 24 June 2021, 5 October 2021, 22 March 2022.

Appendices

- The Council's Constitution Parts A to D – Appendices 1 to 4.

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