



GOVERNANCE COMMITTEE

30th August, 2017

Subject Heading:

Constitution Update

SLT Lead:

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Policy context:

Council Constitution

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

During the course of this municipal year it is proposed that parts of the Council's Constitution be reviewed and updated. This will focus particularly on the scheme of officer delegation and the Codes. Consideration will also be given to whether there are opportunities to make the document more concise and easier to amend where changes occur. This report notifies members of amendments arising from the changes in the management and departmental structures and functions. The report also proposes minor variations to the arrangement of the Members' Code of Conduct to make the requirements clearer, and updates members on proposed steps to be taken by the Monitoring Officer to assist members in understanding their obligations under the Code. Further reports on proposed changes will be presented to this Committee during the course of this year.

RECOMMENDATIONS

That members:

1. Note the updates to the Constitution outlined in this report
2. Agree the proposed changes to the Councillor Code of Conduct be recommended to Council

REPORT DETAIL

Updates to the Constitution

1. During the course of the last nine months there have been various changes to the management structure of the Council and the services and functions carried out by the respective departments. The Senior Leadership Team now comprises the Chief Executive and four Directors, with departments for Neighbourhoods, Children, Adults, and the Chief Operating Officer. Within the Departments the structures have also been revised, for example in the Neighbourhoods Department there are now three Assistant Director Posts to lead in the areas of environment, development and housing. The Constitution records the delegations given to officers to undertake executive and council functions and it has been amended to reflect the new departmental and management structure. The type or level of delegation has not been altered, what has changed are the posts to which those delegations have been given. The Monitoring Officer has been given authority to make those changes both directly by Council and in the powers delegated to the Monitoring Officer in the Constitution. The Monitoring Officer has also made changes where necessary to update references to legislation. The constitutional requirements are that such changes be reported to the Governance Committee.

The Members' Code of Conduct

2. The Localism Act 2011 requires that all Councils have a Councillor Code of Conduct. The content is largely a matter for local determination but the Code must be based on the principles of conduct in public office set out in the Act. The Council has a Code of Conduct which is included in Part 5 of the Council's Constitution. Included within the Code are the obligations on members to record and declare interests. The Localism Act 2011 introduced the need to record Disclosable Pecuniary Interests (DPIs) in addition to such other interests as the Council sought to include in its Code. The Council's

current Code accurately reflects the legal requirements, but would benefit from a re ordering of the requirements so as to place appropriate weight and focus on the DPIs and to make the arrangements clearer for Members.

3. There is also a proposed substantive change to the Code, namely deleting paragraph 8 (3) so that any personal interest arising from membership or management of bodies specified in the Code are declared at the meeting on the same basis as other interests.
4. The proposed changes are shown as track changes in the Code attached as **Appendix 1**. Governance Committee is advised to recommend these changes to Full Council.
5. The remit of this Committee includes responsibility for promoting and maintaining high standards of conduct by the Members and Co-opted Members of the Council. Members' understanding of and compliance with the Code ensures robust Council decision making and enhances public confidence in the workings of the Council.
6. Various steps are being taken by the Monitoring Officer to raise the profile of the requirements of the Members' Code of Conduct. A refresh of Members' declarations of personal interests is underway with a request to Members to update their declaration of interests. This was dispatched to members to coincide with the appointment of members to outside bodies which was the subject of a separate report before the last meeting of this committee; membership of outside bodies will need to be included (or in some cases deleted) from members' declarations of interests.
7. Members will also be provided with an annual update on conduct issues by the Monitoring Officer. This will be produced in the summer each year and will set out guidance on matters such as bias and predetermination and use of social media and IT. Guidance will also be sent during the year and as when considered appropriate.
8. Over the course of this municipal year there will be a review of the other Codes that form part of the Constitution (for example Member/Officer Relations) and any proposed changes will be brought to this Committee for consideration. It is important that these are reviewed and refreshed from time to time. In view of the forthcoming local elections in 2018 and the possibility of new members, it is an opportune moment to review the Codes and policies relating to councillors so that they are up to date in readiness for the 2018 members' induction programme.

IMPLICATIONS AND RISKS

Financial implications and risks:

None

Legal implications and risks:

The Localism Act 2011 Chapter 7 requires that the Council has a Code of Conduct, and sets out provisions for the recording and declaration of members' Disclosable Pecuniary Interests and any other interests that the Council may determine in its Code be disclosed.

Human Resources implications and risks:

None

Equalities implications and risks:

There are no specific equalities implications arising from this report.

Background Documents

None