


Non-Executive Report of the: Council Wednesday, 19 May 2021	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
COUNCIL'S CONSTITUTION 2021-22	

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, while 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. On behalf of the Council, General Purposes Committee also agreed Council Procedure Rules in relation to virtual committee meetings held before 7 May 2021.

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.

Recommendations:

The Council is recommended to:

1. Note the work of the General Purposes Committee and confirm continued adoption of the Constitution as set out in the appendices to the report.
2. Note that the additional Council Procedure Rules agreed to support virtual committee meetings have now expired and no longer form part of the Constitution.
3. Note that the Council will be submitting a response to the Government's consultation on the future of virtual meetings and to agree that the Chair of the General Purposes Committee should be consulted before the response is submitted.
4. Agree that the General Purposes Committee should consider the potential

advantages to the Council's committees and meetings of the uses of virtual and hybrid meeting technologies.

1. REASONS FOR THE DECISIONS

- 1.1 It is considered best practice for Council to confirm adoption of the Constitution each year at its Annual Meeting.

2. ALTERNATIVE OPTIONS

- 2.1 None are presented although Council 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. On behalf of the Council, General Purposes Committee also agreed Council Procedure Rules in relation to virtual committee meetings held before 7 May 2021.
- 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 Constitution and Virtual Committees

- 3.4 The most significant addition to the General Purposes Committee considered over the last year concerned virtual committee meetings. Following the start of the Covid-19 pandemic which was preventing physical meetings from taking place, the government enacted a new Statutory Instrument (The Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales) Regulations 2020) to allow virtual meetings to take place.
- 3.5 As Council was not able to meet at that time, General Purposes Committee used its powers to agree an additional section of the Council's Procedure Rules to formally set out how the Council's virtual meetings should operate. This was then ratified by Council the first time it was able to meet.

- 3.6 The Regulations have now expired and so the Council is no longer able to hold virtual meetings. That section of the Council procedure rules has therefore also expired.

Physical Meeting arrangements and future arrangements

- 3.7 With the expiration of the virtual meeting Regulations, the Council must now move to physical meeting arrangements for the core membership of each Committee (including Members (Mayor, Councillors, Co-optees), key officers and key public participants.
- 3.8 However, the new technologies now available do provide an opportunity to enable some participants, where appropriate, to engage with meetings through hybrid arrangements. This could be useful, for example, for expert advisors or similar participants who would now no longer need to come to the Town Hall to attend the meeting. The General Purposes Committee are likely to consider appropriate use of these new opportunities at an upcoming meeting. Council are therefore asked to endorse this course of action.
- 3.9 Whilst the current regulations have expired the government has opened a consultation on the future of hybrid and virtual committee meetings and the Council will be looking to provide a response, following consultation with the Chair of the General Purposes Committee. Council are also asked to endorse the Chair of General Purposes Committee leading on this work on behalf of Members.

General reviews and updates

- 3.10 It is important that the Constitution is seen as a living document, updated as required. To that end, the General Purposes Committee has a yearly Constitution review built into its workplan to enable Members to propose areas for review. In practice though, most meetings of the Committee will include at least one report setting out proposed updates to the constitution.
- 3.11 Over the last year these have mainly involved reviews of terms of references, procedures, error corrections and some other small adjustments. The Committee agreed a new Filming Protocol and also noted various changes made by officers under delegated authorities such as around Directorate Schemes of Delegation.
- 3.12 The General Purposes Committee may determine to forward issues to Council for consideration where they consider it appropriate. For this last year though it has not considered that necessary and all proposed amendments have been passed unanimously.
- 3.13 The 'Linked Reports' section at the end of this document lists the recent Constitution reports that have been presented to the General Purposes Committee.
- 3.14 The Constitution is attached to this cover report at Appendix 1-2.

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 financial implications emanating from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 This report concerns the Council's future meeting arrangements following the end to provisions under the Local Authorities and Police and Crime Panels Regulations 2020 permitting remote access. The High Court ruling in Hertfordshire County Council and Others and the Secretary of State for Housing, Communities and Local Government on 28th April 2021 concluded that members of the public are required to physically attend meetings in line with current restrictions and public health advice. The Judgment elaborated further to permit live streaming or broadcasts to allow wider public access.

- 7.2 The proposed arrangements set out in this report would permit some participants, where appropriate, to engage in meetings through hybrid means i.e. in a physical and remote setting. The Council is advised to take its own view both on the interpretation of the Judgment and the steps it will be taking in respect of the conduct of meetings, which would include the proposed hybrid model. In view of the above, there are no immediate legal implications arising from the recommendations proposed in this report.
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Linked Reports, Appendices and Background Documents

Linked Report

- [General Purposes Committee 23 February 2021 – Updates to the Council's Constitution](#)
- [General Purposes Committee 8 December 2020 – \(2 Reports\) Procedure Update: Councillor Call for Action Protocol; Annual Constitution Review](#)
- [General Purposes Committee 6 October 2020 – Council Meeting Filming Protocol](#)
- [General Purposes Committee Tuesday 16 June 2020 – Virtual Committee Meetings](#)

Appendices

- Appendix 1 and 2 – the Council's 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