

Non-Executive Report of the:  <b>Council</b>  22 <sup>nd</sup> March 2017	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Revision of the Council's Constitution – Parts 1 to 3</b>	

<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:

Council is recommended to:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Approve the revised Part 1 Summary and Explanation of the Constitution in Appendix 2 with the revisions shown as tracked changes;
3. Approve the revised Part 2 Articles of the Tower Hamlets Constitution in Appendix 3 with the revisions shown as tracked changes; and
4. Approve the revised Part 3 Responsibility for Functions of the Tower Hamlets Constitution in Appendix 4 to 12 with the revisions shown as tracked changes.

## **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 last published constitution is from 28 January 2015 and therefore decisions taken by the Council since that date 2015 as well as changes in legislation or corrections of matters of fact have not been incorporated. Further, the Constitution has not had a thorough review for some time and therefore a full review of the Constitution is 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.
- 1.4 Although the vast majority of changes could be made by the Monitoring Officer using delegated powers, it has been decided that as this is a complete review to report the changes through a Member Constitutional Working Party, General Purposes Committee and then to Council to approve all changes

## **2. ALTERNATIVE OPTIONS**

- 2.1 Council could decide not to approve the proposed revisions.

## **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 last published constitution is from 28 January 2015 and therefore decisions taken by the Council since that date 2015 as well as changes in legislation or corrections of matters of fact have not been incorporated. Further, the Constitution has not had a thorough review for some time and therefore a full review of the Constitution is 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.

#### **Monitoring Officer Review**

- 3.5 As to the completed part of the review in respect of Parts 1 to 3, 423 changes have been identified. A spreadsheet has been prepared (see Appendix 1) that sets out the various revisions and the reason for them.
- 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. Further all the changes reflecting the Council's recent structural change (see entry number 2) have not been individually recorded.
- 3.7 The vast majority of these changes reflect either changes in legislation or changes to correct matters of fact. There are more substantive changes however and these have been discussed at meetings of the Constitutional Working Party ('CWP') on 17<sup>th</sup> January 2017 (Part 1 and 2) and 27<sup>th</sup> February 2017 (Part 3) and then at General Purposes Committee on 8<sup>th</sup> March 217 (Parts 1 to 3).
- 3.8 The revisions as shown in the spreadsheet and as tracked changes in Appendices 2 to 11 have been agreed by CWP and General Purposes Committee.

#### **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 reductions implications.

---

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 – Spreadsheet of Revisions
- Appendix 2 – Revised Part 1
- Appendix 3 – Revised Part 3
- Appendix 4 – Revised Part 3.1.1
- Appendix 5 – Revised Parts 3.1.2 to 3.2
- Appendix 6 – Revised Part 3.3
- Appendix 7 – Revised Part 3.4
- Appendix 8 – Revised Parts 3.5 to 3.6

- Appendix 9 – Revised Parts 3.7 to 3.8
- Appendix 10 – Revised Part 3.9
- Appendix 11 – Revised Part 3.10
- Appendix 12 – Revised Parts 3.11 to 3.12

**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