

<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>Tuesday, 23 February 2021</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Janet Fasan, Divisional Director, Legal Services and Interim Monitoring Officer</p>	<p><b>Classification:</b> Open (Unrestricted)</p>
<p><b>Updates to the Council's Constitution</b></p>	

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

### **Executive Summary**

This report provides the General Purposes Committee with a number of minor requested updates to the Constitution for consideration. The Committee may approve the changes or forward them to Council for consideration.

The proposed changes are from a number of sources including the Overview and Scrutiny Committee, changes to Executive responsibilities and the Employment Procedure Rules.

### **Recommendations:**

The General Purposes Committee is recommended to:

1. Consider the changes to the Council's Constitution described in Part 3 of the report and set out in Appendix 1.
2. To agree or note, as appropriate, the individual changes proposed in Appendix 1.

### **1. REASONS FOR THE DECISIONS**

- 1.1 It is important to keep the constitution up to date and account for changes in the Council's governance arrangements.

### **2. ALTERNATIVE OPTIONS**

- 2.1 None are proposed but the Committee are free to suggest alternative changes, subject to review by the Interim Monitoring Officer.

### **3. DETAILS OF THE REPORT**

- 3.1 The General Purposes Committee Terms of Reference give it the responsibility to review and maintain the Council's constitution.
- 3.2 A number of recent changes to the Council's arrangements have resulted in some required changes to the Constitution. These are set out for consideration below. In addition, a number of other adjustments are proposed arising out of recent discussions.
- 3.3 The Committee is required to approve some changes, whilst others are for noting. The individual changes are referenced here and then set out in Appendix 1.

#### Executive Arrangements

- 3.4 On 28 January the Mayor provided notice of some changes to the responsibilities of certain Cabinet Members. This requires the change to be written into 'Part B Section 29 Executive Procedure Rules'. This change is for noting by the Committee as the Mayor has delegated authority to amend those procedure rules.

#### Overview and Scrutiny Committee

- 3.5 At its meeting on 14 December, the Overview and Scrutiny Committee (OSC) agreed some amendments to 'Part B Section 30 Overview and Scrutiny Procedure Rules' (along with a change to the OSC Terms of Reference). Some of these reflect the changes presented to the last General Purposes Committee in respect of the Councillor Call for Action procedure. These changes are for the Committee to agree, noting that they have already been agreed by the Overview and Scrutiny Committee.

#### Publication of changes to the Constitution

- 3.6 A slight amendment is proposed to 'Part A Section 15 Suspending, Interpreting and Changing the Constitution and Changes to Executive Arrangements'. This is to make it clear that where an officer authorised change has been reported up to the General Purposes Committee or Council then it won't also be published as an officer decision to avoid a potential double counting confusion.

#### Officer Employment Procedure Rules / Employee Code of Conduct

- 3.7 A number of minor changes are proposed to the Officer Employment Procedure Rules and the Employee Code of Conduct in Part C are set out to bring these sections up to date. These changes are for the Committee to agree.

## Member Code of Conduct

- 3.8 As its meeting on Thursday 4 February, the Standards Advisory Committee agreed a minor amendment to the Member Code of Conduct to cover those circumstances where a Monitoring Officer has a conflict of interest in respect of the investigation of a complaint. This change is for the General Purposes Committee to agree.

## Senior Leadership Review

- 3.9 The recent senior leadership review has resulted in a number of changes which will have an impact on the Constitution. Some of these changes are straight forward, such as amendments to the Organisation Structure Chart in Part A, whilst others will have a bigger impact (for example changes to schemes of delegation).
- 3.10 In addition, the changes to create a new combined Corporate Director, Resources and Governance and to split out the Statutory Roles of Section 151/Chief Finance Officer and Monitoring Officer will require substantial changes including re-writing Part B Section 129 Statutory Officers and Section 24 Functions of the Chief Executive and Corporate Directors. Changes will also be required to various Schemes of Delegation in Part D to identify new or amended responsible officers.
- 3.11 These proposed changes are currently in discussion and will be presented to a future meeting of the General Purposes Committee.

## **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 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 financial implications emanating from this report.

**7. COMMENTS OF LEGAL SERVICE**

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.

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**Linked Reports, Appendices and Background Documents**

**Linked Report**

- None.

**Appendices**

- Appendix 1 – proposed changes to the 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