


<p><b>London Borough of Hammersmith &amp; Fulham</b></p> <p><b>COUNCIL</b></p> <p><b>19 OCTOBER 2016</b></p>		
<p><b>REVIEW OF THE CONSTITUTION</b></p>		
<p><b>Report of the Leader of the Council – Councillor Stephen Cowan</b></p>		
<p><b>Open Report</b></p>		
<p><b>Classification:</b> For Decision  <b>Key Decision:</b> No</p>		
<p><b>Wards Affected:</b> All</p>		
<p><b>Accountable Director:</b> Tasnim Shawkat, Monitoring Officer</p>		
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## 1. EXECUTIVE SUMMARY

- 1.1. In 2001, the Council implemented a new governance model, required by the Local Government Act 2000, and adopted a new Constitution. Since then, the Council's Constitution has undergone several revisions to reflect changing legislation and the changing political and governance needs of the authority. However, the Constitution has never undergone a wholesale review in the fifteen years since it was adopted.
- 1.2. It is proposed therefore that a fundamental review be undertaken. The purpose of this is to ensure that the Council can continue to meet its obligations under the Local Government Act 2000 by keeping its Constitution up-to-date and ensure that it is both fit for purpose, succinct and user-friendly.
- 1.3. It should be noted that the fundamental review proposed is not aimed at the way the Council conducts its business but to review the structure of the document so that it is easier for Members, officers and the public to refer to the document. Once the new proposed structure is created it will be easier to change or update the Constitution in the future.

## 2. RECOMMENDATIONS

- 2.1. That the Council procedure rules attached as **Appendix 1** be agreed.

- 2.2. That the revised officer scheme of delegation attached as **Appendix 2** be agreed.

### **3. REASONS FOR DECISION**

- 3.1. 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.

### **4. BACKGROUND**

- 4.1. 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. Some of the content of the Constitution is required by law; the remainder is for the Council itself to determine.
- 4.2. Annually the Constitution is reviewed 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 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.

### **5. PROPOSALS AND ISSUES**

- 5.1. This report informs Members of the proposed areas of review.

#### **Financial Regulations**

- 5.2. The current Financial Regulations, which form part of the Council's existing Constitution, should be updated in line with changes to the Council's structure and working practices. The intention is for the financial regulations to be considered by the January 2017 Council meeting.

#### **Council, Executive and Scrutiny Procedure Rules**

- 5.3. The Council, Executive and Scrutiny procedure rules have been updated to provide more clarity to the way council meetings are run. The changes are outlined in **Appendix 1**. This provides clarity around when a member may speak again, withdrawal of motions, right of reply, order of debate, voting at Budget Council meetings and some other procedural issues.

#### **Scheme of Delegation**

- 5.4. The Officer scheme of delegation is currently 210 pages. It is intended that there will be a wholesale review of the Council's Officer Scheme of Delegation, both in terms of layout (making it follow the regulatory structure more closely) and content (clarifying roles and responsibilities of officers). Instead of 210 pages,

there will be a high level Scheme contained within the constitution and more detailed internal departmental schemes maintained by each Executive Director which they would be required to review every six months. This will reduce the size of the constitution by 60 percent.

### **Codes and Protocols**

- 5.5. There is a long list of local Member protocols which have been developed over time. These will be reviewed to ensure they are simple and easy-to-follow yet still support the business of the Council. As codes also make up a significant portion of the content of the Constitution, the review will explore the option to withdraw some of the non-statutory codes from the document and store them instead on the Council's website and Intranet. After each Municipal election, as part of the Member Induction programme, each new member will receive copies of all the non-statutory codes. In addition, the electronic copy of the constitution will have links to these documents. Members will be consulted before any changes are proposed to codes and protocols.

### **Joint Arrangements and Partnerships**

- 5.6. The intention is to update the guidance on the duties, roles and responsibilities of Members and officers who are appointed to outside bodies. In the light of recent queries that have been raised it is proposed that there is more detailed guidance for Members and officers on outside bodies.

### **Structure**

- 5.7. Although the current structure of the Constitution follows the original model which is not particularly user-friendly. For example, information about Cabinet requires reference to three different chapters. It is therefore proposed that the chapters in the revised Constitution be divided by function, and all relevant information about each function or committee is brought together in a single place.

### **Contract Standing Orders**

- 5.8. No revisions are proposed to the Council's Contract Standing Orders at this time.

## **6. OPTIONS AND ANALYSIS OF OPTIONS**

- 6.1. Although there is no statutory requirement to undertake the review, it is essential that the Constitution is up-to-date and relevant to the business and operation of the Council. Furthermore, the review provides an opportunity to make the document user-friendly and ensure that both Members and officers are familiar with its content to support the aim of overall compliance.

## **7. EQUALITY IMPLICATIONS**

- 7.1. The equalities implications of this decision has been considered to be neutral.

Implications completed by: Kayode Adewumi, 020 8753 2499

## **8. LEGAL IMPLICATIONS**

- 8.1. 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. It is the view of the Monitoring Officer that the review proposed will in itself raise awareness amongst officers of the provisions in the Constitution.

Implications verified by: Tasnim Shawkat, Director of Law 020 8753 2700

## **9. FINANCIAL IMPLICATIONS**

- 9.1. There are no direct financial implications.

Implications completed by: Kayode Adewumi, 020 8753 2499

## **10. BUSINESS IMPLICATIONS**

- 10.1. There are no business implications.

Implications completed by: Kayode Adewumi, Head of Governance and Scrutiny 020 8753 2499.

### **LOCAL GOVERNMENT ACT 2000** **LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

None.