

LONDON BOROUGH OF HAMMERSMITH & FULHAM

Report to: Full Council

Date: 28/02/2024

Subject: Review of the Constitution

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

Report author: David Abbott, Head of Governance

Responsible Director: Grant Deg, Monitoring Officer

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. To approve the amendment to the terms of reference for the Wormwood Scrubs Charitable Trust Committee detailed in paragraph 5.
 2. To approve the amendments to Contract Standing Orders detailed in Paragraphs 6, 7, and Appendix 1.
 3. To approve the appointment of Deputy Electoral Registration Officers detailed in paragraphs 8 and 9.
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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 recommendations in this report have no direct financial impact.

Alex Pygram, Head of Finance – Corporate Services, 01/02/2024

Verified by Andre Mark, Head of Finance – Strategic Planning and Investment, 02/02/2024

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, 01/02/2023

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.

Amendments to the Wormwood Scrubs Charitable Trust Committee Terms of Reference

5. Council is asked to approve the following amendment (underlined) to paragraph 4.4 of the Wormwood Scrubs Charitable Trust Committee's Terms of Reference. The amendment allows the Assistant Director responsible for Wormwood Scrubs to make financial decisions up to the threshold.

"4.4 Should a decision be required in the period between Committee meetings, the Director or Assistant Director responsible for Wormwood

Scrubs is authorised to make any decision with a financial consequence of up to £20,000.”

Amendments to Contract Standing Orders

6. On 1 January 2024, a new procurement regime (‘the Provider Selection Regime’) came into force for the procurement of health care services. This will affect procurement of health services which most frequently occurs in public health and in some areas of joint commissioning by adult and children’s social care. Prior to the new regime coming into force, many of these contracts would have been reprocured under the Public Contracts Regulations 2015 as light touch services. With the coming into force of the Provider Selection Regime, the Council has more flexibility. It is not necessarily required to carry out a full procurement where it would not be proportionate to carry out a full procurement. It should be noted, however, that the new regime applies additional requirements to publish various notices and comply with standstill periods before making some awards and to keep records of decisions.
7. The introduction of the Provider Selection Regime necessitates changes to the Council’s Contract Standing Orders. These changes are set out in Appendix 1.

Appointment of Deputy Electoral Registration Officers

8. To ensure there is capacity to undertake the full statutory duties of the Electoral Registration Officer, it is recommended that the Council appoints the following postholders as Deputy Electoral Registration Officers:
 - Assistant Director – Democratic, Registration and Coroner’s Services
 - The Monitoring Officer
 - Electoral Services Manager
 - Deputy Electoral Services Manager
9. The appointment of Deputy Electoral Registration Officers provides a wider pool of resource and expertise to cover the required duties of the role of the Electoral Registration Officer. Responsibilities include compiling and maintaining the register of electors, undertaking an annual canvass of electors, issuing voters with an emergency Voter Authority Certificate, and ensuring electoral registration meets legislative requirements and Electoral Commission performance standards.

Reasons for Decision

10. 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 – Amendments to Contract Standing Orders