

<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>28 September 2023</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Constitution Updates</b></p>	

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

### Executive Summary

Following the Annual Meeting of Council signing off the Constitution on 17 May 2023, day-to-day oversight of the document returns to the General Purposes Committee.

This report updates the General Purposes Committee on a number of factual changes that are required to be made to the Constitution as well as asking for decisions on the addition of other amendments.

The majority of the changes presented in this report relate to the recent high-level restructure of the Council which has resulted in changes to Directorate names and areas of responsibility which need to be accounted for.

### Recommendations:

The General Purposes Committee is recommended to:

1. Review the report and proposed Constitution changes set out in the Appendices.
2. To note the factual changes required as agreed by the Monitoring Officer.
3. To agree further constitution updates/amendments as set out in Paragraphs 3.10 to 3.14.
4. To agree that any changes relating to the insourcing of Tower Hamlets Homes will only take effect from 1 November 2023.
5. To note that further factual amendments may be required following the restructure and if that is the case they will be agreed by the Monitoring Officer and reported to the next Committee meeting.

## 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 The Committee are welcome to request a review of any parts of the Constitution as it so wishes.

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

- 3.1 The General Purposes Committee receives regular reports on agreed and proposed updates to the Constitution as part of its role overseeing the effectiveness of the Constitution.
- 3.2 This report provides an update on a number of factual and other changes agreed or proposed for the Committee to consider.

### Council Restructure

- 3.3 The Chief Executive recently signed off a high-level restructure of the organisation which creates two new Directorates and deletes one. The new top-level structure is as follows:

Communities	Resources	Chief Executive's Office	Housing and Regeneration	Health and Social Care	Children's Services
<ul style="list-style-type: none"><li>•Public Realm</li><li>•Culture</li><li>•Community Safety</li></ul>	<ul style="list-style-type: none"><li>•Finance, Procurement and Audit</li><li>•Workforce, OD and Business Support</li><li>•IT</li><li>•Customer Services</li><li>•Revenues and Benefits</li></ul>	<ul style="list-style-type: none"><li>•Legal Services</li><li>•Mayor's Office</li><li>•Strategy, Improvement and Transformation</li><li>•Communications and Marketing</li></ul>	<ul style="list-style-type: none"><li>•Growth and Economic Development</li><li>•Housing</li><li>•Planning and Building Control</li><li>•Property and Major Programmes</li></ul>	<ul style="list-style-type: none"><li>•Adult Social Care</li><li>•Public Health</li><li>•Integrated Commissioning</li></ul>	<ul style="list-style-type: none"><li>•Education</li><li>•Commissioning and Youth</li><li>•Children's Social Care (supporting families)</li></ul>

- 3.4 The restructure requires a number of changes to the Constitution, including:
- Changes to job titles throughout the Constitution.
  - Updating the Corporate Scheme of Delegation to set out areas of responsibility for the new Corporate Directors (and changes to existing roles)
  - Updating Directorate Scheme of Delegation to account for the new structure.

- 3.5 The above changes are extensive and are throughout the Constitution. However, they do not alter any powers or levels of responsibility but merely adjust them to the new structure. The amendments are shown as track changes throughout the Constitution as set out in the Appendices with the exception of the new officer structure chart where it wasn't possible to show track changes with any clarity.
- 3.6 As all the above changes are factual, they can be approved by the Monitoring Officer and Corporate Directors as appropriate. However, all changes are presented to the Committee for noting in line with its role managing the Council's Constitution. Given the extensive nature of the changes it is possible that more will become apparent in the near future. Should this be the case they will be agreed by the Monitoring Officer and reported to the next Committee meeting.

#### Tower Hamlets Homes

- 3.7 Significant changes also have to be made to the Housing and Regeneration Scheme of Delegation to allow for the integration of Tower Hamlets Homes functions into the Directorate.
- 3.8 These changes will come into effect from the date of integration on 1 November 2023.

#### Corrections and additions

- 3.9 Whilst undertaking the full refresh a couple of errors were noted which have been corrected.

#### Corrections and additions

- Correcting number of Councillors on Scrutiny Sub-Committee Terms of References from 6 to 7.
  - Code of Conduct – a copy of Appendix C had somehow replaced the original Appendix A (list of the Nolan Principles) – this has been corrected.
  - Clarifying Monitoring Officer powers to agree additional committee meetings.
  - A few additional lines have been added to Schemes of Delegation to clarify certain powers. These are shown as additions under track changes in Part D.
  - Officers are exploring whether some lines within the Schemes of Delegation can be merged to reduce the overall length without removing the clarity of ownership. Some sections of the Community Safety Scheme have been amended to show the intention (and are marked as track changes in Part D. This review will continue.
- 3.10 In addition to the above, some formatting errors have also been corrected (mainly additional spacing before sentences/words). For clarity these have not been shown as track changes.

## Changes which require approval by the Committee

- 3.11 In addition to the above there are a few smaller changes which require the approval of the Committee for addition to the Constitution.

### Co-optee Attendance

- 3.12 As part of its responsibilities, the Standards Advisory Committee monitors Member attendance at formal committee meetings. The Committee noted that the Constitution set out attendance expectations for the Mayor/Councillors (if there was no attendance at a formal meeting in a six month period then the Member would be struck off as a Mayor/Councillor) but there was nothing on expectations for Co-Opted Members. The Committee felt that this was especially important as meeting attendance formed a much bigger part of Co-Optee Member responsibilities.
- 3.13 In consultation with Overview and Scrutiny, the Standards Advisory Committee has agreed some new wording to be added to the Constitution setting out expectations around Co-Optee Member attendance as follows:

### Part A Section 6 (Members of the Council)

12. Where a Co-opted Member fails to attend (in person) at least half of the ordinarily scheduled Committee/Sub-Committee meetings in a municipal year, the Committee/Sub-Committee on which they sit will receive a report at its first meeting of the new municipal year allowing it to review any mitigating factors and determine whether any action should be taken (including as a final option, recommendation for removal should that be considered appropriate) by Council or the Committee/Sub-Committee who originally appointed them to the role.
13. In respect of Scrutiny Committees/Sub-Committees, all reports will be considered by the Overview and Scrutiny Committee to ensure consistency of approach.

Note – the definition of Co-opted Member is that set out in the Member Code of Conduct – Part C – Section 31 (including all Scrutiny Co-optees).

- 3.14 General Purposes Committee are asked to approve the addition of the above as set out.

### Development Committee Terms of Reference

- 3.15 A change to the Terms of Reference of the Development Committee is being proposed following Government guidance which recommends that Tree Preservation Orders (TPOs) are referred to development management

committees to determine in a public forum. This practice is followed by many other London Boroughs.

- 3.16 The Development Committee have therefore agreed to add this function to its Terms of Reference and General Purposes Committee are asked to agree to this amendment to the Constitution.

#### Committee Terms of Reference

- 3.17 A recent discussion at the Human Resources Committee has highlighted different views on how Committee Terms of Reference should be set out in relation to where they reference other parts of the Constitution. In the specific case, the Terms of Reference linked across to the Employee Procedure Rules.
- 3.18 In general, Terms of Reference are set up to reference across instead of repeat content to simplify them and to avoid issues of version control where one part gets updated and the other doesn't. However, the discussion highlighted that there are different views as to whether this is appropriate and so it is proposed that the Constitution Working Group look at this more widely to agree the best option. This will be reported back to General Purposes Committee.

#### Constitution Working Group

- 3.19 The Constitution Working Group met for the first time on Tuesday 19 September and had a very useful initial discussion on areas of potential work. A proposed actions and priorities list is currently under review by the group. Some of the initial areas of potential work included:

- Clarifying lines of responsibility from services to Members, in particular in relation to Non-Executive functions and clarifying the Executive/Non-Executive split.
- Reviewing how Committee Terms of Reference are presented.
- Council Procedure Rules.
- Member Roles especially around decision-making.
- Public Speaking routes, e.g for Scrutiny.
- Are there digital tools which can be utilised to make searching the constitution easier.

- 3.20 Many of these work areas will involve research to consider how other Councils, in London and elsewhere, set out their Constitutions. Further reports will be provided to the General Purposes Committee as the working group progresses its activities.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 None specific to this report, although a well functioning Constitution is important in ensuring that the Council is able to fulfil all its equalities responsibilities.

## **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 although a well functioning Constitution is important in ensuring that the Council is able to fulfil all its statutory responsibilities.

## **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 requires local authorities to prepare a constitution and to keep it up to date.

7.2 Part A of the Constitution sets out the responsibilities for amending different parts of the Constitution, and different types of amendments.

7.3 The matters set out in this report comply with the above legislation and with the Constitution.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Approval of the Council's Constitution at the Annual Meeting of Council on 17 May 2023.

### **Appendices**

- Appendices 1-4 – Constitution Parts A-D (Part D to follow)

**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