

Non-Executive Report of the: General Purposes Committee Tuesday, 21 June 2022	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Constitution Update Report	

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

Executive Summary

Following the Annual Meeting of Council signing off the current Constitution on 25 May 2022, day-to-day oversight of the document returns to the General Purposes Committee.

This update report asks the Committee to note its role as monitor of the Constitution, consider whether it wishes to undertake any reviews of sections (or the whole) constitution and asks it to note a few minor additions/amendments.

Recommendations:

The General Purposes Committee is recommended to:

1. Note its role as general overseer of the Council's Constitution.
2. Confirm whether it wishes to undertake reviews of any sections of the document.
3. Note the changes set out in Paragraph's 3.12 to 3.14 of the report.
4. Agree the changes set out in Paragraph's 3.15 to 3.17 of the report.

1. REASONS FOR THE DECISIONS

- 1.1 The General Purposes Committee has day-to-day oversight of the Council's Constitution and is responsible for ensuring it is up to date and effective.

2. ALTERNATIVE OPTIONS

- 2.1 The report offers the Committee the opportunity to consider a review of any parts of the Constitution it wishes.

3. DETAILS OF THE REPORT

History of the current version of the Council's Constitution.

- 3.1 The Council has had a Constitution since that requirement was introduced with the Leader and Cabinet model in the year 2000. However, the current format can be traced to two recent reviews.
- 3.2 The Council procedure rules were reviewed and significantly updated in 2017 to better manage meetings of Council and its Committees. The remainder of the Constitution was thoroughly reviewed by the Committee in 2018-2019 leading to the new style of document with four Parts (A-D). Consisting of:
 - Part A – Summary and Explanations
 - Part B – Responsibility for Functions and Decision Making Procedures
 - Part C – Codes and Protocols
 - Part D – Supplementary Documents
- 3.3 Since that review, the General Purposes Committee has taken ownership of overseeing the Constitution, receiving regular reports suggesting necessary changes and amendments.
- 3.4 The Committee has the delegated authority to agree most changes but very significant changes would be forwarded to Council for its approval. Examples of such changes include the new Member Code of Conduct and also the Member Allowances Scheme which is presented to Council each year.
- 3.5 Oversight of the Constitution is one of the Committee's most important roles as the efficient and effective operation of the Council's decision-making arrangements is key to ensure to Council can act with appropriate speed and transparency and take sound decisions.

Constitution Review

- 3.6 Since the last full review of the Constitution took place in 2018 it is appropriate for the Committee to consider whether it wishes to undertake another full review or a review of any particular part of the document(s).
- 3.7 No particularly problematic sections have been identified recently beyond minor amendments which continue to be made but this does not mean that a full review may not be useful.
- 3.8 Equally, if the Committee decided on only a partial review the following are examples of areas of work that could be explored:
 - Whether more clearly splitting the Constitution into Executive and Non-Executive halves would be useful.
 - A look at Council and Committee procedure rules.

- Whether Part A captures all necessary information to perform its role as an Introduction.
- Are the delegations set out for Part D documents appropriate and should all documents listed in Part D be in the Constitution?

3.9 Alternatively, the Committee could decide to bring Parts/Sections to the Committee over a period of time to allow them to consider them formally.

Minor Amendments and Updates

3.10 As set out above, the regular Constitution reports will generally include a few factual changes and other minor amendments for the Committee to note or agree.

3.11 The changes are split into two groups. The first group will be changes that can formally be agreed by others, for example, the Monitoring Officer has authority to approve purely factual changes. The second group will be changes that require agreement from the Committee.

Changes to note

3.12 Overview and Scrutiny Procedure Rules – these are being amended to reflect the new job title of the Director, Strategy, Improvement and Transformation. As a factual change this can be agreed by the Monitoring Officer and the Committee are asked to note the change.

3.13 Scheme of Delegation - The Corporate Director, Place has agreed some changes to delegations in respect of decisions delegated under Planning and Building Control. There is also one new delegation in respect of Planning Obligations. Corporate Directors have the authority to agree changes to their own schemes and the Committee are asked to note this change. The changes are set out in Appendix 2 to this report.

3.14 Officer decision consultation – At the Annual Meeting of Council, the Mayor in his Executive Scheme of Delegation, set out a change to the requirements around officer decisions. He set out that officer decisions between £250,000 and £1 Million must be consulted with the Mayor before the decision was taken. Currently Part A Section 3 (How Decisions are Made) states that the decision must be consulted with the Lead Member. This should be changed to match the Executive Scheme of Delegation. As a factual change the Monitoring Officer has authority to make the change and the Committee are asked to note it. The full Executive Scheme of Delegation presented at the Annual Meeting will also be added to the Constitution.

Changes to agree

3.15 Officer Code of Conduct – The Director of Workforce, OD and Business Support has requested a small change to the Office Code of Conduct to reflect a change that has been made to the staff gifts and hospitality policy. This is to try and avoid situations where refusing to accept a gift could cause

offence or distress e.g. such as a small gift offered by someone leaving care. The request is to replace the first paragraph below with the second paragraph. This change is for the Committee's agreement.

Current paragraph:

There may be occasions where refusal of personal hospitality or a small token gift (e.g. at Christmas or another notable religious occasion) would clearly cause offence or be impracticable for cost or other reasons. The dividing line between what is and what is not acceptable is not a clear one and you should always exercise extreme caution. If you are considering acceptance, you should discuss the matter with your line manager before doing so and seek approval from your director or in their absence your chief officer.

New paragraph:

There may be occasions where refusal of personal hospitality or a small token gift would clearly cause offence or distress if it was refused. The dividing line between what is and what is not acceptable is not a clear one and you should always exercise extreme caution and inform your line manager if it is accepted. This does not need to be recorded in the Gifts and Hospitality Register.

- 3.16 Pensions Committee Terms of Reference – The Pensions Committee have agreed some minor amendments to their Terms of Reference. General Purposes Committee is asked to agree to add them to the version in the Constitution. These are set out in Appendix 1.
- 3.17 Audit Committee Terms of Reference – The Audit Committee have also agreed minor amendments to their Terms of Reference these are also presented for agreement to add to the Constitution. These are set out in Appendix 3.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to this report.

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 although a effective Constitution supports the Council's ability to manage all the above statutory implications.

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

7.2 Under the Council's Constitution, the General Purposes Committee has delegated power to make the amendments referred to in this report.

7.3 _____

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Pensions Committee Terms of Reference
- Appendix 2 – Place Scheme of Delegation Amendments
- Appendix 3 – Audit Committee Terms of Reference

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