

Executive Summary and Recommendations

Title of Report: Additions to the Constitution

Date: 1 July 2009

Summary of this Report

1. This report asks the Committee to recommend the Council that three significant documents be formally included in the Council's Constitution, namely the:

Code of Governance: This document was first produced in 1996 and has been regularly updated ever since, particularly when re-issued prior to each City Council election for the benefit of existing Members, newly elected Members and Officers.

Employee Code of Conduct: This Code has now been issued and should be formally included in the Council's Constitution. There is already included in the Constitution provision for the National Code of Conduct for Officers to be included once issued by the Government. Despite consultation on a national code having taken place there appears to be no immediate prospect of one being issued.

Partnership Manual: The Partnership Manual has been prepared in response to the requirements of the Audit Commission's Annual Use of Resources Assessment and the CIPFA/SOLACE Good Governance Framework which both emphasise the need for clarity and appropriate governance of local authorities partnership arrangements. The Manual has been endorsed by the Senior Officer Governance Group as best practice.

Recommendation

That the Council be recommended to amend the Constitution by the addition of the three articles attached to this report.



City of Westminster

Committee Report

Item No:

Date:

1 July 2009

Classification:

For General Release

Title of Report:

Additions to the Constitution

Report of:

Head of Legal Services

Wards involved:

None

Policy context:

Management of the Council

Financial summary:

There are no financial implications arising from this report

Report Author:

Mick Steward

Contact details

Tel: 020 7641 3134
Email: msteward@westminster.gov.uk

3. Background Information

- 3.1 The purpose of this report is to seek Members endorsement to three additional documents and the associated articles being included in the Council's Constitution. The documents have been drawn up based on existing Council policy and practice. The Code of Governance and the Employees Code have been previously agreed and are kept up to date by Officers under delegated authority. The Partnership Manual is broadly a statement of best practice based on existing Council procedure. As such, it is not regarded as necessary for formal approval to be sought to the content of the Partnership Manual. The Committee is however asked to recommend the Council that all three documents be added to the Constitution with the attached covering articles.
- 3.2 The Head of Legal Services has delegated authority to keep the Constitution up to date. The proposed additions sought by this report fall within this delegation and accordingly the Committee is asked to recommend to the Council that the articles attached to this report be formally approved for inclusion in the City Council's Constitution together with the relevant appendices.
- 3.3 There is a benefit to users in having these documents located in a single place within the City Council's governance documentation.
- 3.4 The **Code of Governance** was approved in 1996 by the then Policy and Resources Committee. At the time the Director of Legal and Administrative Services was given delegated authority to keep this under review, subject to consultation with the Leader of the Council and now the Standards Committee. The Code is regularly reviewed and updated. Significant updates are notified to Members by an entry in the Weekly Information Bulletin.
- 3.5 **Employee Code of Conduct:** This document was produced in order to bring together a number of different HR and other conducted related documents into a single place. The Government had, for some time, been intending to issue a statutory code for Officers, similar to that for elected Members, but, other than consulting on an outline set of proposals sometime ago, nothing further has happened. There is provision already within the Constitution for an Employee Code and the inclusion of the Council's own code addresses this.
- 3.6 **Partnership Manual:** The Manual has been produced in recognition of the significant increase in partnership working over recent years and the need for guidance/clarity in respect of partnership arrangements. The Manual is intended to assist both Members and Officers involved in partnerships. It is mainly designed to cover formal partnerships but also includes useful advice and guidance regarding all partnership working.
- 3.7 These documents do not include any changes to existing practice and therefore it is not considered necessary to include them here for member approval as this report is only seeking approval to their being formally added to the Council's constitution. They are, however, listed as background papers and can be accessed via the link provided.

Any member wishing to see a paper copy are asked to contact the Committee Officer on 020 7641 3134; msteward@westminster.gov.uk

4. Legal Implications

- 4.1 The Council is required to adopt a Constitution and to keep it up-to-date. There is no requirement to include the documents referred to in this report in the Constitution, as such but it is regarded as the most logical place for these.

5. Financial Implications: None.

6. Other Implications: None.

If you have any queries about this report or wish to inspect any of the background papers please contact Mick Steward: Tel: 020 7641 3134;
Email: msteward@westminster.gov.uk

Background Documents

- Constitution
- Code of Governance
<http://www2.westminster.gov.uk/services/councilgovernmentanddemocracy/governance/codeofgovernance/>
- Employee Code of Conduct
http://www3.westminster.gov.uk/docstores/publications_store/Employees'%20Code%20of%20Conduct.pdf
- Partnership Manual
http://www3.westminster.gov.uk/csu/General_Purposes/2009/1%20July%202009/Westminster%20Partnerships%20Manual.doc

Article 17 – Governance

- 17.1 Westminster City Council recognises that effective local government relies upon maintaining the confidence of the public in both the elected Members and Officers of the Council. The Council continues to keep under review Governance arrangements and related procedures to ensure best practice so that the highest standards are maintained. This is the case both for the Council's own operations and in its Partnership arrangements with other organisations. Partnerships are playing an increasingly important role in the future of policy development and service delivery. The Council's Partnerships Manual advises on best practice when developing new partnership working arrangements and when reviewing existing arrangements.
- 17.2 The Council's Code of Governance is regularly updated and sets the standards for the conduct of Officers and Members at the City Council. It is consistent with the principles of the CIPFA/SOLACE Delivering Good Governance in Local Government: Framework. The CIPFA/SOLACE Framework introduced the requirement to produce an annual governance statement from 2007/08. The Annual Governance Statement is also available on the Council's website. The Statement is updated following the end of each financial year.
- 17.3 The Code of Governance is regarded as a particularly significant part of the Council's corporate framework that is included as Appendix to the Constitution.
- 17.4 The Council's documents which relate to Governance are located in a single section of the City Council's website. The documents currently located on the website are:
- Annual Governance Statement
 - Anti-Fraud and Corruption Policy
 - Code of Governance
 - Complaints about Councillor Conduct
 - Data Protection Advice for Members
 - Employee Handbook
 - Advice on Members' Conflicts of Interest
 - Members Induction Handbook
 - Members' Code of Conduct
 - Register of Members' Interests
 - Standards Committee agenda and reports, including Annual report on the Overview of Ethical Standards
 - Whistleblowing at Work Policy.

The website is reviewed regularly to ensure that its content is up to date.

- 17.5 A Senior Officers Governance Group meets regularly and is chaired by the Chief Executive, with the Monitoring Officer and the Director of Finance as its core membership. The terms of reference of the Group are included on the Governance website at:
<http://www.westminster.gov.uk/councilgovernmentanddemocracy/governance/>
- 17.6 The Council has an Audit and Performance Committee, independent of both the Executive and the Policy and Scrutiny process as recommended by CIPFA. Its terms of reference include a wide range of responsibilities as detailed in its terms of reference, available at:
http://www3.westminster.gov.uk/committee/index.cfm?c_docs=Constitution/Constitution%20Version%202008/53%20Appendix%20-%20Audit%20and%20Performance%20Committee
- 17.7 The Council's Standards Committee is chaired by one of its four Independent Members. The main responsibility of the Committee is to ensure that high standards of Member conduct are maintained. It does this by ensuring that Members attend training on the Code of Conduct, are briefed on relevant issues and receives an annual overview report on ethical standards across the Council as a whole.

Employees' Code of Conduct:-

The City Council expects the highest standards from its Officers. In order to assist the achieving of this goal the Employee Code of Conduct has been produced which sets out, as a single point, the standards of conduct that the Council expects of all its employees.

Article 18 – Partnership Working

- 18.1 Partnership working has become an ever increasing part of the Council's work. For example, Section 4 of the Local Government Act 2000 requires every local authority to prepare a strategy for promoting or improving the economic, social and environmental well being of their area and contributing to that achievement of sustainable development in the UK.
- 18.2 In preparing or modifying their sustainable community strategy a local authority must consult and seek participation of such persons as they consider appropriate. The City Council's Local Strategic Partnership (Westminster City Partnership) satisfies these duties.
- 18.3 It is recognised that Partnerships, both formal and informal, are playing a significant part in the way the Council consults and works with the stakeholders to facilitate joined-up planning and delivery of services. In accordance with guidance issued by the Audit Commission the Council has produced a Partnership Manual, which sets out processes for Members and Officers relating mainly to partnership working. The Manual is attached as Appendix