

Non-Executive Report of the:  <b>Council</b>  Wednesday 17 May 2023	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Council's Constitution 2023-24</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(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, whilst 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. The Committee have recently agreed to establish a Constitution Working Group to undertake a review which will report back to the Committee and Council as required.

It is considered best practice for the Annual Council meeting to note the Constitution and confirm its adoption each year. The report also provides an opportunity to note and/or agree any further changes as well as to brief Council on changes agreed by the General Purposes Committee throughout the year.

As part of this report a change is proposed for agreement on the use of Urgent Motions in the Council Procedure Rules and changes are proposed on the basis of the agreement earlier in the agenda for the establishment of a Human Resources Committee.

### Recommendations:

The Council is recommended to:

1. Note the work of the General Purposes Committee throughout the year to support the Constitution.
2. Agree the addition of an amended Paragraph 11.2 of the Council Procedure Rules as set out in Paragraph 3.6 below.

3. Agree that subsequent to this meeting to further amend the Constitution with consequent factual changes required due to the establishment of the Human Resources Committee to be added after this meeting and reported to the General Purposes Committee for noting.
4. Agree to confirm the re-adoption of the Council's Constitution as set out at Appendices 1-4 to the report subject to the above amendments.

**1. REASONS FOR THE DECISIONS**

- 1.1 The revised Constitution was adopted in 2019 following a review. It is best practice for the Annual Council meeting to reconfirm that adoption each year.

**2. ALTERNATIVE OPTIONS**

- 2.1 None are presented although Council has the power to amend the Constitution should it wish or it 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.
- 3.3 The Committee has recently established a Constitution Working Group to undertake a full review of the Constitution. This body met for the first time recently and following the completion of its work it will report back to the General Purposes Committee and Council as appropriate.
- 3.4 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.

The work of the General Purposes Committee

- 3.5 During the 2022-23 municipal year, the General Purposes Committee considered regular reports proposing small amendments and updates to the Constitution. These are set out in detail in the reports to those meetings and key points are summarised below:

- 22 June 2022 meeting
  - Factual changes to the Overview and Scrutiny Procedure Rules, Place Scheme of Delegations and to adjust for the requirement that officer Executive decisions over £250k be consulted with the Mayor. Plus small amendments to the Pensions and Audit Committee Terms of Reference.
  - A minor change to clarify the Officer Code of Conduct around accepting gifts where refusal would cause offence.
- 13 October 2022 meeting
  - No specific issues
- 15 December 2022 meeting
  - Agreeing to re-establish the Employee Appeals Sub-Committee
  - Reflecting agreed changes to the Members Allowances Scheme
  - A minor amendment to the petition scheme making it clear there is no maximum time limit to collect signatures for a petition.
  - Adding the Grants Determination Sub-Committee Terms of Reference as agreed by that Sub-Committee.
  - Factual changes to the officer structure chart.
- 23 February 2023
  - Factual changes to the Place Scheme of Delegation and the General Purposes Committee Terms of Reference.

#### Council Procedure Rules – Urgent Motions

- 3.6 Following discussions with the Groups it is proposed to add a deadline clarification to Paragraph 11.2 in relation to the ability of Members to move motions without notice (urgent motions). The proposed amended paragraph is set out below:

“A Member of Council who wishes to move the suspension of this Rule to enable a motion to be debated where prior notice has not been given as above must provide a copy of the proposed motion to the Monitoring Officer at least 24 hours before the meeting. They must also state the reason for urgency before the proposal to suspend this Rule is put to the meeting. If the Speaker does not accept the reason for urgency, then the Motion will not be accepted.

#### Human Resources Committee

- 3.7 Under Agenda Item 8, Council has agreed to establish a new Human Resources Committee including agreeing the Terms of Reference. Creation of this Committee will also result in some consequential factual changes to the document (such as references to the Human Resources Committee elsewhere in the Constitution, changes to delegations from the General Purposes Committee and similar). Council are asked to agree that the Monitoring Officer oversees these factual changes and then reports them up to the General Purposes Committee for review and noting.

#### **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 direct financial implications arising from this report.

#### **7. COMMENTS OF LEGAL SERVICES**

- 7.1 The Council is required by Section 37 of the Local Government Act 2000 to prepare a constitution and to keep it up to date.

- 7.2 Section 37 of the Local Government Act 2000 requires the constitution to contain the members' code of conduct as well as such other information which the authority considers appropriate.

- 7.3 The Constitution states that adopting or amending the Constitution is a function of full council. Making changes to the constitution is a function which is delegated to the General Purposes Committee.

- 7.4 The matters proposed in this report comply with the above legislation and with the Constitution.
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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Constitution reports to the General Purposes Committee on 22 June 2022, 15 December 2022, 23 February 2023.

### **Appendices**

- The Council's Constitution Parts A to D – Appendices 1 to 4. [Note for the printed agenda – the Constitution documents are included in the online agenda but have not been printed as part of the main printed agenda. Hard copy documents available on request where appropriate.]

### **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