

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 24/05/2023

Subject: Review of the Constitution

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

Report author: David Abbott, Head of Governance

Responsible Director: David Tatlow, Strategic Director of Corporate Services

SUMMARY

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.

RECOMMENDATIONS

1. That the amendment to the Members' Code of Conduct related to The Local Government (Disqualification) Act 2022 in paragraph 6 be noted.
 2. That the Commercial Revenue Committee be dissolved, and its functions transferred to Cabinet.
 3. That the amendment to the Lead Member for European Co-operation and Digital Innovation position detailed in Appendix 1 be approved.
 4. That the creation of the Lead Member for Wellbeing and Early Access to Support position detailed in Appendix 1 be approved.
 5. That the proposed increase in paragraph 10 to each Chief Officer's limit for payments made in settlement of claims where the Council considers that action taken by it (or on its behalf) amounts, or may amount, to maladministration as detailed in paragraph 3.6 of General functions delegated to the Chief Executive and Chief Officers (Part 3 – Responsibility for Functions) be agreed.
 6. That subject to the approval of recommendations above, the Council's Constitution be adopted for the 2023/24 Municipal Year.
-

Wards Affected: All

Our Values	Summary of how this report aligns to the H&F Values
-------------------	--

Taking pride in H&F	Ensuring a high standard of governance across the Council.
---------------------	--

Financial Impact

The number of Lead Members will have an impact on the cost of special responsibilities allowances. A separate report on Members Allowances is included in the agenda and include the full financial implications.

Alex Pygram, Head of Finance, 15/05/2023

Verified by Andre Mark, Head of Finance – Strategic Planning and Investment, 15/05/2023

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.

Grant Deg, Assistant Director, Legal Services, 15/05/2023

Background Papers Used in Preparing This Report

None.

DETAILED ANALYSIS

Proposals and Analysis of Options

1. Each local authority is required to publish the arrangements it has made to discharge its functions in a 'constitution' prepared in accordance with Section 37 of the Local Government Act 2000. 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. Some of the content of the Constitution is required by law, the remainder is for the Council itself to determine.
2. The Constitution is reviewed at least annually to ensure it continues to promote timely, effective, transparent, and lawful decision making reflecting the arrangements Members have put in place for the running of the Council. The Constitution was last reviewed at the Full Council meeting on 24 February 2022.
3. In-year amendments were approved by Council to the Scheme of Delegation to Officers to reflect recent changes in organisational structure and changes to the responsibilities of Chief Officers.

4. 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.

Amendment to the Members' Code of Conduct

5. The Local Government (Disqualification) Act 2022 came into force on 28 June. Since that date, individuals that are made subject to the notification requirements set out in the Sexual Offences Act 2003 (commonly known as being put on the sex offenders register), or to Sexual Risk Orders, are disqualified from holding elected office or standing for election as councillors, although these measures are not retrospective.
6. The following duty has been added to the Members' Code of Conduct for members to inform the Monitoring Officer if they commit any offence under the legislation and have been placed on the register.
 - Informing the Monitoring Officer if I am made subject to the notification requirements set out in the Sexual Offences Act 2003 (commonly known as being put on the sex offenders register), or subject to Sexual Risk Orders.

Commercial Revenue Committee

7. This report proposes dissolving the Commercial Revenue Committee and returning its functions to Cabinet, its parent committee. This will raise the profile of, and increase transparency around, its core functions related to approving new high value income opportunities and income generating business cases and undertaking the shareholder functions of any company in which the Council holds shares.

Changes to Lead Members

8. The Administration has proposed changes to the Lead Member for European Co-operation role to include Digital Innovation. The expanded role profile includes responsibility for identifying opportunities for the Council to use innovative digital technologies to improve services to residents and support the borough's industrial strategy. The full role profile can be found in Appendix 1.
9. The Administration has also proposed a new Lead Member for Wellbeing and Early Access to Support role. This new role will reporting to the Cabinet Member for Social Inclusion and Community Safety and the Deputy Leader and has responsibility for promoting an enhanced focus on wellbeing in communication with adult residents and promoting knowledge of, and early access to, support services within the borough. The full role profile can be found in Appendix 1.

Raising the Chief Officers payment limit for settlement of claims of Maladministration

10. This report proposes raising each Chief Officer's per settlement, per annum annual limit for payments made in settlement of claims where the Council considers that action taken by it (or on its behalf) amounts, or may amount, to maladministration as detailed in paragraph 3.6 of General functions delegated to the Chief Executive and Chief Officers (Part 3 – Responsibility for Functions) to £30,000.

Reasons for Decision

11. 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.

LIST OF APPENDICES

Appendix 1 – Lead Member changes

Appendix 1 – Lead Member changes

Lead Member for European Co-operation and Digital Innovation

Change the title from ‘Lead Member for European Co-operation’ to ‘Lead Member for European Co-operation and Digital Innovation’.

Replace the role profile with the following:-

“This post holder will work directly with the Cabinet Members for Civic Renewal, the Economy and Finance and Reform to:

- Strengthen our links with other municipalities around the world and particularly with our closest neighbouring liberal democracies in Europe.
- Develop and implement initiatives to ensure residents and businesses from the European Union continue to feel welcome in the Borough and are supported to navigate any obstacles caused by the UK’s exit from the European Union.
- Twin with global innovation districts.
- Identify opportunities for the council to use innovative digital technologies to improve services to residents and support the borough's industrial strategy.”

Lead Member for Wellbeing and Early Access to Support

Create a new Lead Member role titled ‘Lead Member for Wellbeing and Early Access to Support’ with the following role profile:

Reporting to the Cabinet Member for Social Inclusion and Community Safety and the Deputy Leader, the post holder will:

- Promote an enhanced focus on wellbeing in communication with adult residents.
- Promote knowledge of and early access to support services within the borough.