

COUNCIL	DATE 15 December 2021	ITEM NO 15
TITLE Proposed changes to the Constitution	WARD (S) Not applicable	
CHIEF OFFICER Director of Legal & HR/Monitoring Officer	CABINET MEMBER Leader of the Council	
DECISION CLASSIFICATION Non-exempt report Non-exempt appendix	IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING? Yes	

1. **Decision required**

This report makes the following recommendations to the decision-maker.

Council is requested to:

- 1.1 Approve the Officers' Code of Conduct in Appendix A for insertion into Part 5 of the Constitution.

2. **Links to the Royal Greenwich high level objectives**

- 2.1 This report relates to the Council's agreed high level objectives as follows:

- A Strong Vibrant and Well-run Borough

- 2.2 An up to date and legally compliant Constitution is a key part of the Council's corporate governance framework.

3. **Purpose of Report and Executive Summary**

- 3.1 The report recommends that the Officers' Code of Conduct in Appendix A is approved for insertion into Part 5 of the Constitution.

4. **Introduction and Background**

- 4.1 The Monitoring Officer is responsible for maintaining an up-to-date version of the Constitution. Article 15.02(a) of the Council's Constitution states that Full Council may change the Constitution, but only after considering a proposal by the Monitoring Officer.

- 4.2 The Monitoring Officer has established a four year rolling review of the Constitution in order to ensure that the overall Constitution is kept up to date. Any changes which are required outside of the programme will be brought forward to Full Council separately.
- 4.3 A Constitution Review Working Group has been set up to provide a sounding board and discussion forum for the Monitoring Officer's proposed changes to the Constitution before they are submitted to Full Council. The Working Group is an advisory group with no formal decision making powers. It sits outside the Council's Constitution.
- 4.4 The membership of the Working Group is as follows:
- Leader of the Council
 - Chief Whip
 - Chair of Overview & Scrutiny Committee
 - Leader of the Opposition or nominated representative
 - Director of Legal & HR/Monitoring Officer
 - Head of Corporate Governance
 - Other Officers and/or Members may attend as appropriate depending upon the subject matter being discussed
- 4.5 The Monitoring Officer is proposing the following change to the Constitution.
- 4.6 At the moment, the Officers' Code of Conduct is not included in the Constitution. There is a gap in Part 5 where the document should be. The Officers' Code of Conduct does exist and forms part of the contracts of employment of Royal Borough of Greenwich staff. The Code is reviewed regularly and agreed with the recognised Trade Unions.
- 4.7 It is recommended that the existing version of the Officers' Code of Conduct in Appendix A is approved by Full Council for insertion into Part 5 of the Constitution.
- 4.8 In future, the Code will be taken to Full Council after each review for formal approval before being inserted in Part 5 of the Constitution.
5. **Available Options**
- 5.1 Approve the Officers' Code of Conduct in Appendix A for insertion into Part 5 of the Constitution.

5.2 Do nothing.

6. **Preferred Option**

6.1 Approve the Officers' Code of Conduct in Appendix A for insertion into Part 5 of the Constitution.

7. **Reasons for Recommendations**

7.1 If the recommendation is agreed, it will help to ensure that this part of the Constitution remains up to date and legally compliant. There will also be transparency about the standards of behaviour expected of Royal Borough of Greenwich staff.

8. **Consultation Results**

8.1 Consultation has taken place with the Constitution Review Working Group who were in support of the recommendation.

9. **Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
Legal including Human Rights Act	Section 9P of the Local Government Act 2000 requires local authorities to prepare and keep up to date constitutions containing their standing orders, code of conduct for members, any other information they considered appropriate and 'such information as the Secretary of State may direct'. Given that this report recommends changes to the Constitution, it requires approval by Full Council.	John Scarborough, Director of Legal & HR, 1 December 2021
Finance and other resources including procurement implications	There are no financial implications arising from this report.	Michael Bate Assistant Director of Corporate Finance 2 December 2021

Equalities	<p>The decision recommended through this paper has a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.</p> <p>The decision would contribute towards the Council’s Equality and Equity Charter and the Council’s Equality Objectives 2020-2024 by ensuring there is transparency around the standards of behaviour expected of Royal Borough of Greenwich staff, including equality and diversity requirements.</p>	<p>John Scarborough, Director of Legal & HR, 1 December 2021</p>
Climate change	<p>The report has no impact upon the Greenwich Carbon Neutral Plan agreed by Cabinet on 18 November 2020.</p>	<p>John Scarborough, Director of Legal & HR, 1 December 2021</p>

10. **Report Appendices**

10.1 The following documents are to be published with and form part of the report:

- Appendix A: Officers’ Code of Conduct

11. **Background Papers**

None.

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