


<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Tuesday, 27 February 2024</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Constitution Updates</p>	

Originating Officer(s)	Matthew Mannion, (Head of Democratic Services)
Wards affected	(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 asks the Committee to agree some Terms of Reference changes for a number of Committees as well as providing a brief update on the work of the Constitution Working Group.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree the updates to the Constitution set out in Appendices 1 – 2 to the report and in Paragraph 9 of the report.
2. Note that the changes listed in Appendix 1 come into force for the new municipal year.
3. To note the remaining contents of the report including the Terms of Reference of the Health and Wellbeing Board set out at Appendix 3.

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 changes to the Constitution as part of its role overseeing the effectiveness of the Constitution.
- 3.2 This report sets out some Terms of Reference changes for agreement and also provides a brief update on the work of the Constitution Working Group.

Terms of Reference

Audit Committee

- 3.3 At its meeting on 22 January 2024, the Audit Committee considered guidance on the operation of Local Authority Audit Committees issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). Following discussion of the report, the Committee agreed a number of changes which will impact on the Terms of Reference of that Committee. These include restrictions on Cabinet Members being on the Committee and a reduction in the overall size of the Committee.
- 3.4 The updated Terms of Reference are set out in Appendix 1. The Audit Committee determined that these changes should only come into force from the Annual Meeting of Council onwards.
- 3.5 General Purposes Committee are therefore asked to agree to the proposed amendment to the Constitution with them being implemented following the Annual Meeting on 15 May 2024 (where Council will be presented with an updated version of the Constitution to agree which will include this update).

General Purposes Committee

- 3.6 A minor amendment has been identified for correction following the transfer of responsibility for Employee Appeals to the Human Resources Committee. In general, the Terms of Reference were amended to reflect that change at the time but one paragraph remained that will now be removed.
- 3.7 The opportunity is therefore also taken to highlight wording added to address a previous concern of this Committee that where it set out the Monitoring Officer's powers to appoint Members to Committees it didn't confirm that these were from nominations received from Members/Groups.

Health and Wellbeing Board

- 3.8 The Board has recently agreed an updated Terms of Reference. This is going to be presented to a future meeting of Council for final approval so is just presented here for information. The Terms of Reference have received a general make over which will be set out in the Council report but in relation to the Constitution the relevant sections are included in Appendix 3 to this report.

Licensing Committee

- 3.9 Finally, one change is proposed for the Licensing Committee. The constitution requirement is that the quorum should be a quarter of voting Members (rounded up where necessary). The quorum on the Licensing Committee is currently incorrectly stated as three so this will be amended to four (one quarter of the 15 Members rounded up).

Constitution Working Group Update

- 3.10 Since the first meeting of the Group in the autumn, officers have commissioned the Association of Democratic Services Officers (ADSO) to undertake a review of the Constitution, firstly to look for any significant governance issues (for example legislation having been updated which wasn't reflected in the Constitution) and then secondly looking at comparisons with other similar authorities to see if there were lessons we could learn from their Constitutions.
- 3.11 Both reports have now been submitted and officers are reviewing their contents. The next meeting of the Constitution Working Group is planned to take place within the next couple of months where officers will provide them with an update and proposals for next steps.

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 financial implications of 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.

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 1-2 – Updated Terms of Reference (for agreement)
- Appendix 3 – Updated Terms of Reference (for noting)

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

Updated Audit Committee Terms of Reference

4. Audit Committee

Summary Description:

1. The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Membership: 79 Councillors. **There can only be a maximum of one Member of the Executive on the Committee (who must not be the Cabinet Member for Resources) and** they must not be the Chair.

Independent Person:

The Audit Committee may choose to appoint an Independent Person (IP) to advise and support the Committee. The IP will not be a member of the Audit Committee but would be entitled to attend all the meetings and associated training of the Committee. The IP can receive and comment on any reports submitted to the Committee, including restricted agenda items.

Functions	Delegation of Functions
<u>Governance, Risk and Control</u>	None
1. To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.	None
2. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.	None
3. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.	None
4. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.	None

5. To monitor the effective development and operation of risk management in the Council.	None
6. To monitor progress in addressing risk-related issues reported to the committee.	None
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.	None
8. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	None
9. To monitor the counter-fraud strategy, actions and resources.	None
10. To review the governance and assurance arrangements for significant partnerships or collaborations.	None
<u>Internal audit</u>	None
11. To approve the internal audit charter.	None
12. To review proposals made in relation to the appointment of external providers of internal audit services.	None
13. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	None
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.	None
15. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.	None
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.	None
17. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include: <ul style="list-style-type: none"> a. Updates on the work of internal audit including key findings, issues of concern and management actions as a result of internal audit work. b. Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP). c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and the associated Local Government Application Note (LGAN) published by the Chartered Institute of Public Finance and Accountancy (CIPFA) considering whether the non-conformance is significant enough that it must be included in the AGS. 	None

<p>18. To consider the Head of Internal Audit's annual report, including:</p> <ul style="list-style-type: none"> a. The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement. b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS. 	None
19. To consider summaries of specific internal audit reports as requested.	None
20. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.	None
21. To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.	None
22. To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.	None
23. To provide free and unfettered access to the Audit Committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.	None
24. To commission work from internal audit.	None
25. To consider the Council's RIPA policy under the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.	None
26. To consider the Council's use of surveillance in accordance with the Regulation of Investigators Powers Act 2000 and the Investigatory Powers Act 2016.	None
<p><u>External audit</u></p> <p>27. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.</p>	None
28. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	None
29. To consider specific reports as agreed with the external auditor.	None
30. To comment on the scope and depth of external audit work and to ensure it gives value for money.	None

31.To commission work from external audit.	None
32.To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	None
<u>Financial reporting</u> 33.To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	None
34.To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	None
<u>Accountability arrangements</u> 35.To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.	None
36.To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.	None
37.To publish an annual report on the work of the committee.	None

Quorum: 3 Members of the Committee

Updated General Purposes Committee Terms of Reference

9. General Purposes Committee

Summary Description: The Committee is responsible for a range of non-executive functions including matters such as; electoral matters, personnel issues and byelaws, that have not been delegated to other Committees.

Membership: 9 Councillors

Functions	Delegation of Functions
This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution	-
<p>1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including:</p> <p>(a) the provision of assistance at European Parliamentary elections;</p> <p>(b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and</p> <p>(c) the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under Local Government Act 2000).</p>	None
2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor.	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution (from the nominations received from Members/Groups as required)
3. To recommend to Council the introduction, amendment or revocation of byelaws	None

4. Appointment and revocation of local authority school governors	None
5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution (from the nominations received from Members/Groups as required)
6. To consider and make changes to the Council's Constitution upon the recommendation of the Monitoring Officer	
7. To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including: (a) Education awards appeals; (b) Appeals by governing bodies;	None
8. Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval	None
9. To establish Appeals Sub-Committees as appropriate to be convened by the Monitoring Officer or Director of Workforce, OD and Business Support as appropriate for determination of the above appeals referred to in paragraph 742 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution. (from the nominations received from Members/Groups as required) The Director of Workforce, OD and Business Support is authorised to appoint Members to Employee Appeals Sub-Committees in

	line with the Resources Directorate Scheme of Delegation as set out in Part D of the Constitution
10. Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution.	None
11. In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part B Section 24 of this Constitution	None

Quorum: 3 Members of the Committee

Updated Health and Wellbeing Board Terms of Reference

19. Tower Hamlets Health and Wellbeing Board

Summary Description: The Health and Social Care Act 2012 created a statutory Health and Wellbeing Board (HWBB) in every Upper-Tier Local Authority in England, effective from April 2013. The HWBB is a formal committee of the local authority charged with promoting greater integration and partnership between bodies from the NHS, public health and local government.

Membership: The Membership of the Board is as follows:

Voting members of the Board

Chair: To be determined by the Board

Vice Chair: Tower Hamlets Place Lead, NHS North-East London*

At least one Councillor nominated by the Mayor of London Borough of Tower Hamlets*

Local Authority Officers - LBTH

- Director of Public Health*
- Corporate Director of Children Services*
- Corporate Director of Health & Adults Social Care*

Representative from Tower Hamlets Healthwatch*

Partner members of the Board (non-voting)

- Representative from Barts Health NHS Trust
- Representative from East London Foundation Trust
- Representative from North-East London NHS Integrated Care Board
- Representative from the London Metropolitan Police
- Representative from the THCVS
- Representative from the Tower Hamlets Housing Forum
- Independent Scrutineer of Tower Hamlets Safeguarding Children Partnership
- Independent Chair of Tower Hamlets Safeguarding Adults Board
- Chair of Tower Hamlets Together Board
- The Young Mayor or nominated Deputy Young Mayor (LBTH)
- Chair of the Health Scrutiny Sub-Committee (LBTH)
- Councillor nominated by Council from the largest opposition group

**Indicate statutory member*

Functions	Delegation of Functions
To lead the improvement of health and wellbeing in Tower Hamlets, undertaking duties required by the Health and Social Care Act 2012.	None
To encourage integrated working between organisations who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.	None
To identify health and wellbeing needs and priorities across Tower Hamlets and publish and refresh a Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions are evidence-based.	None
To prepare and oversee the development and implementation of a Joint Health and Wellbeing Strategy to reduce health inequalities in Tower Hamlets, ensuring that integrated care strategies prepared by the Integrated Care Board (ICB) are taken into account in this process.	None
To provide advice, assistance, or other support to encourage partnership arrangements under Section 75 of the NHS Act 2006.	None
To promote integration and partnership working between health and the council, including social care and public health by providing oversight and accountability of the Tower Hamlets Together partnership.	None
To review, endorse and oversee the successful implementation of the Better Care Fund (BCF).	None
Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy. It will ensure that both are updated at regular intervals and that integrated care strategies that are prepared by the Integrated Care Board.	None
To encourage those who arrange for the provision of any health-related services in Tower Hamlets (e.g., services related to wider determinants of health, such as housing) to work closely with the HWB.	None
To develop, prepare, update, and publish the local Pharmaceutical Needs assessments.	None
To be involved in the development of any NHS local strategy delivery plans and commissioning plans that applies to Tower Hamlets and to give its opinion to the	None

NHS North-East London and the Integrated Care Board on any such proposed plan.	
To communicate and engage with local people on how they could achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. This will involve working with Local HealthWatch to make sure there's a continuous dialogue with the public to ensure services are meeting need.	None
Ensure decisions, service developments and programmes impacting on health and wellbeing in the borough are driven by community needs and have coproduction and co-design at its core.	None
Seek assurance of partner plans to responding to a health related emergency, e.g. pandemics.	None
To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus on integration across outcomes spanning health care, social care and public health. Areas of focus to be agreed from time to time by members of the Board as part of work planning for the Board.	None
Such other functions delegated to the Board by the Local Authority.	None
Such other functions as are conferred on Health and Wellbeing Boards by enactment.	None

Quorum: 3 Voting Members of the Committee