

Report for:
ACTION

Item Number:

Contains Confidential or Exempt Information	NO
Title	Proposed changes to the council's constitution, including establishment of the Victoria Hall Trust Committee
Responsible Officer(s)	Director of Legal and Democratic Services
Author(s)	Helen Harris
Portfolio(s)	Leader
For Consideration By	Full council
Date to be Considered	2 nd March 2021
Implementation Date if Not Called In	Not applicable
Affected Wards	All
Keywords/Index	Constitution changes

Purpose of Report:

A report recommending changes to the council's constitution, relating to:

- Officer decision making powers in relation to Broadway Living Ltd and Broadway Living RP Limited,
- Cabinet portfolio holder responsibility for climate action, and
- Governance arrangements for the Victoria Hall Trust

1. Recommendations

That full council:

- 1.1 Considers the contents of this report,
- 1.2 Approves the changes to the constitution set out in the appendix,
- 1.3 Notes that the recommendations of this report, with regard to the Victoria Hall Trust, are put forward on the recommendation of the General Purposes Committee
- 1.4 Thanks the General Purposes Committee for its extensive and diligent work as the Victoria Hall Trust

- 1.5 Agrees that the new Victoria Hall Trust Committee has five councillor members and three independent fully voting members
- 1.6 Appoints Ms Dippy Chaudhary and Mr Ian Patterson as independent members of the Victoria Hall Trust Committee, both for a term of four years from 2nd March 2021, and
- 1.7 Authorises the Director of Legal and Democratic Services, following consultation with the party whips, to recruit and appoint a third independent member of the Victoria Hall Trust Committee, following an open recruitment process.

2. Reason for Decision and Options Considered

The Director of Legal & Democratic Services (DLDS) is responsible for keeping the constitution under review and making recommendations for change as and when appropriate. The changes proposed in this report are an outcome of that ongoing review.

The changes with regard to the Victoria Hall Trust are on the recommendation of the General Purposes Committee.

3. Key Implications

Cabinet responsibility for climate action

- 3.1 Climate action should be explicitly added to the portfolio responsibilities of the portfolio holder for Environment and Climate Action. The name of this portfolio (formerly Environment and Transport) was recently changed by the Director of Legal and Democratic Services under delegated powers. However, the functions and responsibilities require full council approval in order to be changed. This change reflects the shift in the council's priorities.

Broadway Living Ltd / Broadway Living RP Ltd

- 3.2 BL and BLRP will shortly be moving to full mobilisation phase. It's important that the council has the proper decision-making structures in place to manage its relationship on a day to day basis with both bodies. Accordingly, new powers are sought for the Director of Growth and Sustainability, who will be the lead "client" officer for BL and BLRP.

Victoria Hall Trust Committee

- 3.3 The Victoria Hall Trust ("Trust") dates from 1893. However, it was only recognised as still having legal status in 2017, as part of the due diligence process surrounding the Ealing Town Hall redevelopment proposals.
- 3.4 The Trust is not yet registered with the Charity Commission ("CC"). However, work is in hand with the CC to achieve registration. As part of that process, the CC has strongly recommended that the Trust takes its decisions in a way that demonstrates its independence from the council and the fact that the best

interests of the two entities are not always the same.

- 3.5** The council is the trustee of the Victoria Hall Trust, and since December 2017 the functions of trustee have been carried out by the General Purposes Committee (“GPC”). That committee has done an excellent job. However, in recognition of the need for greater independence, the CC has recommended that the business of the Trust is transacted by a body that is more independent from the council.
- 3.6** The future of the Victoria Hall Trust has been considered in detail by the GPC, and this report incorporates the recommendations of that committee.
- 3.7** It is proposed that the council sets up the Victoria Hall Trust Committee, which will have the trustee role as its sole purpose. The new committee will comprise five councillor members and three independent (ie. non-councillor) members with full voting rights. The new committee will be bound to act in the best interests of the Trust and bound by charity law.
- 3.8** Two independent members have already been recruited, following a full and open recruitment process, and the process to recruit a third is already underway. It is proposed that this process be managed by the Director of Legal and Democratic Services, and a new delegated power is proposed to enable this to happen. The new delegation will also enable future vacancies to be filled without the need to come back to full council.
- 3.9** Establishment of the new Victoria Hall Trust Committee will put in place a robust governance framework, to ensure the Trust is well placed to oversee the future of the Trust and its property into the future.

4. Financial

If the Victoria Hall Trust Committee meets more regularly than bi-monthly then it may be necessary to identify additional staffing resources to clerk and support it. There are no additional corporate resources available for that purpose, so it will be for Director of Growth and Sustainability and the Director of Legal and Democratic Services to identify resource from existing sources.

Other change proposals can be met from existing resources.

5. Legal

5.1 The Local Government Act 2000 (section 9P) requires that every council has a constitution. That constitution must contain:

- A copy of the council’s council and committee procedure rules (standing orders)
- A copy of the code of conduct for councillors
- Any information directed by the Secretary of State
- Any other information considered appropriate by the council

5.2 The constitution must be made available to the public. It is best practice to keep the constitution under review and therefore up to date; at Ealing that task is undertaken by the Director of Legal and Democratic Services, reporting to the Constitution Review Group and subsequently to full council.

5.3 Other legal implications are set out within the body of the report.

6. Value for Money

The proposals are designed to make the council operate more effectively and efficiently.

7. Sustainability Impact Appraisal

It is not envisaged that the proposals will have any sustainability impact. Accordingly, no formal appraisal has been carried out.

8. Risk Management

No issues.

9. Community Safety

No issues.

10. Links to the 3 Key Priorities for the Borough

The council's administration has three key priorities for Ealing. They are:

- Good, genuinely affordable homes
- Opportunities and living incomes
- A healthy and great place

11. Equalities, Human Rights and Community Cohesion

No issues.

12. Staffing/Workforce and Accommodation implications:

Arrangements for clerking the Victoria Hall Trust Committee will fall to the Democratic Services team. It is anticipated that it will be possible to carry out these responsibilities from within existing resources, dependent upon the number of meetings held. If additional meetings are required then discussions will be had with the Director of Growth and Sustainability and the committee, to identify resources to support the committee.

13. Property and Assets

No implications.

14. Consultation

Any changes to the constitution must be advertised in advance and account taken of responses received.

15. Timetable for Implementation

The proposed changes will come into effect immediately following this meeting.

16. Appendix

Appendix: details of the constitution changes proposed

17. Background Information

[Ealing Council constitution](#)

General Purposes Committee meeting 16th February 2021

Consultation

	Consultee	Date sent	Date response received	Paragraph in which comments appear
Internal	Constitution Review Group	28.01.2021	Email responses	
	General Purposes Committee	16.02.2021		Victoria Hall Trust proposals
	Chief Finance Officer			
External	All change proposals have been advertised on the council's internet site prior to consideration by full council			

Report History

Decision type:	Urgency item?
Non-key decision	No
Report no.:	Report author and contact for queries: Helen Harris

APPENDIX

Changes proposed to the constitution

	Constitution reference	Existing wording	Proposed wording
1	Part 3 (Responsibility for functions), section 3 (responsibility for cabinet functions)	Climate action is not currently referenced in the responsibilities of any cabinet portfolio, though it is referenced in the title.	Cabinet portfolio holder for Environment and Climate Action. Add to the Role and Service Responsibilities and Functions: <ul style="list-style-type: none"> Climate Action
2	Part 8, section 5.3 (Officer	New power	<u>PART VI: Housing commissioning and development</u>

	Delegated Powers, Director of Growth and Sustainability)		To carry out the functions of client and supervising officer, in relation to Broadway Living Limited and (insofar as required) Broadway Living RP Limited.
3	Part 2 (articles of the constitution) , new article 8.04	New article 8.04	<p><u>8.04 Victoria Hall Trust Committee</u></p> <p>To carry out the functions of the council as charity trustee with regard to Victoria Hall Trust.</p> <p>To carry out those functions:</p> <ul style="list-style-type: none"> - in the best interests of the Trust, - in accordance with charity law, - in compliance with the Trust Scheme objectives, and - having due regard to relevant guidance and advice issued by the Charity Commission. <p>The committee will appoint independent members with full voting powers but will be chaired by a councillor.</p>
4	Part 3 (Responsibility for functions) Section 2	New committee	<p><u>Victoria Hall Trust Committee</u></p> <p>To carry out the functions of the Victoria Hall Trust.</p> <p>To carry out those functions:</p> <ul style="list-style-type: none"> - in the best interests of the Trust, - in accordance with charity law, - in compliance with the Trust Scheme objectives, and - having due regard to relevant guidance and advice issued by the Charity Commission from time to time. <p>The committee will have five councillor members and three independent members with full voting powers but will operate with a quorum of three.</p>
5	Part 8, section 3.4 (officer delegated powers, Director of Legal and Democratic Services)	New power	Add the following new delegated power: “29. Following consultation with the party whips, to recruit and appoint independent members to any council committees or bodies that require them”.