

Non-Executive Report of the: General Purposes Committee Tuesday, 22 March 2022	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Constitution Updates	

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 19 May 2021, day-to-day oversight of the document returns to the General Purposes Committee.

This update report asks the Committee to agree a few minor additions/amendments to the Constitution.

Recommendations:

The General Purposes Committee is recommended to:

1. Review the changes set out in this report and related appendices.
2. Note the changes set out in Paragraphs 3.5 to 3.8 of the report.
3. Agree the changes set out in Paragraphs 3.9 to 3.11 of the report.
4. Consider whether there are any areas of the Constitution it would like to undertake a more in-depth review as part of its workplan for 2022/23.

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 None presented but where the committee is responsible for agreeing changes to the Constitution it can propose alternative actions such as not agreeing the addition set out.

3. DETAILS OF THE REPORT

- 3.1 Following the Annual Meeting of Council signing off the current Constitution on 19 May 2021, day-to-day oversight of the document returns to the General Purposes Committee.
- 3.2 This update report asks the Committee to agree some changes to the Health and Wellbeing Board Terms of Reference and to note changes in relation to the council structure, Executive Scheme of Delegation and to the Place Scheme of Delegation.
- 3.3 Appendix 1 to this report sets out the changes in more detail. Note that for clarity, a number of job title changes are not shown in Appendix 1 where these are simply replacing the previous job title with the new title for the same role. These changes can be made by the Monitoring Officer.
- 3.4 The following paragraphs set out more information on the proposed amendments to the Constitution:

Chief Executive's Office / Council Structure

- 3.5 A few minor amendments are proposed in a number of places to adjust the Council structure to the creation of the Chief Executive's Office (as agreed at the General Purposes Committee meeting on 10 January 2022). This includes renaming the Governance Scheme of Delegation as the Scheme of Delegation for the Director of Legal, refreshing the Council Structure Chart and changes to job titles throughout. As these are seen as factual changes, the Monitoring Officer has delegated authority to make these changes and the Committee as asked to note the amendments. As these are small factual changes throughout the constitution made under delegated authority they are not listed in the Appendix to this report but Members can request a copy of the track changed constitution to see them should they wish.

Executive Scheme of Delegation

- 3.6 As presented to Council on 19 January 2022, the Mayor has agreed some changes to the Executive Scheme of Delegation to better set out the operation of Cabinet meetings. The Mayor has delegated authority to agree changes to the Executive Scheme of Delegation so the Committee are asked to note these changes.
- 3.7 The main affect of these changes is to set out the existing practise of allowing the Chair of Overview and Scrutiny Committee and the Leaders of Opposition Groups the opportunity to address Cabinet should they wish to do so. This is a longstanding practise and it was considered appropriate to formalise it in the Cabinet procedures.

Place Scheme of Delegation

- 3.8 An addition to the scheme of delegation in relation to the execution of agreements or deeds of variation or Unilateral Undertakings for development on Council owned land pursuant to Section 106 of the Town and Country Planning Act 1990 (and also some job title changes to other rows). These changes have been agreed by the Corporate Director, Place under delegated authority and the Committee are asked to note the change.

Health and Wellbeing Board Terms of Reference

- 3.9 At its recent meetings, the Health and Wellbeing Board has agreed a few additions/amendments to its Terms of Reference to reflect changes in the organisational structures of partner bodies who are part of the membership of the Board. The changes were confirmed by the Board on 2 November 2021 and 1 February 2022, and the General Purposes Committee are now asked to agree to make the changes to the Constitution.
- 3.10 Specifically, the changes amend the title for the vice-chair and also amends the quorum requirement to the standard 'one quarter of the membership' by removing a specific job title.

London Housing Consortium

- 3.11 At the request of the London Housing Consortium, the Cabinet at its meeting of Wednesday 9 February 2022 agreed to withdraw from the London Housing Consortium Joint Committee. It is expected that the Joint Committee will be expired by December 2022. New governance arrangements are expected to replace the current set up and these will be added to the Constitution once agreed. Until that time a note has been added to the relevant Terms of Reference within the Constitution. The Committee are asked to agree this addition.

Member Code of Conduct and the Member / Officer Relations Protocol

- 3.12 The new Member Code of Conduct was agreed by Council on 17 November 2021. It was also agreed that it would come into force following the local elections on Thursday 5 May 2022. To avoid confusion, it has not been added to the constitution at this stage and will instead be added in May.
- 3.13 As a follow-up to its work on the Code of Conduct, the Standards Advisory Committee is now reviewing the Member / Officer (And Member / Member) relations protocol. This will be presented to the General Purposes Committee once it is complete.

Constitution Reviews

- 3.14 The General Purposes Committee has responsibility for general oversight of the Constitution. Should the Committee wish to undertake a review of any

particular parts of the Constitution then it should highlight those at the meeting and they can be added to the Committee's workplan.

4. EQUALITIES IMPLICATIONS

- 4.1 It is important to ensure that the Constitution provides clear guidance to the public on how the Council's decision-making arrangements operate.

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 There are risks to challenge to Council decision making if the Constitution is not kept up to date.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no direct financial implications arising from the changes advised in 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.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Details of constitution changes

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