

Non-Executive Report of the: General Purposes Committee Thursday 23 February 2023	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Unrestricted
Constitution Working Party	

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

Executive Summary

The General Purposes Committee at its meeting on 13 October 2022 requested that a Constitution Working Group be established to review the constitution and look at potential improvements.

Subsequent to that request, discussions took place and a report was presented to the Chief Executive for him to sign off his agreement to establishing the working group (in line with the constitutional requirement).

General Purposes Committee are asked to note the establishment of the working group and review the initial plans for its initial meeting.

Finally, the Committee is asked to confirm its agreement to this working group taking place and agree to receive decision reports as and when required. The Committee, should it wish, can forward those reports to Council for a final decision.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the establishment of the Constitution Working Group.
2. Note and review its planned work areas.
3. Confirm the Committee's agreement to the establishment of the working group and agree to receive any decision reports following its work as required.

1. REASONS FOR THE DECISIONS

- 1.1 The General Purposes Committee requested the establishment of a Constitution Working Group. This report provides an update on its progress.

2. ALTERNATIVE OPTIONS

- 2.1 The General Purposes Committee are free to propose alternative courses of action for the Constitution Working Group or to request that it be disbanded.

3. DETAILS OF THE REPORT

- 3.1 Informal working groups or boards can be established by the Council on any relevant matters. These bodies can have both Members and officers in their membership but they may not have decision-making powers. The power to establish such bodies rests with the Mayor (for Executive matters) and the Chief Executive (all matters) (Constitution Section 20, Paragraph 13).
- 3.2 Working Groups in relation to the Constitution are common across local authorities and there have been several at Tower Hamlets over the years.
- 3.3 The last significant review of the Constitution took place in 2018/19 where its style and layout was significantly overhauled and specific changes were made, such as introducing a financial key decisions thresholds and improving and updating schemes of delegation. These changes were overseen by the General Purposes Committee and no separate CWG was established.
- 3.4 However, CWG's have been used before that including in 2017 which mainly focussed on factually updating the constitution (as it hadn't received a significant review for a number of years) but also looked at areas such as Council Procedure Rules, Planning/Licensing Codes and similar.
- 3.5 Prior to that a number of constitution and governance working groups have operated at various times.

Request to establish a Constitution Working Group

- 3.6 At its meeting on 12 October 2022, the General Purposes Committee requested that a Constitution Working Group be established to review the Constitution as it had been four years since the last significant review had been undertaken.
- 3.7 As set out at the top of the report, the power to agree to the establishment of such a group rests with the Chief Executive. A report was subsequently prepared and presented to the Corporate Leadership Team (CLT) and Chief Executive seeking agreement to such a move.
- 3.8 The CLT and Chief Executive were in agreement with the establishment of the working group. Initial ideas for areas of work for the group were considered but it will also be for Members and the General Purposes Committee to guide the programme.

First meeting of the Constitution Working Group

- 3.9 It is anticipated that the CWG will meet as soon as an appropriate date can be identified.
- 3.10 The main focus on the first meeting will be an introduction to the Constitution as it is currently set out, looking at the four Parts, their content and target audience. The meeting will also briefly look at some of the key changes made in recent years.
- 3.11 Leading from this the CWG will propose an initial work programme to be overseen by later meetings.

Timeline and process

- 3.12 The Constitution Working Group will meet on an ad-hoc basis as required during 2023. Any changes to the Constitution requiring a decision will be presented to the General Purposes Committee for agreement.
- 3.13 A report on progress will be presented regularly to the General Purposes Committee as required.

4. EQUALITIES IMPLICATIONS

- 4.1 A well-functioning Constitution is important in supporting all the Council's work and in encouraging public participation in decision making.

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 a well-functioning

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications from the setting up of the Constitution Working Group. Financial implications of proposed changes to the constitution will be considered as and when the changes are proposed.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 111 of the Local Government Act 1972 permits a local authority to do any thing which facilitates or is incidental to the discharge of any of its functions. In addition, the Council's Constitution at Section 20, Paragraph 13, permits the Mayor and / or the Chief Executive to establish working parties which may include in their membership Members, officers and others. The list of these bodies is to be maintained and updated by the Monitoring Officer.
- 7.2 The matters referred to in this report comply with the Constitution and with the above legislation.
-

Linked Reports, Appendices and Background Documents

Linked Report

- None specifically although there are regular Constitution reports to previous Council and General Purposes Committee meetings.

Appendices

- Appendix 1 – CWG Process Note

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- The Constitution is available on the Council's website.

Officer contact details for documents:

N/A

**CONSTITUTION WORKING GROUP
2022/23**

MEMBERSHIP AND PROGRAMME

1. BACKGROUND

- 1.1 The General Purposes Committee has responsibility for overseeing the effectiveness of the Constitution (and for agreeing changes, except where these are presented to Council for determination).
- 1.2 The Committee has requested that this Constitution Working Group be established to review the Council's Constitution and to prepare recommendations for agreement by the General Purposes Committee/Council as appropriate.
- 1.3 In addition, the Monitoring Officer is also required 'to monitor and review the operation of the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect' The establishment of a working group will help the Monitoring Officer achieve those goals.

2. CONSTITUTION WORKING GROUP (CWG)

- 2.1 The working group is set up by the Chief Executive under powers set out in Part B, Section 20 of the Constitution, pursuant to a request by the Monitoring Officer and the General Purposes Committee, to review the constitution and consider potential changes.
- 2.2 Any changes proposed will be submitted to the General Purposes for formal consideration. Major proposed amendments will then need to be submitted to Council for its agreement.

3. MEMBERSHIP AND OFFICER SUPPORT

- 3.1 Formal Membership of the group will consist of three Members from the Aspire Group and two from the Labour Group. The group will be chaired by a Member of the Majority Group (unless otherwise agreed).
- 3.2 The formal Membership of the group will lead the review and determine the areas of the Constitution to be considered and the final changes to be recommended to the Monitoring Officer/Committee.
- 3.3 Ungrouped Councillors will have a standing invitation to attend should they wish but are not formal Members of the CWG.
- 3.4 The CWG will be supported by Democratic Services and Legal Services. Other officers may be asked to attend to present on specific issues/sections of the Constitution as appropriate.

4. PROGRAMME AND PLANNING

- 4.1 The CWG will hold an initial meeting to agree its priorities and initial programme of work. Officers will undertake the relevant research work and will then report back to further meetings as appropriate.
- 4.2 Any proposed constitutional changes agreed by the Group will be submitted to the Monitoring Officer for sign-off before being considered by the General Purposes Committee and/or Council as appropriate.