

London Borough of Hammersmith & Fulham

Report to: Full Council

Date: 15/07/2020

Subject: Review of the Constitution

Report of: The Leader of the Council – Councillor Stephen Cowan

Responsible Director: Rhian Davies – Monitoring Officer

Summary

This report asks Council to approve updates to the Constitution that reflect changes in organisational structure and an addition to the Constitution that details the relationship between the Council's political leadership and the officer-level strategic response structure (Gold, Silver, and Bronze command) as required by the Civil Contingencies Act 2004.

Recommendations

1. That Council approve the updates to the Constitution that reflect changes to the organisational structure as detailed in Appendix 1.
 2. That Council approve the addition to the Constitution in Appendix 2 which details the relationship between the Council's political leadership and the officer-level strategic response structure (Gold, Silver, and Bronze command) as required by the Civil Contingencies Act 2004.
 3. That Council note the changes to the Departmental Register of Authorities that reflect changes to job titles and changes in legislation, as detailed in Appendix 3.
 4. That Council approve the change of title from the 'Lead Member for Child Refugees' to the 'Lead Member for Refugees' and the associated description of role detailed in Appendix 4.
 5. That Council agree the updates to Contract Standing Orders in Appendix 5 that make provision for the newly created Contracts Assurance Board.
 6. That Council agree a change to Council Procedure Rules, detailed in Appendix 6, requiring amendments to Special Motions to be submitted in advance of meetings.
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Wards Affected: None

H&F Priorities	Summary of how this report aligns to the H&F Priorities
Creating a compassionate council	<p>The Council's emergency response arrangements are critical to ensuring the health, safety, and general wellbeing of the borough's residents.</p> <p>The Lead Member for Refugees will positively impact on the lives of refugees and asylum seekers living in the borough.</p>

Financial Impact

The recommendations in this report have no direct financial implications.

Legal Implications

The Local Government Act 2000 requires the Council to have and maintain a Constitution. The Monitoring Officer is satisfied that the Council's Constitution continues to fulfil its stated purposes, as set out in Article 1 of the Constitution.

Contact Officers:

Name: Kayode Adewumi
Position: Head of Democratic Services
Telephone: 07899 661869
Email: kayode.adewumi@lbhf.gov.uk

Name: Andre Mark
Position: Finance Business Partner
Telephone: 020 8753 6729
Email: andre.mark@lbhf.gov.uk
Verified by Emily Hill, Assistant Director Corporate Finance, emily.hill@lbhf.gov.uk

Name: Rhian Davies
Position: Monitoring Officer
Telephone: 07827 663794
Email: rhian.davies@lbhf.gov.uk

Background Papers Used in Preparing This Report

The Council's Constitution: www.lbhf.gov.uk/constitution

DETAILED ANALYSIS

Proposals and Analysis of Options

1. The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure business is conducted in an efficient, transparent, and accountable manner.
2. The Monitoring Officer has a duty to keep the Constitution under review and has delegated authority to amend the Constitution where there has been a change in law, job title, structure, rearrangement of job responsibilities or for general administrative convenience. All extensive changes to the Constitution, however, must be approved by Full Council.

Reasons for Decision

3. The Council's Monitoring Officer is required to review the Council's Constitution each year to ensure that its aims and principles are given full effect in accordance with Article 15 of the Constitution.

PROPOSAL AND ISSUES

Scheme of Delegation to Officers

4. The Chief Executive has restructured some of the Council's departments to better serve the Council's vision and strategy. The new structure can be found in Appendix 1.
5. The restructure took effect from 1 June 2020 and the Officer's Scheme of Delegation must be amended to reflect this. The updates reflect changes to job roles, titles and the new structure.

Emergency Response Structures

6. Appendix 2 includes a proposed addition to the constitution which details the relationship between the Council's political leadership and the officer-level strategic response structure (Gold, Silver, and Bronze command) as required by the Civil Contingencies Act 2004.

The Departmental Register of Authorities

7. The Departmental Register of Authorities is regularly updated to reflect changes in organisational structure, job titles, and any recent changes in legislation. The latest updates are outlined in Appendix 3.

The Lead Member for Refugees

8. The Administration has broadened the role of Lead Member for Child Refugees to include all refugees, including child refugees, and asylum

seekers. The role title has changed to reflect that. The role is described in detail in Appendix 4.

Contract Standing Orders

9. Following the creation of the new Contracts Assurance Board to consider all contract awards over £100,000 and all procurement strategies, this report recommends approval of the associated amendments to Contract Standing Orders detailed in Appendix 5.

Council Standing Orders

10. This report recommends a change to Council Procedure Rules requiring amendments to Special Motions to be submitted by 7pm the day before the meeting. The update is detailed in Appendix 6.

Equality Implications

11. There are no anticipated negative implications for groups with protected characteristics, under the Equality Act 2010, by the approval of the amendments recommended in this report.
12. Officers have considered the equalities impact of this decision to be neutral.

Implications verified by: Fawad Bhatti, Policy & Strategy Officer – Tel: 07500 103617

List of Appendices:

- Appendix 1 – Changes to the Organisational Structure
- Appendix 2 – Emergency Response Structures
- Appendix 3 – Updates to the Departmental Register of Authorities
- Appendix 4 – Role description for the Lead Member for Refugees
- Appendix 5 – Amendments to Contract Standing Orders
- Appendix 6 – Update to Council Procedure Rules

Appendix 1 – Updates to the Constitution

1. Structure changes

The Strategic Director of Finance & Resources and Deputy Director of Public Services Reform posts have been removed and replaced with a Director of Finance and a Director of Resources.

The new SLT structure is:

- Chief Executive – Kim Smith
- Interim Strategic Director of Economy – Tony Clements
- Strategic Director of Environment - Sharon Lea
- Director of Children's Services - Jacqui McShannon
- Strategic Director of Social Care - Lisa Redfern
- Director of Resources - Rhian Davies
- Director of Finance - Emily Hill

The Director of Finance manages the following services:

- Audit, fraud, risk and insurance
- Programme management and analytics
- Finance
- Treasury and pensions
- Zero based budgeting

The Director of Resources manages the following services:

- Policy and communications
- Leader's office
- People and talent
- Legal services
- Democratic services (including elections, governance and scrutiny, mortuary and West London Coroner's Court)
- Digital services
- Procurement

Updates have been made throughout the constitution to reflect these changes.

2. Updates to Financial Regulations

Removed:

“3.8.1 It may be necessary to amend the capital or revenue budget, previously approved by Full Council, during a financial year, because, for example:

- *additional grant funding or capital receipts become available, or*
- *it may become necessary to utilise a contingency provision or reserve to address an urgent spending pressure. Such amendments may create*

financial commitments in future years, involve policy changes, and extend the Authority's services beyond the approved policy framework."

Replaced with:

"3.8.1 It may be necessary to amend the capital or revenue budget, previously approved by Full Council, during a financial year, because, for example:

- The creation of income and expenditure budgets may be required following the receipt of any third party funding not anticipated in the budget report, such as specific grant funding that, does not increase the Council's approved net budget: these must be approved by the Section 151 Officer and the approved budget changes will be reported within the Corporate Revenue or Capital Monitoring reports to Cabinet.*
- Virements may be required with no increase in the Authority's net budget requirement, between budget heads within departments or between departments, for example to reflect a restructuring of services: these require approval in line with the financial regulations delegation limits.*
- Other amendments may require use of a contingency provision or reserve to address an urgent spending pressure which may create financial commitments in future years, involve policy changes, and extend the Authority's services beyond the approved policy framework: these require approval in line with the financial regulations delegation limits."*

3. Other changes approved by the Monitoring Officer

- Updates reflecting the changes in 'The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020' that enable remote meetings and decision-making. See paragraph 28.1 of the Council Procedure Rules in Part 4 of the Constitution.
- Added an updated version of the Information Security Policy in Part 5 of the Constitution.

All of the changes listed above can be found in the Constitution section of the Council's website:

www.lbhf.gov.uk/constitution

Appendix 2 – Emergency Response Structures

Local authorities have a wide range of services to deliver in response to an emergency affecting the community, and a need to ensure that it can keep its core, critical services functioning if faced with a significant business continuity disruption to its services.

In the event of an emergency, as defined in the Civil Contingencies Act 2004, the Council will activate its [Emergency Response & Recovery Plan](#).

Response Coordination

The response to an emergency will be managed from the Borough Emergency Control Centre (BECC). Sitting above in a strategic management role will be the Strategic Coordinating Group (Gold), chaired by the Chief Executive or the Lead Director for Resilience who is the Director for Environment).

Interface with Members

The Gold chair, Chief Executive or nominated Gold officer will provide to the Leader of the Council a daily situation report on critical services.

The Leader of the Council may wish to convene a weekly meeting of his Cabinet Members to be updated by Cabinet Members, who in turn are briefed by their own Directors about the impact of the emergency on their services.

The purpose of the Gold Meeting is to make all strategic decisions relating to the management of the organisation and its response to the emergency. This includes all Member liaison.

Appendix 3 – Updates to the Departmental Register of Authorities

Changes approved by the Monitoring Officer

- Updates reflecting relevant provisions in the following new pieces of legislation:
 - Coronavirus Act 2020
 - Public Health (Control of Disease) Act 1984
 - The Health Protection (Coronavirus) Regulations 2020
- Updates to job titles following restructuring

Appendix 4 – Role description for the Lead Member for Refugees

The following description will be added to Part 3 of the Constitution under Executive Members – Responsibilities and Portfolios.

Lead Member for Refugees

The post holder will work with the Leader, Deputy Leader, relevant Cabinet Members, Chief Executive, Directors, and other officers to:

- 1.1 Ensure unaccompanied child refugees, refugees and asylum seekers have access to services and their needs are taken into account when developing council policies as a compassionate council.
- 1.2 Take pride in Hammersmith & Fulham, and work in a joined-up way – making connections between unaccompanied child refugees, refugees and asylum seekers, charities, local community groups and residents; and work towards becoming a borough of sanctuary.
- 1.3 Liaise with the borough's unaccompanied child refugees, refugees and asylum seekers, interest groups such as charities, educational establishments, and other community groups on relevant issues, doing things with residents and not to them.
- 1.4 Act as a public face for unaccompanied child refugees, refugees and asylum seekers interests in the borough; and represent the council at community events, within the borough and at London-wide and national events.
- 1.5 Seek to improve the lives of unaccompanied child refugees, refugees and asylum seekers in areas including: social inclusion, housing, well-being, education and career development, and reduce poverty and social injustice.
- 1.6 Review and monitor the Council's achievements in resettling vulnerable refugee families through the Syria Resettlement Program; and the care provided by Children's Services to unaccompanied child asylum seekers and child refugees, and other programs of support.
- 1.7 Ensure advice and support is available for people who come from abroad to live in the borough.

Appendix 5 – Amendments to Contract Standing Orders

The report recommends the creation of a Contracts Assurance Board to consider all contract awards over £100,000 and all procurement strategies. The associated amendments to Contract Standing Orders can be found below.

- 15.1 All contract awards over £100,000 must be submitted to the Contracts Assurance Board before being submitted for approval to the decision maker. The Contracts Assurance Board may:
- 15.1.1 Recommend that the SLT member approve the report
 - 15.1.2 Provide advice and/or make recommendations to the report author and request an updated report for consideration
 - 15.1.3 Recommend that the SLT member does not approve the report where the Council's priorities are not achieved.
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- 18.2 All procurement strategies must be submitted to the Contracts Assurance Board before being submitted for approval to the decision maker in accordance with CSO 18.1.
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- 21.5. All contract awards over £100,000 must be submitted to the Contracts Assurance Board before being submitted for approval to the decision maker as set out in 21.1.
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- 23.4. The Head of Procurement shall submit all waiver requests to the Contracts Assurance Board to make a recommendation to the decision maker.
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- 27.1. For all High Value Contracts or contracts which are considered high risk, a Contract Manager must be identified during the tender period and their details must be added to the corporate Contract Register under the entry for the relevant contract. Where the contract is considered high risk the need for a specific Contract Manager will be considered at the Contracts Assurance Board.

Appendix 6 – Update to Council Procedure Rules

The report recommends the following change to Council Procedure Rules.

Part 4 – Rules of Procedure > Council Procedure Rules > Section 14. Special Motions

- (f) Amendments to Special Motions at meetings of Full Council must be submitted prior to the meeting. They will only be accepted for debate if received by 7pm on the day before the meeting.