



GOVERNANCE COMMITTEE 24 August 2022

Subject Heading:

Review of the Council's Constitution

SLT Lead:

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Report Author and contact details:

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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 note proposals to undertake a full review of the Council's Constitution and to approve the setting up of a cross party working group to oversee the review.

RECOMMENDATIONS

That the Governance Committee:

Governance Committee, 10 August 2022

- 1 Notes the changes to the Constitution made by the Monitoring Officer as set out in Appendix 1.
- 2 Considers the proposed changes to the Constitution set out in Appendix 2 and approves these for recommendation to Full Council.
- 3 Agrees to the setting up of a cross party working group (“the Constitution Review Working Group”) with a membership as recommended at 1.5 below, to undertake a full review of the Constitution.

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. This is an on-going process requiring periodic review.
- 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, insert obvious omissions, to comply with any legal requirement and to reflect organisational changes to the Council’s structure. Where necessary amendments are made under this authority, the Monitoring Officer must notify the Governance Committee at the first reasonable opportunity. The amendments made by the Monitoring Officer are set out in Appendix 1 and include a correction to the number of councillors following the Local Government Boundary Commission Review; insertions to the list of enactments to be enforced by the Assistant Director for Environment and the deletion of the outdated management structure chart.
- 1.4 In addition to these amendments, Governance Committee is referred to the proposed amendments at Appendix 2 for recommendation to Full Council. These include amendments to the scheme of delegation to reflect the current council structure and a proposed change to the procedure for the dealing with allegations that a Member has failed to comply with the code of conduct.
- 1.5 Every Local Authority needs to review its Constitution regularly to ensure that it is up to date. This is a piece of work which will require looking at all sections of the Constitution and will provide the opportunity to ensure that it reflects the council’s values and aspirations and aids the achievement of the

corporate plan and objectives. Some examples of areas for review are set out at Appendix 3. It is suggested that a Cross Party Working Group is established, consisting of members from Governance Committee and relevant officers, to discuss revisions to the Constitution and to provide a regular report to Governance Committee on any proposed amendments that will be recommended for approval.

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 approved by Full Council only after consideration of recommendations made by the Governance Committee.

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.

BACKGROUND PAPERS AND APPENDICES

Appendix 1 – Schedule of changes made by the Monitoring Officer

Appendix 2 – Schedule of proposed changes to be considered by Governance Committee

Appendix 3 – Non exhaustive list of suggested areas for review by the newly formed Constitution Working Group