


Non-Executive Report of the: Council Wednesday, 15 May 2024	 TOWER HAMLETS
Report of: Linda Walker Interim Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Council's Constitution 2024-25	

Originating Officer(s)	Matthew Mannion, (Head of Democratic Services)
Wards affected	(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. A Constitution Working Group has also been established to consider larger-scale reviews 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.

Recommendations:

The Council is recommended to:

1. Note the work of the General Purposes Committee throughout the year to support the Constitution and its role in monitoring and agreeing changes to the Constitution in 2024-25.
2. Note the additions and amendments agreed throughout the year and agree the addition of the Summary Contents Page at the front of the Constitution.
3. Agree to confirm the re-adoption of the Council's Constitution as set out in Appendices 1-4 to the report, including the new Summary Contents List described in Paragraphs 3.8 to 3.10 of the report.

1. REASONS FOR THE DECISIONS

- 1.1 It is best practice for the Annual Council meeting to reconfirm adoption of the Constitution 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 also established a Constitution Working Group (CWG) to undertake a fuller review of the Constitution. This body is due to meet on 22 May to look at a number of potential priorities for further developing/refining the Council's Constitution. 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.

Changes and updates agreed through the year.

- 3.5 During 2023-24 the General Purposes Committee and Council have agreed a number of updates and amendments. These are set out in detail in the relevant Committee reports but in summary:
- General Purposes Committee – 13 June 2023
 - Noted the creation of the new HR Committee (and related Constitution changes)
 - Noted amendments agreed at the recent Annual Council (Cabinet changes and new rules on urgent motions)
 - Organisational Structure Chart updates
 - General Purposes Committee – 28 September 2024

- Significant factual revisions in relation to a restructure of the Council's Directorates and the insourcing of Tower Hamlets Homes
- A number of small updates (e.g. clarifying Monitoring Officer powers around agreeing additional committee meetings) and some updates to Directorate Schemes of Delegation.
- Agreeing new guidance on expectations that co-opted Members of Committees/Sub-Committees should attend, in person, at least half the scheduled meetings of their body.
- Minor Terms of Reference tweaks.
- General Purposes Committee – 27th February 2024
 - Terms of Reference updates for a number of Committees (which included a reduction in the number of Members sitting on the Audit Committee from 9 to 7).
- Council – 20th March 2024
 - Agreed an update to the Health and Wellbeing Board Terms of Reference and updates consequent to changes to the Statutory Officer Disciplinary Procedure.

Member / Officer Relations Protocol

- 3.6 The most significant change to the Constitution this year was the revised Member / Officer Relations Protocol (which also includes expectations on Member / Member relations). This Section was revised under the guidance of the Standards Advisory Committee (SAC) to bring it into line with the new Member Code of Conduct which was agreed in 2022.
- 3.7 Following agreement by SAC, the Protocol was presented to Council on 15th November 2023 and agreed.

Summary Contents List

- 3.8 The Constitution consists of four Parts and each Part has its own, automatically created/updated contents list with page numbers and clickable links. As the Constitution is set out in four separate documents it has not proven possible to automatically create a combined table of contents with links for the start of the Constitution.
- 3.9 However, it is recognised that having one combined index does help with navigation. So, whilst more advanced options are explored, officers have created a basic combined contents list setting out the whole content of the document in one place. The Constitution Working Group will look at options for continuing to improve navigation generally and contents lists in particular.
- 3.10 For the interim, Council is asked to approve the addition of the Contents List set out at Appendix 1 to this report.

Officer Structure Chart

- 3.11 Factual changes have also been made to update the Officer Structure Chart in Part A, Section 13 of the Constitution. If necessary, further updates will be agreed through the Monitoring Officer's delegated authority to approve factual changes before publication following this meeting (and will be reported to the next meeting of the General Purposes Committee).

Updated Constitution

- 3.12 The updated Constitution is presented as Appendices 1 – 5 to this report and will be published to the website once agreed by Council.

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 The report asks Council to note the Constitution and confirm its adoption. There are no financial implications as changes have already been made by the General Purposes Committee.

7. COMMENTS OF LEGAL SERVICES

- 7.1 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.

- 7.2 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.
- 7.3 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.
- 7.4 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.
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Linked Reports, Appendices and Background Documents

Linked Report

- Constitution update reports to the Committee meetings listed above.

Appendices

- The Council's Constitution Summary Contents plus Parts A to D – Appendices 1 to 5. [Note for the printed agenda – the Constitution documents are long and so are included in the online agenda but have not been printed as part of the main printed agenda. Hard copies are 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