

GOVERNANCE COMMITTEE SUPPLEMENTARY AGENDA

2 November 2022

7 AMENDMENTS TO CONSTITUTION (Pages 1 - 8)

Report and appendices now attached.

**Zena Smith
Democratic and Election
Services Manager**

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GOVERNANCE COMMITTEE 2 November 2022

Subject Heading:	Review of the Council's Constitution
SLT Lead:	Alison McKane
Report Author and contact details:	Manjia Grant Principal Governance Lawyer Manjia.Grant@onesource.co.uk
Policy context:	The Governance Committee will monitor and review the operation of the constitution to ensure that the aims and principles of the constitution are given full effect.
Financial summary:	None

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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

To update the Committee on the review of the Council's Constitution.

RECOMMENDATIONS

That the Governance Committee:

- 1 Notes the consequential changes to the Constitution to be made by the Monitoring Officer as set out in Appendix 1.
- 2 Notes the terms of reference agreed by the cross party working group (“the Constitution Review Working Group”) as set out in Appendix 2.

REPORT DETAIL

- 1.1 Section 37 of the Local Government Act 2000 requires a local authority operating executive arrangements to prepare and keep up to date a constitution, which sets out how the Council operates and how decisions are made.
- 1.2 A key role for the Governance Committee is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended, in order to achieve the Council’s aim of ensuring that decisions are properly made and are efficient, transparent and accountable to local people.
- 1.3 In accordance with Article 11 of the Constitution, the Monitoring Officer has delegated power to amend the Constitution to correct errors and insert obvious omissions. Where necessary amendments are made under this authority, the Monitoring Officer must notify the Governance Committee at the first reasonable opportunity. The amendments to be made by the Monitoring Officer are set out in Appendix 1 and include a revision to the responsibilities of the Head of Democratic Services following the transfer of Education Appeals to an external provider and the deletion of all references to the Highways Advisory Committee, Adjudication and Review Committee and Joint Ventures Working Party following decommission.
- 1.4 In addition to these amendments, Governance Committee is also referred to the agreed terms of reference for the Constitution Review Working Group set out at Appendix 2, which held its first meeting in September 2022.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications arising from this report.

Legal implications and risks:

Changes to the constitution must be considered by the Governance Committee before recommendation to Full Council for approval.

Human Resources implications and risks:

None

Equalities implications and risks:

There are no specific equalities implications arising from this report..

Climate Change Implications and Risks:

None.

<p>BACKGROUND PAPERS AND APPENDICES</p>
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Appendix 1 – Schedule of changes to be made by the Monitoring Officer

Appendix 2 – Terms of Reference for the Constitution Review Working Group

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Appendix 1 – schedule of changes to be made by the Monitoring Officer

Description of Change	Section / Page	Amendment
Administrative – to delete all references to the Highways Advisory Committee (HAC) and Adjudication and Review (ARC) Committee following decommission.	<p>Part 2.13 – Committee Structure Appendix</p> <p>Part 3.2 – Executive Functions: s2.5 (Functions that may be delegated to individual Cabinet Members)</p> <p>Part 3.3 – Functions delegated to Staff s3.8.3 (Assistant Director of Environment – Street Care)</p> <p>s3.9.7 Governance (aa) Head of Democratic Services</p> <p>Part 3.5 – Local Choice Functions (2 – 5)</p>	<p>To delete the references to HAC and ARC</p> <p>To delete the reference to HAC in s2.5 (s)</p> <p>To delete the reference to HAC in 3.8.3 (b)</p> <p>To delete references to school appeals and the ARC following the transfer of education appeals.</p> <p>To delete references to school appeals and the ARC</p>
Administrative – to delete references to HAC; ARC and the Joint Ventures Working Party (JVWP) following decommission.	Part 4.3 – Committee Procedure Rules	<p>To delete rule 14 – ARC;</p> <p>To delete rule 15 – HAC;</p> <p>To delete rule 17 - JVWP</p>

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CONSTITUTION REVIEW WORKING GROUP

Terms of Reference

1. Purpose

The Constitution Review Working Group has been established by the Council to review the Constitution and ensure that it is fit for purpose. It will undertake this role by:

- a) Reviewing areas in the Constitution and put forward appropriate changes when necessary;
- b) Receiving requests to review certain areas of the Constitution;
- c) Considering changes proposed by Members, Officers and Committees;
- d) Proposing changes to Governance Committee for recommendation to Council for approval.

2. Function

(a) The Constitution Review Working Group shall report its work to the Governance Committee via the Monitoring Officer or a nominated representative.

(b) It will set its own work programme, save that the following may request that the CRWG considers a particular item of work:

- i) Full Council
- ii) The Governance Committee
- iii) The Monitoring Officer

(c) It has no decision making power save that it shall act as a 'sounding board' for the delegated decision making power of the Monitoring Officer in relation to minor amendments to the Constitution

2. Membership

The Constitution Review Working Group shall comprise of up to four Members and will be represented by all of the political parties. The Group will be supported by the Monitoring Officer, Democratic Services Officer and any other officer as required.

3. Appointment to the Constitution Review Working Group

Members will be nominated to the Constitution Review Working Group by the Group Leaders.

4. Chairman and Vice Chairman

The Chairman and Vice Chairman of the Constitution Review Working Group will be appointed at the first meeting of the group and appointed annually thereafter.

5. Voting

Any vote will be subject to a simple majority and the Chairman will have a casting vote.

6. Quorum

The quorum of a meeting of the Constitution Review Working Group will be two

7. Frequency of Meetings

The Constitution Review Working Group will meet approximately monthly.

The dates and times of meetings will be agreed by the Working Group. Provided all members of the Working Group are in agreement minor changes to be proposed to the Constitution may be agreed via e-mail without the need to hold a formal meeting.

8. Minutes of Constitution Review Working Group Meetings

The Working Group shall agree the minutes at the next convened meeting.

9. Administration of the Board

Agendas will be sent out five clear working days before the meeting and minutes will be provided within five clear working days after the meeting.