

# LONDON BOROUGH OF HAMMERSMITH & FULHAM

**Report to:** Full Council

**Date:** 21/05/2025

**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

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## 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 14 of the Constitution.

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## RECOMMENDATIONS

1. That Full Council approve the Disclosure and Barring Service (DBS) Checks for Councillors policy attached as Appendix 1.
2. That Full Council create a General Purposes Committee with the membership and terms of reference as detailed in Appendix 2.
3. That Full Council approve the changes to the size of the membership of the Standards Committee from 6 to 5.
4. That Full Council approve the changes to Lead Member responsibilities detailed in paragraph 10.

**Wards Affected:** All

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<b>Our Values</b>	<b>Summary of how this report aligns to the H&amp;F Values</b>
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 implications.

*Alex Pygram, Head of Finance – Corporate Services, 02/05/2025*

## 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.

*Glen Egan, Assistant Director of Legal, 02/05/2025*

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## Background Papers Used in Preparing This Report

None.

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## 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.
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.

### Disclosure and Barring Regime (DBS) Check for Councillors Policy

5. Simon Bailey's Independent Review of the Disclosure and Barring Regime report was published on 18 April 2023. There were nine recommendations from the review. The most relevant, for the purpose of this report is recommendation five which states:

#### ***Recommendation five***

*I recommend that an enhanced criminal record check is made mandatory for all councillors in Unitary and Upper Tier Authorities who are being considered*

*for appointment to any committee involved in decisions on the provision of children's services or services for vulnerable adults. I accept that this would require legislation and therefore some inevitable delay, so I further recommend that these authorities are encouraged to adopt this procedure as best practice pending legislation.*

6. It will soon be a mandatory requirement for councillors involved in discharging education functions and/or social services functions to undergo an Enhanced DBS check. Officers have reviewed this requirement and are recommending that the Members/posts listed below should undergo an Enhanced DBS check before the legislation is enacted as good practice. The following Councillors will be affected:

**Cabinet Members**

- Councillor Alex Sanderson - Deputy Leader (with responsibility for Children and Education)
- Councillor Bora Kwon - Cabinet Member for Health and Social Care

**Lead Member**

- Councillor Lucy Richardson - Lead Member for Community Mental Health

**Health and Wellbeing Board Members:**

- Councillor Bora Kwon
- Councillor Alex Sanderson
- Councillor Helen Rowbottom
- Councillor Natalia Perez

**Corporate Parenting Board Members:**

- Councillor Alex Sanderson
- Councillor Helen Rowbottom
- Councillor Rebecca Harvey
- Councillor Aliya Afzal-Khan

**Adoption and Fostering Panel**

- Any Councillors sitting on an Adoption and Fostering Panel

**Other Members working with Youth, Children, Women and Girls**

- Lead Member for Women and Girls – Councillor Lydia Paynter
- Lead Member for Asylum Seekers, Refugees, and Migrants - Councillor Trey Simon-Campbell

This report seeks Full Council's approval of the Disclosure and Barring Service (DBS) Checks for Councillors policy attached as Appendix 1.

**General Purpose Committee**

7. This report is seeking the creation of a General Purposes Committee to exercise any 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 the Constitution. It is proposed that the Committee will consist of 5 members and would meet as and when required. Proportionality will apply to the membership. The terms of reference and membership are detailed in Appendix 2.

### **Committee Changes**

8. The Standards Committees currently has 6 Councillors with 3 Independent Members on the Committees. It is proposed to reduce the membership of the Committee by 1 from 6 to 5 Councillors.

### **Lead Member Updates**

9. The following changes have been proposed to Lead Members:
  - Rename 'Lead Member for Culture and Heritage' to 'Lead Member for Culture and Art'.
  - Remove the reference to the Lead Member for Inclusive Community Engagement and Co-Production reporting to a Cabinet Member.
  - Create a new 'Lead Member for Communications' role with the following description:

*"This post holder will work directly to the Cabinet Member for Finance and Reform and support the development of council communications to residents that are clear, engaging and inclusive."*

### **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 14 of the Constitution.

### **LIST OF APPENDICES**

Appendix 1 – Disclosure and Barring Regime (DBS) Check for Councillors Policy  
Appendix 2 – General Purposes Committee Terms of Reference