



GOVERNANCE COMMITTEE

21 March 2024

Subject Heading:

CONSTITUTIONAL REVIEW – SCHEME OF DELEGATIONS

SLT Lead:

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Policy context:

A well run Council that delivers for People and Place.

Financial summary:

There are no financial implications arising from this report.

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

People - Things that matter for residents

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place. X

SUMMARY

1. The Council's Constitution is out of date and / or inaccurate in many areas. Good practice is to review a constitution every five years.
2. The Council has created a Constitutional Working Group (comprising members and officers) ("CWG") with a view to reviewing and updating the Constitution (the "Review").

3. A number of constitutional changes were approved by Governance Committee in September 2023. These changes have not yet been presented to Full Council. It has always been the intention to present the changes at the same time as the amended scheme of officer delegations (the “Scheme”). The existing Scheme is one of the most problematic areas of the Constitution.
4. This paper therefore introduces the proposed changes to the Scheme. The changes are to both improve the form and function of the delegations and to align the delegations as against the new target operating model (TOM) structure. The revised Scheme is attached to this report.

RECOMMENDATIONS

5. Governance Committee is asked to recommend to Full Council that the revised Scheme be adopted in substitution of the existing Scheme, subject to consideration by the Constitutional Working Group of any changes or other suggestions made by Governance Committee on the Scheme.

REPORT DETAIL

6. Part 3 of the Constitution details the responsibility for functions. Parts 3.1 (Full Council) and 3.2 (Cabinet) will be reviewed in due course although they are not deemed to be problematic at present. The Scheme is where most issues are raised on a day to day basis.
7. The existing Scheme is found at part 3.3. A link the Scheme can be found here: <https://democracy.havering.gov.uk/documents/s68462/Part%203.3%20-%20Functions%20delegated%20to%20staff%20amended.pdf>
8. The Scheme been significantly redrafted on the following basis:
 - a. Firstly, the Scheme has been redrafted to account for the new TOM structure, referencing the three pillars of People, Places and Resources.
 - b. Secondly, the Scheme has concentrated delegations within the TOM Strategic Director Posts and other statutory officers being the Head of Paid Services, the Monitoring Officer, the Director of Children’s Services and the Director of Adult Social Services. These posts thereafter have the ability to sub-delegate their powers and responsibilities to Directors, Assistant Director and others.
 - c. Thirdly, the Scheme has been significantly rationalised, utilising the approach of a number of other London Boroughs who grant wider powers

rather than itemising individual powers. As a specific example, the current Scheme itemises 47 separate delegations to the Assistant Director of Educational Services. In the proposed revised Scheme this is reduced to one generalised delegation. The present Scheme stretches to 60 pages whilst other London Boroughs have schemes of between 10-15 pages.

9. Governance Committee should be aware of two things:
 - a. The Scheme will continue to be reviewed and updated up to and including submission to Full Council although no changes of substance are anticipated.
 - b. As the CWG is revising the Constitution in a piecemeal fashion it is inevitable that changes to the Scheme will create confusion in other sections of the Constitution. To mitigate against this, CWG intends to:
 - i. Review the Scheme throughout 2024-25 as the Review progresses with a view to bringing a formal update back to Governance Committee and Full Council in March / April 2025.
 - ii. In the meantime, Full Council will be asked to delegate to the Monitoring Officer the ability to make any changes to the Constitution as required to avoid or mitigate against any issues created by the revised Scheme. (The Monitoring Officer already has some powers as detailed in Article 11 of the Constitution.)

IMPLICATIONS AND RISKS

Equalities implications and Risks

10. None.

Legal implications and Risks

11. 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 better to achieve the purposes set out in Article 1, including setting the framework within which the Council operates, enabling the Council to provide clear leadership to the community and providing an effective means of holding decision-makers to public account.
12. Changes to the constitution will be approved by the full Council only after consideration of the proposals by the Governance Committee.
13. It is the Monitoring Officer's responsibility to maintain an up-to-date version of the constitution and ensure that it is widely available for consultation by members,

staff and the public. The proposals set in the report are intended to meet these requirements.

Financial implications and risks:

14. There are no financial implications arising from the contents of this report.

Human Resources implications and risks:

15. The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

Environmental and climate change implications and risks

16. None.

BACKGROUND PAPERS

Governance Committee reports and decisions from 26 September 2023.