

GENERAL PURPOSES COMMITTEE

Wednesday, 8 March 2017 at 7.00 p.m.

**MP701, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG.**

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

Contact for further enquiries:

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agenda:




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3. REPORTS FOR CONSIDERATION

**3.4 Tower Hamlets Constitution - Part 3 Responsibility for Functions –
Proposed Changes 1 - 214**

As the Council is operating Executive arrangements then it must have a Constitution and it must also ensure that this Constitution is kept up-to-date. It is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer 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 of the Constitution.

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>8th March 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Graham White, Acting Corporate Director, Governance and Acting Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Tower Hamlets Constitution - Part 3 Responsibility for Functions – Proposed Changes</p>	

Originating Officer(s)	Paul Greeno
Wards affected	All

Summary

As the Council is operating Executive arrangements then it must have a Constitution and it must also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15.01(a) of the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer 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 of the Constitution.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Agree the revised Part 3 Responsibility for Functions of the Constitution as set out in Appendices 2 through to 10; and
3. Note that the revisions to the Constitution will go to Council for approval

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The Constitution has been updated from time to time: the last time being 28 January 2015. It has not, however, undergone a thorough review for some time and therefore decisions taken by the Council since 28 January 2015 as well as changes in legislation or corrections of matters of fact have not been incorporated.
- 1.4 A full review of the Constitution is thereby being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.

2. ALTERNATIVE OPTIONS

- 2.1 General Purposes Committee could decide not to agree the proposed changes.

3. DETAILS OF REPORT

The Purpose of the Review

- 3.1 As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer 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 the Constitution.
- 3.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.

- 3.3 The Constitution has been updated from time to time: the last time being on 28 January 2015. This is the latest version that has been published on the Council's website. The Constitution has not, however, undergone a thorough review for some time and therefore a number of changes in legislation or fact have not been incorporated. A full review of the Constitution is thereby being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 3.4 The review is ongoing but has been completed in respect of Parts 1 to 3, some of the Procedure Rules in Part 4 and some of the Codes of Conduct in Part 5 but due to the scale and scope, it has been decided to present amendments in bite size chunks for ease of reference and this report is considering Part 3 only.

Monitoring Officer Review

- 3.5 As to the completed part of the review in respect of Part 3, 294 changes have been identified. A spreadsheet has been prepared (see Appendix 1) that sets out the revision and the reason for it. The entry numbering of the revisions that is 1 and 2 and then 113 to 404 reflects the fact that numbers 3 to 112 relate to revisions made to earlier parts of the Constitution.
- 3.6 There are a number of changes (referred to in entry number 1) that have been made and the purpose of which is to correct grammar (e.g. the addition of the definite article), numbering corrections, or typographical errors and due to the nature of the changes that have been made, these have not specifically recorded in the spreadsheet at Appendix 1. Further all changes reflecting the Council's recent structural change (see entry number 2) have not been individually recorded.
- 3.7 In respect of entry number 331, this change has previously gone to full Council and been approved.
- 3.8 The majority of the changes reflect either changes in legislation or changes to correct matters of fact. There are more substantive changes however and these are set out below.

Part 3.3

- 3.9 Part 3.3 of the Constitution contains the Terms of Reference for Council and non-executive Committees (including Sub-Committees (with certain exceptions: e.g. Licensing Sub-Committee) and Boards of those Committees); other Boards and Panels; and Joint Committees. A number of tidying up changes have been made to these Terms of Reference but the substantive changes are:
- (a) Licensing Committee Delegations – currently all Licensing functions in respect of determination of applications where there are no objections are delegated to the Corporate Director, Place. The one exception to this is SEV Licensing. The proposed change is to also

delegate that function to the Corporate Director, Place where there are no objections.

- (b) Substitutes – rather than up to 3 substitutes for each, Member it is now 3 substitutes per political group. The primary reason for this is that most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training.
- (c) Licensing Committee – the Terms of Reference have been updated to better reflect the work actually undertaken by the Committee.

Part 3.8

- 3.10 This relates to Delegated Decision Making – General Principles and the review of this Part revealed weaknesses regarding efficiency, transparency and accountability. The proposed changes set out in greater detail those general principles that apply when officers make decisions. Entry numbers 341 to 355 in the spreadsheet at Appendix 1 refer.

Part 3.10

- 3.11 This relates to Proper Officers. Certain statutes require the appointment of specific officers referred to as ‘proper officers’ to carry out specific functions and which are set out in Part 3.10 of the Constitution. When reviewing this part of the Constitution, it was noted that a number of proper officer functions were missing and these have now been included.
- 3.12 Appendices 2 through to 10 sets out all the changes made to Part 3 shown as tracked changes.

Consideration by the Constitutional Working Party

- 3.13 This Constitution Review has been discussed at the Governance Review Working Group where it was noted that to take this review forward, reports will go to General Purposes and Full Council.
- 3.14 It was also agreed that prior to those reports going forward, it would be useful for these changes to be discussed with Members and a Constitutional Working Party was formed to which all political groups were invited to attend. These revisions to Part 3 were discussed at a Constitutional Working Party meeting on 27th February 2017 and the changes proposed were agreed at that meeting.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The Chief Finance Officer has been consulted on this report and has no additional comments to make; there are no financial implications as a result of the proposed changes to the Constitution set out in this report.

5. LEGAL COMMENTS

- 5.1 Any legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency and accountability. In making the revisions to increase efficiency, transparency and accountability of decision making this should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 As a best value authority, the Council has an obligation under section 3 of the Local Government Act 1999 to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (the best value duty). Whilst the report does not propose any direct expenditure, it is looking to put in place arrangements in the exercise of its functions having regard to efficiency and thereby also economy and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 This proposed revision of the Constitution is designed to address weaknesses regarding efficiency, transparency and accountability. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Spreadsheet of Revisions
- Appendix 2 – Revised Part 3.1.1 with the revisions shown as tracked changes
- Appendix 3 – Revised Parts 3.1.2 to 3.2 with the revisions shown as tracked changes
- Appendix 4 – Revised Part 3.3 with the revisions shown as tracked changes
- Appendix 5 – Revised Part 3.4 with the revisions shown as tracked changes
- Appendix 6 – Revised Parts 3.5 to 3.6 with the revisions shown as tracked changes
- Appendix 7 – Revised Parts 3.7 to 3.8 with the revisions shown as tracked changes
- Appendix 8 – Revised Part 3.9 with the revisions shown as tracked changes
- Appendix 9 – Revised Part 3.10 with the revisions shown as tracked changes
- Appendix 10 – Revised Parts 3.11 and 3.12 with the revisions shown as tracked changes

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- None.

Officer contact details for documents:

- N/A

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
1				All	Minor changes to correct grammar (e.g. the addition of the definite article), numbering or typographical errors and due to the nature of the change have been made and not specifically recorded in this spreadsheet	Factual change
2				All	Where appropriate changes to the names of the Directorates to reflect the new Corporate Structure	Factual change
113				3.1.1.1 A Entry No. 9	Addition of words "[Section 76 has been repealed and the Regulations have been revoked and replaced with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184)]2	Legislative change - to show legislative change
114				3.1.1.1 A Entry No. 15	Addition of words "[The Regulations have been revoked and replaced with the Town and Country Planning (Control of Advertisements) (England) Order 2007 (S.I. 2007/783)]"	Legislative change - to show legislative change
115				3.1.1.1 A Entry No. 25	Deletion of entry no. 25	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
116				3.1.1.1.A Entry No. 26	Deletion of the words "and conservation area consent."	Legislative change - reflect amendment to this entry by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
117				3.1.1.2.B Entry No. 3	Deletion of words "Greater London Authority functions" and replace with the words "this function is performed by Transport for London (the Public Carriage Office)"	Factual change - reflects that such licensing now undertaken by Transport for London (the Public Carriage Office)
118				3.1.1.2.B Entry No. 4	Deletion of words "Greater London Authority functions" and replace with the words "this function is performed by Transport for London (the Public Carriage Office)"	Factual change - reflects that such licensing now undertaken by Transport for London (the Public Carriage Office)

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119				3.1.1.2.B Entry No. 5	Deletion of words "Greater London Authority functions" and replace with the words "this function is performed by Transport for London (the Public Carriage Office)"	Factual change - reflects that such licensing now undertaken by Transport for London (the Public Carriage Office)
120				3.1.1.2.B Entry No. 6	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
121				3.1.1.2.B Entry No. 7	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
122				3.1.1.2.B Entry No. 8	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
123				3.1.1.2.B Entry No. 9	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
124				3.1.1.2.B Entry No. 10	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
125				3.1.1.2.B Entry No. 11	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
126				3.1.1.2.B Entry No. 12	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
127				3.1.1.2.B Entry No. 13	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
128				3.1.1.2.B Entry No. 14	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
129				3.1.1.2.B Entry No. 14A	Removal of words "Functions relating to licensing" and replace with words "Any function of a licensing authority"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
130				3.1.1.2.B Entry No. 14A	Removal of words "Sections 5 to 8 of the" before the words "Licensing Act 2003" and additions of with words "Any function of a licensing authority" after the words "Licensing Act 2003"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
131				3.1.1.2.B Entry No. 14AZA	New entry	Legislative change - reflects new entry inserted by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

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132				3.1.1.2.B Entry No. 14AB	Replace existing words in 1st column with the words "Functions relating to exchange of information"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
133				3.1.1.2.B Entry No. 14AC	Replace existing words in 1st column with the words "Functions relating to occasional use notices"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
134				3.1.1.2.B Entry No. 15	The addition of the words the Council "[On 26 March 2014 the Council of London Borough of Tower Hamlets resolved that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 shall apply in the London Borough of Tower Hamlets area and which shall come into force on 1 June 2014 and therefore this power relates to all sex establishments (i.e. a sexual entertainment venue, sex cinema, a hostess bar, or a sex shop)]"	Legislative change - to show legislative change
135				3.1.1.2.B Entry No. 15	Addition of the words "If objection -" before the words "Licensing Committee" and after the words "Licensing Committee" add the words "If no objection - Corporate Director, Place"	Factual change - for consistency as in all other Licensing functions in respect of determination of applications that where there are no objections, the Corporate Director, Place has delegated authority
136				3.1.1.2.B Entry No. 17	Removal of the words "London Local Authorities Act 1991" and replace with words "Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
137				3.1.1.2.B Entry No. 17	Addition of the words "[The Council of London Borough of Tower Hamlets adopted the provisions of Part II of the London Local Authorities Act 1991 to become effective from 13 July 1992 and therefore it is this legislation that contains the power to Licence]"	Factual change - reflects the correct legislation for such licensing

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138				3.1.1.2.B Entry No. 20	Addition of words "Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982,"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
139				3.1.1.2.B Entry No. 20	Addition of words "[The Council of London Borough of Tower Hamlets adopted the provisions of Part III of the London Local Authorities Act 1990 to become effective from 11 March 1991 and therefore it is this legislation that contains the power to Licence]"	Factual change - reflects the correct legislation for such licensing
140				3.1.1.2.B Entry No. 21	Removal of words "Licensing Act 2003" and replace with words "Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
141				3.1.1.2.B Entry No. 21	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
142				3.1.1.2 B Entry No. 22	Deletion of entry no. 22	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
143				3.1.1.2 B Entry No. 23	Addition of words "[These provisions have been repealed and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
144				3.1.1.2 B Entry No. 23	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
145				3.1.1.2 B Entry No. 25	Addition of the words "[This area of law is now governed by the Scrap Metal Dealers Act 2013]"	Legislative change - to show legislative change
146				3.1.1.2 B Entry No. 28	Addition of words "[This Act has been repealed and this is no longer a function undertaken by local authorities.]"	Legislative change - to show legislative change
147				3.1.1.2 B Entry No. 34	Addition of words "[These provisions have been repealed and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
148				3.1.1.2 B Entry No. 34	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
149				3.1.1.2 B Entry No. 36	Addition of words "[The Regulations were revoked by the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)]"	Legislative change - to show legislative change
150				3.1.1.2 B Entry No. 36	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
151				3.1.1.2 B Entry No. 37	Addition of words "[The Regulations have been revoked and such applications are now under the Commons Registration (England) Regulations 2014 (S.I. 2014/3038)]"	Legislative change - to show legislative change
152				3.1.1.2 B Entry No. 42	Addition of words "[This Act has been repealed]"	Legislative change - to show legislative change
153				3.1.1.2 B Entry No. 43	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
154				3.1.1.2 B Entry No. 43	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
155				3.1.1.2 B Entry No. 44	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
156				3.1.1.2 B Entry No. 44	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
157				3.1.1.2 B Entry No. 45	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
158				3.1.1.2 B Entry No. 45	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
159				3.1.1.2 B Entry No. 46	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
160				3.1.1.2 B Entry No. 46	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
161				3.1.1.2 B Entry No. 56	Addition of words "[This Act has been repealed and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
162				3.1.1.2 B Entry No. 56	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
163				3.1.1.2 B Entry No. 57	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
164				3.1.1.2 B Entry No. 58	Delete the word "Products" and replace with the word "Preparations"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
165				3.1.1.2 B Entry No. 58	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
166				3.1.1.2 B Entry No. 59	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
167				3.1.1.2 B Entry No. 60	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
168				3.1.1.2 B Entry No. 61	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
169				3.1.1.2 B Entry No. 62	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
170				3.1.1.2 B Entry No. 63	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
171				3.1.1.2 B Entry No. 64	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
172				3.1.1.2 B Entry No. 65	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
173				3.1.1.2 B Entry No. 66	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
174				3.1.1.2 B Entry No. 67	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
175				3.1.1.2 B Entry No. 68	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
176				3.1.1.2 B Entry No. 69	Addition of words "[Repealed by virtue of section 35 of the London Local Authorities Act 2007 as the Council has resolved under section 2 of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act of 1982 as amended by section 27 of the Policing and Crime Act 2009 is to apply to its area]"	Legislative change - to show legislative change
177				3.1.1.2 B Entry No. 71	Addition of words "[This area of law is now governed by the Scrap Metal Dealers Act 2013]"	Legislative change - to show legislative change
178				3.1.1.2 B Entry No. 72	Addition of words "[The Regulations have been revoked and the Commons Registration (England) Regulations 2014 (S.I. 2014/3038) are now the appropriate Regulations]"	Legislative change - to show legislative change

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
179				3.1.1.2 B Entry No. 73	Deletion of entry no. 73	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
180				3.1.1.2 B Entry No. 74	Deletion of entry no. 74	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
181				3.1.1.4 D Entry No. 2	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
182				3.1.1.4 D Entry No. 3	Deletion of the words "Not applicable to London borough councils" and replace with the word "Council"	Legislative change - reflects the fact that following amendments by the the Local Government and Public Involvement in Health Act 2007 this does now apply to London Boroughs
183				3.1.1.4 D Entry No. 4	Deletion of the words "Not applicable to London borough councils" and replace with the word "Council"	Legislative change - reflects the fact that following amendments by the the Local Government and Public Involvement in Health Act 2007 this does now apply to London Boroughs
184				3.1.1.4 D Entry No. 5	Deletion of the words "Not applicable to London borough councils" and replace with the word "Council"	Legislative change - reflects the fact that following amendments by the the Local Government and Public Involvement in Health Act 2007 this does now apply to London Boroughs
185				3.1.1.4 D Entry No. 8	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
186				3.1.1.4 D Entry No. 9	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
187				3.1.1.4 D Entry No. 10	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
188				3.1.1.4 D Entry No. 11	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
189				3.1.1.4 D Entry No. 13	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
190				3.1.1.4 D Entry No. 14	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
191				3.1.1.4 D Entry No. 17	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
192				3.1.1.4 D Entry No. 18	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
193				3.1.1.4 D Entry No. 19	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
194				3.1.1.4 D Entry No. 20	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
195				3.1.1.4 D Entry No. 22	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
196				3.1.1.6 EB Entry No. 1	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
197				3.1.1.6 EB Entry No. 2	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
198				3.1.1.6 EB Entry No. 3	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
199				3.1.1.6 EB Entry No. 4	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
200				3.1.1.6 EB Entry No. 5	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words

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201				3.1.1.6 EB Entry No. 6	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
202				3.1.1.6 EB Entry No. 7	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
203				3.1.1.6 EB Entry No. 8	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
204				3.1.1.6 EB Entry No. 9	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
205				3.1.1.11 I Entry No. 1	Deletion of word "or" before word "bridleway" and addition of words "or restricted byway" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
206				3.1.1.11 I Entry No. 2	Deletion of word "and" before word "bridleway" and addition of words "and restricted byways" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
207				3.1.1.11 I Entry No. 4	Deletion of word "and" before word "bridleway" and addition of words "and restricted byways" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
208				3.1.1.11 I Entry No. 5	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
209				3.1.1.11 I Entry No. 8	Deletion of word "and" before word "bridleway" and addition of words "and restricted byways" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
210				3.1.1.11 I Entry No. 14	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
211				3.1.1.11 I Entry No. 15	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
212				3.1.1.11 I Entry No. 19	Deletion of word "or" before word "bridleway" and addition of words "or restricted byway" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
213				3.1.1.11 I Entry No. 20	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
214				3.1.1.11 I Entry No. 21	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
215				3.1.1.11 I Entry No. 27	Deletion of entry no. 27	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
216				3.1.1.11 I Entry No. 30	Addition of the words "[The correct year of the Act is 1985 and not 1981 as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000]"	Factual change - to reflect actual legal position
217				3.1.1.11 I Entry No. 31	Deletion of word "or" before word "bridleway" and addition of words "or restricted byway" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
218				3.1.1.11 I Entry No. 35	Addition of words "[This area of law is now governed by the Marine and Coastal Access Act 2003]"	Legislative change - to show legislative change
219				3.1.1.11 I Entry No. 37	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
220				3.1.1.11 I Entry No. 42	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
221				3.1.1.11 I Entry No. 44B	Addition of words "[This area of law is now governed by the Paragraphs 11 and 13A of Schedule 1A to the Local Government Act 2000]"	Legislative change - to show legislative change
222				3.1.1.11 I Entry No. 45	Addition of words "[This area of law is now governed by the Accounts and Audit Regulations 2015 (S.I. 2015/ 234)]"	Legislative change - to show legislative change
223				3.1.1.11 I Entry No. 47	Addition of words "[The correct name of the Regulations is the Town and Country Planning (Trees) Regulations 1999 and not as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000]"	Factual change - to reflect actual legal position
224				3.1.1.11 I Entry No. 47	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
225				3.1.1.11 I Entry No. 49	Addition of words "[Replaced by public spaces protection orders under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014]"	Legislative change - to show legislative change

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
226				3.1.1.11 I Entry No. 50	Addition of words "[Repealed by the Police Reform and Social Responsibility Act 2011]"	Legislative change - to show legislative change
227				3.1.2 Entry No. 2	Deletion of entry no. 2	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
228				3.1.2 Entry No. 3	Deletion of entry no. 3	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
229				3.1.2 Entry No. 4	Deletion of entry no. 4	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
230				3.1.2 Entry No. 5	Deletion of entry no. 5	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
231				3.1.2 Entry No. 6	Deletion of entry no. 6	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is no longer a local authority function
232				3.1.2 Entry No. 7	Deletion of entry no. 7	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
233				3.1.2 Entry No. 8	Deletion of entry no. 8	Factual change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
234				3.1.2 Entry No. 9	Deletion of entry no. 9	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
235				3.1.2 Entry No. 12	Replace the word "Policies" with "Measures"	Legislative change - reflects that the power in section 5 is about steps that Council can take as opposed to creating policy
236				3.1.2 Entry No. 12	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
237				3.1.2 Entry No. 13	Deletion of entry no. 13	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
238				3.1.2 Entry No. 14	Deletion of entry no. 14	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
239				3.1.2 Entry No. 21	Deletion of entry no. 21	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
240				3.1.2 Entry No. 23	Replace Part "VI" with Part "IV"	Factual change - to reflect actual legal position as Part IV is relevant Part of Act
241				3.1.2 Entry No. 24	Deletion of entry no. 24	Factual change - no such power
242				3.1.2 Entry No. 28	Replace "1955" with "1956"	Factual change - to reflect actual year of Act
243				3.1.2 Entry No. 29	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
244				3.1.2 Entry No. 31	Deletion of entry no. 31	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
245				3.1.2 Entry No. 32	Deletion of entry no. 32	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
246				3.1.2 Entry No. 34	Deletion of entry no. 34	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
247				3.1.2 Entry No. 36	Deletion of entry no. 36	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
248				3.1.2 Entry No. 37	Deletion of entry no. 37	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
249				3.1.2 Entry No. 38	Deletion of entry no. 38	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
250				3.1.2 Entry No. 41	Deletion of entry no. 41	Factual change - duplication with entry no. 12
251				3.1.2 Entry No. 42	Deletion of entry no. 42	Legislative change - reflect the fact that all section 4 does is amend section 19 of the Greater London Council (General Powers) Act 1972

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
252				3.1.2 Entry No. 43	Deletion of entry no. 43	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
253				3.1.2 Entry No. 44	Deletion of entry no. 44	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
254				3.1.2 Entry No. 47	Former entry no. 47 and which is now no. 26 addition of words "in cemeteries"	Factual change - reflect the fact that these words are missing
255				3.1.2 Entry No. 52	Former entry no. 52 and which is now no. 31 addition of word "water"	Factual change - reflect the fact that section 19 was amended by section 4 of the London Local Authorities Act 1990 (No. 2)
256				3.1.2 Entry No. 59	Deletion of entry no. 59	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and function no longer exists
257				3.1.2 Entry No. 73	Deletion of entry no. 73	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and function no longer exists
258				3.1.2 Entry No. 77	Replace section "44" with section "45"	Factual change - to reflect actual legal position as section 45 is relevant section of Act
259				3.1.2 Entry No. 81	Replace section "69" with section "61"	Factual change - to reflect actual legal position as section 61 is relevant section of Act
260				3.1.2 Entry No. 83	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
261				3.1.2	Sorting all remaining Local Act functions into alphabetical name and year of Act	Factual change - for ease of reference
262				3.1.2	Re-numbering entries 1 through to 60	Factual change - reflects that entries have been deleted and remaining entries sorted
263				3.1.3 Entry No. 1	Addition of words "As per paragraph 2 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
264				3.1.3 Entry No. 1	Addition of words "Corporate Director, Law, Probity and Governance"	Factual change - reflects Part 1 Article 14.03 of the Constitution and which provides "The Corporate Director, Law, Probity and Governance is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where s/he considers such action is necessary to protect the Council's interests. S/he may designate nominated officers to carry out this function on her/his behalf"
265				3.1.3 Entry No. 2	Deletion of "Subsection (1) of Section 67 of, and Schedule 18 to the School Standards and Framework Act 1998 " and replace with "Section 51A of the Education 2002 and Regulations made thereunder "	Legislative change - to show legislative change
266				3.1.3 Entry No. 6	Delete "1990" and replace with "1999"	Factual change - to reflect actual legal position as 1999 is year of Act
267				3.1.3 Entry No. 8	Addition of words "As per paragraph 19 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations
268				3.1.3 Entry No. 9	Addition of words "As per paragraph 20 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations
269				3.1.3 Entry No. 9	Deletion of words "the Local Authorities (Functions & Responsibilities) (Amendment) Regulations 2001 (SI 2212)"	Factual change - superfluous words
270				3.1.3 Entry No. 12	Addition of words "Environmental Protection Act 1990 - Section 80"	Factual change - stating legislative function
271				3.1.3 Entry No. 16	Deletion of entry no. 16	Legislative change - reflect the fact that the relevant legislation has been repealed
272				3.2 (heading "General")	Addition of words "29 April 2015 and 16 January 2017"	Factual change - reflect that Directions of 29 April 2015 and 16 January 2017 apply
273				3.2.2	Addition of words "As per paragraph 19 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations
274				3.2.4	Addition of words "29 April 2015 and 16 January 2017"	Factual change - reflect that Directions of 29 April 2015 and 16 January 2017 apply

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
275				3.3 (heading "Council and Committees/ other bodies")	Add index with headings	Factual change - for ease of reference
276				3.3 (generally)	Details of Appeals Committee and Human Resources Committee removed as now incorporated into new General Purposes Committee	Factual change - to reflect decision of full Council
277				3.3 (generally)	Details of King George's Fields Charity Board has been deleted and moved to Part 3.4	Factual change - this is an Executive Body and should therefore be included as part of the Executive
278				3.3.1	Number functions 1 through to 4 and place in separate table cell	Factual change - for ease of reference
279				3.3.1	In the delegation of functions cell addition of the word "the" before the word "Constitution"	Factual change - addition of a determiner
280				3.3.2	Under "Membership" add the words "each political group may appoint" and delete the words "may be appointed for each Councillor Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
281				3.3.2	Removal of words "section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act" and addition of words "sections 9F to 9FI of the Local Government Act 2000; or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters)"	Legislative change - to reflect changes in legislation
282				3.3.3	Replace existing 3.3.3 with Terms of Reference for Overview and Scrutiny Grants Sub-Committee	Factual change - addition of Terms of Reference for a newly created Overview and Scrutiny Sub-Committee
283				3.3.3 (Paragraph 3)	In the heading add the words "Chair and" before the word Membership	Factual change - reflects the fact that this paragraph also sets out who Chairs the Sub-Committee

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284				3.3.3 (Paragraph 3.1)	Delete the words "The membership of the Grants Sub-Committee will consist of the Chair of Overview and Scrutiny (or his nominated Deputy) as Chair of the Grants Sub-Committee, with the composition consisting of three (3) Members of the Overview and Scrutiny Committee from the administration and one (1) each from the opposition parties (five (5) in total)" and replace with the words "Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Chair of the Overview and Scrutiny Committee (or his/her nominated Deputy). The membership of the Grants Scrutiny Sub-Committee will be selected at the Annual General Meeting"	Factual change - for consistency, reflects the wording of the Terms of Reference for the Housing Scrutiny Sub-Committee
285				3.3.4	Replace existing 3.3.4 with Terms of Reference for Health Scrutiny Sub-Committee	Factual change - addition of Terms of Reference for this Overview and Scrutiny Sub-Committee with other Sub-Committees for Overview and Scrutiny
286				3.3.5	Replace existing 3.3.5 with Terms of Reference for Overview and Scrutiny Grants Sub-Committee	Factual change - addition of Terms of Reference for a newly created Overview and Scrutiny Sub-Committee
287				3.3.6	Replace existing 3.3.6 with Terms of Reference for Audit Committee	Factual change - sorting Committees etc. alphabetically
288				3.3.6	Number functions 1 through to 10 and place in separate table cell	Factual change - for ease of reference
289				3.3.6	After the words "Regulations 2011" add the words "(where savings provisions apply) and the Accounts and Audit Regulations 2015"	Legislative change - reflect the fact that the 2011 Regulations have been repealed and 2015 Regulations now in force (although there are savings provisions)
290				3.3.6	In Functions cell add a new functions at 10 as follows: "Pursuant to section 7 of the Local Audit and Accountability Act 2014 to appoint a local auditor to audit the Council's accounts"	Legislative change - reflect that the relevant part of section 7 of the Local Audit and Accountability Act 2014 came into force from 01/04/2015

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291				3.3.7	Replace existing 3.3.7 with Terms of Reference for Development Committee	Factual change - sorting Committees etc. alphabetically
292				3.3.7	Number functions 1 through to 3 and place in separate table cell	Factual change - for ease of reference
293				3.3.8	Replace existing 3.3.8 with Terms of Reference for Strategic Development Committee	Factual change - sorting Committees etc. alphabetically
294				3.3.9	Replacing existing 3.3.9 with Terms of Reference for Freedom of the Borough Ad Hoc Panel	Factual change - sorting Committees etc. alphabetically
295				3.3.10	Replace existing 3.3.10 with Terms of Reference for General Purposes Committee (these are the Terms of Reference for the new GP Committee incorporating the Human Resources and Appeals Committees)	Factual change - sorting Committees etc. alphabetically
296				3.3.10	Function 14 add "(b) In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part 2, Article 12.06(c)(ii) of this Constitution"	Factual change - Allows Chief Executive where s/he does not consider it appropriate to exercise his/ her power in cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council under Part 2, Article 12.06(c)(ii) of this Constitution to refer the matter to an extraordinary General Purposes Committee
297				3.3.11	Replace existing 3.3.11 with Terms of Reference for Licensing Committee	Factual change - sorting Committees etc. alphabetically
298				3.3.11	Number functions 1 through to 6 and place in separate table cell	Factual change - for ease of reference
299				3.3.11	Replace function 1 with: "To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act"	Factual change - separates licensing functions under Licensing Act 2003 and Gambling Act 2005

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
300				3.3.11	Replace function 2 with: "To establish Sub-Committees to consider and determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, objections to temporary event notices and any applications requiring a hearing under the Licensing Act 2003 and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act"	Factual change - specifically refers to the Licensing Committee setting up Sub-Committees to consider application under Licensing Act 2003 and Gambling Act 2005
301				3.3.11	Replace function 3 with: "To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005"	Factual change - rewording of function 6 to make clear that the statements of licensing policy to be considered are under Licensing Act 2003 and Gambling Act 2005
302				3.3.11	Replace function 4 with: "To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005"	Factual change - this wording was formerly at function 3
303				3.3.11	Replace function 5 with: "To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) regarding the control of sex establishments within the Borough"	Factual change - specific reference made for SEV Licensing
304				3.3.11	Delete the word "None" and replace with "The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame"	Factual change - for consistency as in all other Licensing functions in respect of determination of applications that where there are no objections, the Corporate Director, Place has delegated authority

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305				3.3.11	Replace function 6 with: "To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn"	Factual change - specific reference made for special treatment Licensing
306				3.3.11	New function 7: "To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution where the Function has been specifically delegated to the Licensing Committee"	Factual change - ensure that all other miscellaneous licensing functions are covered
307				3.3.11	New function 8: "To determine fees and charges for the issue, approval, consent, license, permit or other registration in respect of Licensing and Registration Functions as set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution for which the Committee has responsibility"	Factual change - reflects that the Licensing Committee determines appropriate fees and charges
308				3.3.12	Replace existing 3.3.12 with Terms of Reference for Pensions Committee	Factual change - sorting Committees etc. alphabetically
309				3.3.13	Replace existing 3.3.13 with Terms of Reference for Pensions Board	Factual change - reflect the fact that there is now a Pensions Board
310				3.3.14	Replace existing 3.3.14 with Terms of Reference for Standards Advisory Committee	Factual change - sorting Committees alphabetically

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311				3.3.14 (Paragraph 3.1(a))	Addition of the words "comprising at least three (3) different Members of the Standards Advisory Committee (comprising two (2) of the co-opted members and one (1) Councillor)" between the words "Standards Advisory Committee" and "which shall make"	Factual change - the Investigation and Disciplinary Sub-Committee does not have a stated Membership or quorum and therefore this will be the same as the Hearings (Appeal) Sub-Committee
312				3.3.15	Replace existing 3.3.15 with Terms of Reference for Adoption Panel	Factual change - sorting Boards and Panels alphabetically
313				3.3.15	Replacing prior Terms of Reference for Adoption Panel for the current agreed terms	Factual change - updating Terms of Reference for current Terms
314				3.3.16	Replace existing 3.3.16 with Terms of Reference for Children's Social Care Complaint Review Panel	Factual change - sorting Boards and Panels alphabetically
315				3.3.16	Updating Terms of Reference by deleting reference to Adult Services and referencing new Regulations requiring Panel to consist of 3 independent persons and what its purpose is	Legislative change - to show that statutory requirement is only in respect of Children's Social Care and to properly reflect what the actual legal requirements are
316				3.3.17	Replace existing 3.3.17 with Terms of Reference for Private Fostering Panel	Factual change - sorting Boards and Panels alphabetically
317				3.3.17	Replacing prior Terms of Reference for Private Fostering Panel for the current agreed terms	Factual change - updating Terms of Reference for current Terms
318				3.3.18	Replace existing 3.3.18 with Terms of Reference for Safeguarding Adults Board	Factual change - sorting Boards and Panels alphabetically
319				3.3.18	Replacing prior Terms of Reference for Safeguarding Adults Board for the current agreed terms	Factual change - updating Terms of Reference for current Terms
320				3.3.19	Replace existing 3.3.19 with Terms of Reference for Safeguarding Children's Board	Factual change - sorting Boards and Panels alphabetically
321				3.3.19	Replacing prior Terms of Reference for Safeguarding Children's Board for the current agreed terms	Factual change - updating Terms of Reference for current Terms
322				3.3.20	Replace existing 3.3.20 with Terms of Reference for School Admissions Forum	Factual change - sorting Boards and Panels alphabetically
323				3.3.20	Replacing prior Terms of Reference for School Admissions Forum for the current agreed terms	Factual change - updating Terms of Reference for current Terms

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324				3.3.21	Replace existing 3.3.21 with Terms of Reference for Secure Accommodation Panel	Factual change - sorting Boards and Panels alphabetically
325				3.3.21	Replacing prior Terms of Reference for Secure Accommodation Panel for the current agreed terms	Factual change - updating Terms of Reference for current Terms
326				3.3.22	Replace existing 3.3.22 with Terms of Reference for Standing Advisory Council on Religious Education (SACRE)	Factual change - sorting Boards and Panels alphabetically
327				3.3.22	Updating Terms of Reference for Standing Advisory Council on Religious Education (SACRE) to include number of and, where appropriate, a breakdown of the existing members and including the co-opted non-voting member	Factual change - updating Terms of Reference
328				3.3.23	Replace existing 3.3.23 with Terms of Reference for Tower Hamlets Health and Wellbeing Board	Factual change - sorting Boards and Panels alphabetically
329				3.3.23	Replacing prior Terms of Reference for Tower Hamlets Health and Wellbeing Board for the current agreed terms	Factual change - updating Terms of Reference
330				3.3.24 to 3.30	New entry	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be moved to Part 3 of the Constitution. Also that Joint Committee of Six Growth Boroughs has replaced the Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs
331	Council	05/12/2016	1.2	3.4	Addition of Terms of References for King George's Field Charity Board and Grants Determination Sub-Committee	Factual change - reflect fact that these are also Executive committees
332				3.5	Addition of the words "Chief Executive And" in the heading	Factual change - reinforcing the role of the Chief Executive
333				3.5.3	Addition of words "Part 8 of" between the words "in" and "this" in the last line of this Part	Factual change - reflect that this relates to the Part B of the Scheme of Management (Departmental Delegations) as set out at Part 8 of this Constitution

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
334				3.5.5	Addition of words "save where prohibited by law." at the end of the last line of this Part	Factual change - emphasis that this power cannot be exercised where legislation prohibits
335				3.7.2	Delete bulleted points "• policies, plans and programmes approved by or on behalf of the Council; • budget and policy framework and executive procedural rules; • officer employment procedural rules; • contract and financial procedural rules; • any statutory restrictions, statutory guidance/circulars or statutory code of practice"	These points should be expanded to better reflect those matters that officers should take into account when exercising delegated functions
336				3.7.2	Add bulleted points "• The Budget and Policy Framework; • The approved Budget; • The relevant Procedure Rules set out in Part 4 of this Constitution; • Policies, plans and programmes that have been approved on or on behalf of the Council; • Any instructions given by the Chief Executive; • Any financial advice given by the Corporate Director of Resources; • Any legal advice given by the Corporate Director of Governance; • Any statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Council or the Mayor and Executive; and • All other parts of the Constitution (including article 13 "Decision Making")."	It is considered that these expanded points better reflect those matters that officers should take into account when exercising delegated functions
337				3.8.1	Delete the words "Head of Paid Service" and replace with the words "Chief Executive"	Factual change - recognises that Chief Executive is, in fact, the Head of Paid Service
338				3.8.2	Delete the words "Such constraints are kept to the absolute minimum necessary for internal check."	Nonsensical words

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
339				3.8.3	Delete the words "The officers" and replace with "Officers"	Sentence reads better
340				3.8.3	Delete the words "such powers" and add the words "any delegated function"	Sentence reads better
341				3.8.5	Add new 3.8.5 - Decisions need to be taken as near to the point of service delivery as possible.	Change to expand the General Principles of Delegated Decision-Making to increase transparency
342				3.8.6	Add new 3.8.6 "Managers and staff must have authority to act in line with their levels of responsibility within the organisation"	Change to expand the General Principles of Delegated Decision-Making to increase transparency
343				3.8.7	Add new 3.8.7 "All existing and newly appointed managers and staff must be advised in writing of their personal levels of delegated authority by their Directorate (this can be by provision of copies of the relevant documentation)."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
344				3.8.8	Add new 3.8.8 "Divisional Directors are responsible for and must ensure that this Scheme is fully implemented, monitored, maintained and regularly reviewed and any changes required are reported to the Corporate Director of Governance."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
345				3.8.9	Add new 3.8.9 "Directors and Divisional Directors may further delegate their powers under this Scheme to officers within their Directorate or withdraw powers but must ensure that any such is in writing and is subsequently included in the Directorate's scheme of delegations and the Monitoring Officer is notified in writing."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
346				3.8.10	Add new 3.8.10 "For the avoidance of doubt, functions delegated by reference to job titles or posts includes an officer appointed to a named post on an acting, interim or temporary basis."	Change to expand the General Principles of Delegated Decision-Making to increase transparency

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
347				3.8.11	Add new 3.8.11 "Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
348				3.8.12	Add new 3.8.12 "In the absence, for whatever reason, of an officer with delegated powers under this Scheme, his/her powers may be exercised by any post holder within his/her Service or Directorate within a higher category or to any officer designated to perform the duties of the absent post holder."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
349				3.8.13	Add new 3.8.13 "The Scheme will be superseded in any case where a Council or Mayoral decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
350				3.8.14	Former 3.8.5 becomes 3.8.14	Change to expand the General Principles of Delegated Decision-Making to increase transparency
351				3.8.15	Add new 3.8.15 "Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer a matter to the Council, the Mayor, Cabinet or relevant Committee as appropriate with the agreement of the appropriate Chief Officer."	Change to expand the General Principles of Delegated Decision-Making to increase transparency

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
352				3.8.15	In new 3.8.15 also add the words "The criteria that officers may have to consider when determining whether to exercise a function could include- <ul style="list-style-type: none"> • Whether the decision may incur a significant social, economic or environmental risk. • The likely extent of the impact of the decision both within and outside of the borough. • Whether the decision is likely to be a matter of political controversy. • The extent to which the decision is likely to result in substantial public interest." 	The bullet points were originally in Part 8.2(b)(iii) but these did not relate to the statutory criteria at (i) and as these are more guidelines for officers when deciding not to exercise a delegation then these points sit better here
353				3.8.16	Add new 3.8.16 "The Mayor in Cabinet or Committees may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
354				3.8.17	Add new 3.8.17 "For the avoidance of doubt, references in the Scheme to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
355				3.8.18	Add new 3.8.18 "A Chief Officer may extend or withdraw delegations as s/he considers appropriate, subject to notification to the Monitoring Officer who will ensure publication in this Constitution in due course."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
356				3.9	Change heading from "Interpretation" to "Arrangement for Scheme of Management"	Factual change - reflect fact that this part of Constitution is in fact relates to the Arrangement for Scheme of Management

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
357				3.9.2	Rather than have heading underneath 3.9.1 reading "Arrangement for Scheme of Management" have this as a paragraph instead	Factual change - aesthetic change as reads better
358				3.9.2 (Part A)	In Part A – Corporate Delegations remove word "below" and add words "at Part 8.1 of this Constitution"	It is considered that the Part A of the Scheme of Management should be in Part 8 alongside the Part B - Directorate Delegations Scheme
359				3.9.2 (Part B)	In Part B – Directorate Delegations change Part 8 to Part 8.2	If Part A of the Scheme of Management becomes Part 8.1 then Part B needs to become Part 8.2
360				3.9.2	Delete the words "A Chief Officer may extend or withdraw delegations as he/she considers appropriate, subject to notification to the Monitoring Officer who will ensure publication in this Constitution in due course"	Factual change - it is intended that these words be moved to Part 3.8 as part of the Delegated Decision-Making - General Principles as it is considered that it sits best there.
361				3.9.2	Deletion of the entirety of Scheme of Management - Part A: Corporate Delegations (10 pages in total)	It is considered that the Part A of the Scheme of Management should be in Part 8 alongside the Part B - Directorate Delegations Scheme
362				3.10	Addition of the words "AND STATUTORY APPOINTMENTS" to the heading	Factual change - reflects the fact that the list includes statutory appointments as well as proper officers
363				3.10.1	Delete the words "The following officers have been designated "proper officers" for the following functions:" and add the words "In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer."	Factual change - reflects the fact that the list includes statutory appointments as well as proper officers
364				3.10.2	New paragraph "In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his/her absence, the Corporate Director of Governance, and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead."	Factual change - ensures that these functions can still be exercised in the event of a person being unable to act or a vacant post

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
365				3.10.3	New paragraph "Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made"	Factual change - ensures that Chief Executive is Proper Officer where no appointment is made
366				3.10 (Statutory Officer Table)	Insert Statutory Officer Table	Factual change - ensure all statutory officers are identified
367				3.10 (Proper Officer Table)	Sorting all statutes into year of Act	Factual change - for ease of reference
368				3.10 (Proper Officer Table)	In appropriate cells delete words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]" where it appears	Factual change - superfluous words
369				Part 3.10 (Proper Officer Table)	In appropriate cells delete words "[Note: The Council has appointed the Corporate Director, Communities, Localities and Culture to act as the Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
370				Part 3.10 (Proper Officer Table)	In new cell 2 for Schedule 29 Local Government Act 1972 delete words "Schedule 29 (para. 41) LGA 1972 " and move "Ss 9(1) and (2), 13(2)h and (3)b and 20 (b) Registration Services Act 1953" to replace it	Factual change - reflect that reference to Schedule is superfluous
371				Part 3.10 (Proper Officer Table)	In new cell 2 delete words "the officer responsible for the exercise of functions under" and replace with the words "Proper officer for Births, Deaths and Marriages"	Factual change - reflect what the proper officer function actually is
372				Part 3.10 (Proper Officer Table)	In new cell 3 for section 83(1) Local Government Act (LGA) 1972 add words "on the prescribed form"	Factual change - reflect fact that declaration of acceptance is to be on a prescribed form

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
373				Part 3.10 (Proper Officer Table)	New cell entry 12	Factual change - missing Proper Officer function
374				Part 3.10 (Proper Officer Table)	New cell entry 13	Factual change - missing Proper Officer function
375				Part 3.10 (Proper Officer Table)	New cell entry 14	Factual change - missing Proper Officer function
376				Part 3.10 (Proper Officer Table)	New cell entry 15	Factual change - missing Proper Officer function
377				Part 3.10 (Proper Officer Table)	New cell entry 16	Factual change - missing Proper Officer function
378				Part 3.10 (Proper Officer Table)	New cell entry 17	Factual change - missing Proper Officer function
379				Part 3.10 (Proper Officer Table)	New cell entry 18	Factual change - missing Proper Officer function
380				Part 3.10 (Proper Officer Table)	New cell entry 28	Factual change - missing Proper Officer function
381				Part 3.10 (Proper Officer Table)	New cell entry 30	Factual change - missing Proper Officer function
382				Part 3.10 (Proper Officer Table)	New cell entry 31	Factual change - missing Proper Officer function
383				Part 3.10 (Proper Officer Table)	New cell entry 32	Factual change - missing Proper Officer function

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
384				Part 3.10 (Proper Officer Table)	New cell entry 33	Factual change - missing Proper Officer function
385				Part 3.10 (Proper Officer Table)	New cell entry 34	Factual change - missing Proper Officer function
386				Part 3.10 (Proper Officer Table)	New cell entry 35	Factual change - missing Proper Officer function
387				Part 3.10 (Proper Officer Table)	New cell entry 36	Factual change - missing Proper Officer function
388				Part 3.10 (Proper Officer Table)	New cell entry 37	Factual change - missing Proper Officer function
389				Part 3.10 (Proper Officer Table)	New cell entry 38	Factual change - missing Proper Officer function
390				Part 3.10 (Proper Officer Table)	New cell entry 42	Factual change - missing Proper Officer function
391				Part 3.10 (Proper Officer Table)	New cell entry 43	Factual change - missing Proper Officer function
392				Part 3.10 (Proper Officer Table)	New cell entry 44	Factual change - missing Proper Officer function
393				Part 3.10 (Proper Officer Table)	New cell entry 45	Factual change - missing Proper Officer function
394				Part 3.10 (Proper Officer Table)	New cell entry 46	Factual change - missing Proper Officer function

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
395				Part 3.10 (Proper Officer Table)	New cell entry 47	Factual change - missing Proper Officer function
396				Part 3.10 (Proper Officer Table)	In new cell 49 change section from "3" to "3A" and adding the words "the officer who, in consultation with the Monitoring Officer"	Factual change - reflect fact that decision has to be taken in consultation with the Monitoring Officer
397				Part 3.10 (Proper Officer Table)	In new cell 52 for Local Government Act 2000 add the words "section 9G and 9GA(4)"	Factual change - stating actual sections of the Local Government Act 2000 that apply
398				Part 3.10 (Proper Officer Table)	In new cell 52 delete "the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000" and replace with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012"	Legislative change - reflect the fact that the 2000 Regulations have been repealed and 2012 Regulations now in force
399				Part 3.10 (Proper Officer Table)	New cell entry 53	Factual change - missing Proper Officer function
400				Part 3.10 (Proper Officer Table)	Delete cell "Ss 11, 18, 20, 21, 22, 24, 29, and 31 – Public Health (Control of Disease) Act 1984; Regulations 8 and 9 and Schedules 3 and 4 – Public Health (Infectious Diseases) Regulations 1988 – notification and control powers for communicable diseases"	Legislative change - Act and Regulations have been repealed and revoked
401				Part 3.10 (Proper Officer Table)	Delete cell "Ss 36, 40, 42, 43 and 48 – Public Health (Control of Disease) Act 1984; Regulations 6, 9, 10 and Schedules 3 and 4 – Public Health (Infectious Diseases) Regulations 1988 – notification and control powers for communicable diseases"	Legislative change - Act and Regulations have been repealed and revoked
402				Part 3.10 (Proper Officer Table)	Delete cell "Regulations 18, 19 20 Milk and Dairies (General) Regulations 1959 – pasteurisation orders"	Legislative change - Regulations have been revoked

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
403				Part 3.10 (Proper Officer Table)	Delete cell "Ss 84 and 85 Public Health Act 1936 – cleansing of filthy or verminous articles, persons or clothing"	Factual change - reflects fact that this is not actually a Proper Officer function
404				Part 3.10 (Proper Officer Table)	Delete cell "S 37 Public Health Act 1961 – disinfestation of verminous articles offered for sale"	Factual change - reflects fact that this is not actually a Proper Officer function

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Part 3 – Responsibility for Functions

3.1 COUNCIL FUNCTIONS

3.1.1 These are local authority functions which cannot be the responsibility of the Executive. The following tables specify the delegation of Council functions to Committees and chief officers. Where the delegation is to be exercised by a Committee/chief officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in section 3.3.

3.1.1.1A - Functions relating to Town and Country Planning

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. -		
2. -		
3. -		
4. -		
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>

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FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder. <u>[Section 76 has been repealed and the Regulations have been revoked and replaced with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184)]</u>	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
13. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>

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15. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992. <u>[The Regulations have been revoked and replaced with the Town and Country Planning (Control of Advertisements) (England) Order 2007 (S.I. 2007/783)]</u>	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
18A. Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.	Corporate Director, Development and Renewal of <u>Place</u>
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	Licensing Committee/ Corporate Director, Communities, Localities and Culture , <u>Place</u>
22. Duty to determine conditions to which old mining permissions, relevant planning	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>

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permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
24. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
25. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
26. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 26 of the Department of the Environment Transport and the Regions Circular 01/01.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Committee/ Corporate Director, Development and Renewal , <u>Place</u>
29. Powers to acquire a listed building in need of repair and to serve a	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Committee/ Corporate Director, Development

repairs notice.		and Renewal, Place
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Committee/ Corporate Director, Development and Renewal, Place
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Corporate Director, Development and Renewal, Place

3.1.1.2 B - Licensing and Registration Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to issue licences authorising the use of land as a caravansite ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Corporate Director, Development and Renewal, Place
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	Corporate Director, Development and Renewal, Place
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office) Greater London Authority functions
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office) Greater London Authority functions
5. Power to license drivers of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office) Greater London Authority functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (c) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 (hereafter called the Gambling Act Order). <u>[This area of law is now governed by the Gambling Act 2005]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
7. Power to grant track betting licenses	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (d) and 4 of the Gambling Act Order. <u>[This area of law is now governed by the Gambling Act 2005]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (d) and 4 of the Gambling Act Order. <u>[This area of law is now governed by the Gambling Act 2005]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3 (3)(e) of the Gambling Act Order. <u>[This area of law is now governed by the Gambling Act 2005]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order. <u>[This area of law is now</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place Place

	<u>governed by the Gambling Act 2005]</u>	
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2) (d) and (5) of the Gambling Act Order. <u>[This area of law is now governed by the Gambling Act 2005]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 <u>[This area of law is now governed by the Licensing Act 2003]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 <u>[This area of law is now governed by the Licensing Act 2003]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 <u>[This area of law is now governed by the Licensing Act 2003]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
14A. Functions relating to licensing Any function of a licensing authority.	Sections 5 to 8 of the Licensing Act 2003 <u>and any regulations or orders made under that Act.</u>	Council/Licensing Committee/Licensing Sub- Committee/ Corporate Director, Communities, Localities and Culture, Place

14AZA. Powers and functions relating to late night levy requirements	Chapter 2 and Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter	Council
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005.	Corporate Director, Communities, Localities and Culture, Place
14AB. Functions in relation relating to exchange of information.	Section 30 of the Gambling Act 2005.	Corporate Director, Communities, Localities and Culture, Place
14AC. Functions in relation relating to occasional use notices.	Section 39 of the Gambling Act 2005	Corporate Director, Place, Communities, Localities and Culture
14B. Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.	Licensing Committee
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.	Corporate Director, Communities, Localities and Culture, Place
14CA. Power to make Order disapplying Section 279 or 282(1) of the Gambling Act 2005.in relation to specified premises.	Section 284 of the Gambling Act 2005.	Corporate Director, Communities, Localities and Culture, Place
14D. Power to institute criminal proceedings	Section 346 of the Gambling Act 2005.	Corporate Director, Communities, Localities and Culture Director of Law, Probity and Governance
14E. Power to exchange information.	Section 350 of the Gambling Act 2005.	Corporate Director, Communities, Localities and Culture, Place
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).	Corporate Director, Communities, Localities and Culture, Place
14G Functions relating to the registration and regulation of small	Part 5 of Schedule 11 to the Gambling Act 2005	Corporate Director, Communities, Localities and Culture, Place

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society lotteries		
15. Power to license sex shops and sex cinemas.	<p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3</p> <p><u>[On 26 March 2014 the Council resolved that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 shall apply in the London Borough of Tower Hamlets area and which shall come into force on 1 June 2014 and therefore this power relates to all sex establishments (i.e. a sexual entertainment venue, sex cinema, a hostess bar, or a sex shop)]</u></p>	<p><u>If objection - Licensing Committee</u></p> <p><u>If no objection - Corporate Director, Place</u></p>
16. Power to license performances of hypnotism.	The Hypnotism Act 1952	<p>If objection - Licensing Committee</p> <p>If no objection - Corporate Director, Communities, Localities and Culture, <u>Place</u></p>
17. Power to license premises for acupuncture, tattooing, ear- piercing and electrolysis	<p>London Local Authorities Act 1991 Sections 13 to 17 of the <u>Local Government (Miscellaneous Provisions) Act 1982</u></p> <p><u>[The Council has adopted the provisions of Part II of the London Local Authorities Act 1991 to become effective from 13 July 1992 and therefore it is this legislation that contains the power to Licence]</u></p>	<p>If objection - Licensing Committee</p> <p>If no objection - Corporate Director, Communities, Localities and Culture, <u>Place</u></p>
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	Not applicable to London borough councils - <u>this function is performed by the</u>

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		Port of London Authority function
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995	Not applicable to London borough councils – <u>this function is performed by the Security Industry Authority function</u>
20. Power to license market and street trading.	<u>Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982,</u> Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994 <u>[The Council adopted the provisions of Part III of the London Local Authorities Act 1990 to become effective from 11 March 1991 and therefore it is this legislation that contains the power to Licence]</u>	Corporate Director, Communities, Localities and Culture, Place
21. Power to license night cafes and take-away food shops.	<u>Licensing Act 2003, Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994</u> <u>[This area of law is now governed by the Licensing Act 2003]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
22. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972	Corporate Director, Communities, Localities and Culture
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local	Corporate Director, Communities, Localities and Culture <u>Not a local authority function</u>

	Government Act 1972 <u>[These provisions have been repealed and this is no longer a function undertaken by local authorities]</u>	
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	Corporate Director, Communities, Localities and Culture , <u>Place</u>
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 <u>[This area of law is now governed by the Scrap Metal Dealers Act 2013]</u>	Corporate Director, Communities, Localities and Culture , <u>Place</u>
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975	Corporate Director, Communities, Localities and Culture , <u>Place</u>
27. Power to issue, cancel, amend or replace safety certificates (whether general or special) for sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.	If objection - Licensing Committee If no objection - Corporate Director, Communities , Localities and Culture , <u>Place</u>
28. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971 <u>[This Act has been repealed and this is no longer a function undertaken by local authorities.]</u>	Not a Local Authority function
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	If objection - Licensing Committee If no objection - Corporate Director, Communities , Localities and Culture , <u>Place</u>
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970 (1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs	If objection - Licensing Committee If no objection - Corporate Director, Communities , Localities and Culture , <u>Place</u>

	(Welfare) Act 1999.	
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	Corporate Director, Communities, Localities and Culture, Place
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976	Corporate Director, Communities, Culture and Localities, Place
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646). <u>[These provisions have been repealed and this is no longer a function undertaken by local authorities]</u>	Not a local authority function Corporate Director, Communities, Localities and Culture
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	Corporate Director, Education, Social Care and Wellbeing of Children's
36. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510). <u>[The Regulations were revoked by the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)]</u>	Chief Executive [NB: Function allocated to Head of Paid Service until 31st October 2014.]
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). <u>[The Regulations have been revoked and such applications are now under</u>	Corporate Director, Development and Renewal, Place

(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	<u>the Commons Registration (England) Regulations 2014 (S.I. 2014/3038)</u>	
38. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Corporate Director, Communities, Localities and Culture, Place
39. Power to license persons to collect for charitable purposes and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.	Not a Local Authority function
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993	Corporate Director, Communities, Localities and Culture of Place
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991	Corporate Director, Communities, Localities and Culture, Place
42. Power to licence agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957. <u>[This Act has been repealed]</u>	Not a Local Authority function
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11). <u>[These Regulations have been revoked and this is no longer a function undertaken by local authorities]</u>	Not a local authority function Corporate Director, Communities, Localities and Culture
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995. <u>[These Regulations have been revoked and this is no longer a function undertaken by local authorities]</u>	Not a local authority function Corporate Director, Communities, Localities and Culture
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	Not a local authority function Corporate Director, Communities,

	<u>[These Regulations have been revoked and this is no longer a function undertaken by local authorities]</u>	Localities and Culture
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). <u>[These Regulations have been revoked and this is no longer a function undertaken by local authorities]</u>	Not a local authority function Corporate Director, Communities, Localities and Culture
46A. Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980	Corporate Director, Communities, Localities and Culture, Place
47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the highways Act 1980.	Section 115G of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
53. Power to restrict the	Section 178 of the Highways	Corporate Director,

placing of rails, beams etc. over highways.	Act 1980.	Communities, Localities and Culture, Place
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
56. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Act 1922. <u>[This Act has been repealed and this is no longer a function undertaken by local authorities]</u>	Not a local authority function Corporate Director, Communities, Localities and Culture
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994. <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Products <u>Preparations</u> (Hygiene) Regulations 1995. <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995. <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993. <u>[This area of law is now governed by the Food Hygiene (England)</u>	Corporate Director, Communities, Culture and Localities, Place

	<u>Regulations 2013 (S.I. 2005/3280)]</u>	
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763). <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994). <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
63. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. <u>[This area of law is now governed by the Food Hygiene (England)</u>	Corporate Director, Communities, Localities and Culture, Place

	<u>Regulations 2013 (S.I. 2005/3280)]</u>	
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828). <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991. <u>[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</u>	Corporate Director, Communities, Localities and Culture, Place
69. Power to issue near beer licence.	Sections 16 19 and 21 of the London Local Authorities Act 1995 and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act <u>[Repealed by virtue of section 35 of the London Local Authorities Act 2007 as Council resolved under section 2 of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act of 1982 as amended by section 27 of the Policing and Crime Act 2009 is to apply to its area]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
70. Power to register	Section 28 of the Greater	Corporate Director,

premises or stalls for the sale of goods by way of competitive bidding	London Council (General Powers) Act 1984	Communities, Localities and Culture, Place
71. Power to register motor salvage operators	Part 1 of the Vehicles (Crime) Act 2001 <u>[This area of law is now governed by the Scrap Metal Dealers Act 2013]</u>	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (SI 2008/1961) <u>[The Regulations have been revoked and the Commons Registration (England) Regulations 2014 (S.I. 2014/3038) are now the appropriate Regulations]</u>	Corporate Director, Development & Renewal <u>Place</u>
73. Functions relating to the discharge of Licensing functions, except any function conferred on the licensing authority under Section 5 of the Licensing Act 2003	Licensing Act 2003	Licensing Committee/Licensing Sub-Committee/Corporate Director, Communities, Localities and Culture where function delegated by Licensing Committee pursuant to Section 7 Licensing Act 2003
74. Functions relating to the discharge of Licensing functions conferred on the licensing authority under Section 5 Licensing Act 2003	Section 5 Licensing Act 2003	Council

3.1.1.3 C - Functions relating to health and safety at work

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Functions under any of the "relevant statutory provisions" within the	Part I of the Health and Safety at Work etc. Act 1974	Corporate Director, Communities, Localities and Culture, Place

<p>meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.</p>		
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3.1.1.4 D - Functions relating to elections

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2).	General Purposes Committee
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Service Head, Democratic Services <u>Chief Executive</u> (as Returning Officer, Electoral Registration Officer)
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	Not applicable to London borough councils <u>Council</u>
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972	Not applicable to London borough councils <u>Council</u>
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972	Not applicable to London borough councils <u>Council</u>
6. Duty to appoint returning officer for local government elections.	Section 35 Representation of the People Act 1983	General Purposes Committee
7. Duty to provide assistance at European Parliamentary elections.	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002.	General Purposes Committee
8. Duty to divide constituency into polling districts.	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983.	Chief Executive Service Head, Democratic Services (as Returning Officer, Electoral Registration Officer)
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Chief Executive Service Head, Democratic Services (as Returning Officer, Electoral Registration Officer)
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Chief Executive Service Head, Democratic Services (as Returning Officer, Electoral Registration Officer)

		Officer, Electoral Registration Officer)
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	<u>Chief Executive Service Head, Democratic Services</u> -(as Returning Officer, Electoral Registration Officer)
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Not applicable to London borough councils
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Acts 1972.	<u>Chief Executive Service Head, Democratic Services</u> -(as Returning Officer, Electoral Registration Officer)
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	<u>Chief Executive Service Head, Democratic Services</u> -(as Returning Officer, Electoral Registration Officer)
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	Not applicable to London borough councils
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215)	<u>Corporate Director, of Law, Probity and Governance</u>
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).	<u>Chief Executive Service Head, Democratic Services</u> -(as Returning Officer, Electoral Registration Officer)
18. Duty to consult on change of scheme for elections	Section 33-(2), 38-(2) and 40-(2) of the Local Government and Public Involvement Health <u>Act</u> 2007 Act -(the 2007 Act)	<u>Chief Executive Service Head, Democratic Services</u> -(as Returning Officer, Electoral Registration Officer)
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	<u>Chief Executive Service Head, Democratic</u>

		Services (as Returning Officer, Electoral Registration Officer)
20. Duties relating to notice to Electoral Commission	Section 36 and 42 of the 2007 Act	Chief Executive Service Head, Democratic Services (as Returning Officer, Electoral Registration Officer)
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	Not applicable
22. Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Chief Executive Service Head, Democratic Services (as Returning Officer, Electoral Registration Officer)

3.1.1.5 E - Functions relating to name and status of areas and individuals

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	Council
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	Not applicable to London borough councils
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.	Council

3.1.1.6 EB - Functions relating to community governance

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duties relating to community governance reviews	Section 79 of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
2. Functions relating to community governance	Sections 80, 83 to 85 of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
3. Functions relating to terms of reference review	Section 81 (4) to (6) of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
4. Power to undertake a community governance review	Section 82 of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
5. Functions relating to making of recommendations	Section 87 to 92 of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
6. Duties when undertaking review	Section 93 to 95 of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
7. Duty to publicise outcome of review	Section 96 of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
8. Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98 (1) of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}

3.1.1.7 F - Byelaws

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to make, amend, revoke, enforce, or re-enact byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30).	General Purposes Committee to recommend to Council

3.1.1.8 FA - Functions relating to smoke-free premises

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duty to enforce Chapter 1 and Regulations made under it	Section 10(3) of the Health Act 2006	Corporate Director, Communities, Localities and Culture, Place
2. Power to authorise officers	Section 10(5) of and paragraph 1 of Schedule 2 to the Health Act 2006	Corporate Director, Communities, Localities and Culture, Place
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760)	Corporate Director, Communities, Localities and Culture, Place
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcements) Regulations 2006 (SI 2006/3368)	Corporate Director, Communities, Localities and Culture, Place

3.1.1.9 - G Local or Personal Bills

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.	Council

3.1.1.10 H Functions relating to pensions etc.

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).	Pensions Committee
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947	Section 26 of the Fire Services Act 1947	Not applicable to London borough councils

3.1.1.11 I - Miscellaneous functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Part I: functions relating to public rights of way		
1. Power to create footpath, or <u>bridleway or restricted byway</u> by agreement.	Section 25 of the Highways Act 1980 (c. 66).	Corporate Director, Communities, Localities and Culture, Place
2. Power to create footpaths, and <u>bridleways, and restricted byways.</u>	Section 26 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
4. Power to stop up footpaths, and <u>bridleways and restricted byways.</u>	Section 118 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980. <u>[This area of law is not currently in force]</u>	Corporate Director, Communities, Localities and Culture, Place
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture of Place
8. Power to divert footpaths, and <u>bridleways and restricted byways.</u>	Section 119 of the Highways Act 1980	Corporate Director, Communities, Localities and Culture, Place
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture of Place
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
12. Power to require applicant for order to	Section 119C(3) of the Highways Act 1980.	Corporate Director, Communities, Localities

enter into agreement.		and Culture, Place
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980. <u>[This area of law is not currently in force]</u>	Corporate Director, Communities, Localities and Culture, Place
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980. <u>[This area of law is not currently in force]</u>	Corporate Director, Communities, Localities and Culture, Place
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
19. Power to authorise temporary disturbance of surface of footpath or <u>or restricted byway</u> .	Section 135 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980. <u>[This area of law is not currently in force]</u>	Corporate Director, Communities, Localities and Culture, Place
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980. <u>[This area of law is not currently in force]</u>	Corporate Director, Communities, Localities and Culture, Place
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	Corporate Director, Communities, Localities and Culture, Place
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c. 67).	Corporate Director, Communities, Localities and Culture, Place

24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	Corporate Director, Communities, Localities and Culture, Place
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	Corporate Director, Communities, Localities and Culture, Place
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.	Corporate Director, Communities, Localities and Culture, Place
27. Duty to reclassify roads used as public paths.	Section 54 of the Wildlife and Countryside Act 1981.	Corporate Director, Communities, Localities and Culture
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	Corporate Director, Communities, Localities and Culture, Place
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c. 38).	Corporate Director, Communities, Localities and Culture, Place
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68). <u>[The correct year of the Act is 1985 and not 1981 as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000]</u>	Corporate Director, Communities, Localities and Culture, Place
30A. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990.	Corporate Director, Communities, Localities and Culture, Place
31. Power to authorise stopping-up or diversion of footpath, or bridleway <u>or restricted byway.</u>	Section 257 of the Town and Country Planning Act 1990.	Corporate Director, Communities, Localities and Culture, Place
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	Corporate Director, Communities, Localities and Culture, Place
33. Power to enter into	Section 35 of the Countryside	Corporate Director,

agreements with respect to means of access.	and Rights of Way Act 2000 (c. 37).	Communities, Localities and Culture, Place
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	Corporate Director, Communities, Localities and Culture, Place
Part II: other miscellaneous functions		
35 Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966. <u>[This area of law is now governed by the Marine and Coastal Access Act 2003]</u>	Not applicable to London borough councils
36. Power to make standing orders.	Section 106 of, and para 42 of Schedule 12 to, the Local Government Act 1972 (c. 70).	Council
37. Power to appoint staff, and subject to compliance with major policy determinations, to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972.	Chief Executive [NB: Function allocated to Head of Paid Service until 31st October 2014] except for those chief officer and deputy chief officer appointments reserved to the Appointments Sub-Committee
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.	Council
40. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.	Council
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).	Corporate Director, Communities, Culture and Localities, Place
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). <u>[This area of law is now</u>	Corporate Director, Communities, Localities and Culture, Place

	<u>governed by the Licensing Act 2003]</u>	
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42).	Council
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Council
44A. Duty to provide staff etc. to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.	Council
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000. <u>[This area of law is now governed by the Paragraphs 11 and 13A of Schedule 1A to the Local Government Act 2000]</u>	Council
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590). <u>[This area of law is now governed by the Accounts and Audit Regulations 2015 (S.I. 2015/ 234)]</u>	Audit Committee
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Corporate Director, Communities, Localities and Culture, Place
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892). <u>[The correct name of the Regulations is the Town and Country Planning (Trees) Regulations 1999 and not as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000]</u>	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003.	Corporate Director, Communities, Localities and Culture, Health,

		<u>Adults and Community</u>
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Corporate Director, Communities, Localities and Culture, Governance
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001. <u>[Replaced by public place protection orders under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014]</u>	Council
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 <u>[Repealed by the Police Reform and Social Responsibility Act 2011]</u>	General Purposes Committee
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	Corporate Director, Development & Renewal Place
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2) (a) of the Commons Act 2006	Corporate Director, Development & Renewal Place
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2) (b) of the Commons Act 2006	Corporate Director, Development & Renewal Director of Law, Probity and Governance

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3.1.2 Council Functions – Local Choice – Local Act Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended	Various as listed below	As listed below in respect of each function
1. Licensing of Buskers.	London Local Authorities Act 2000 – Part V	If objection – Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
2. Fire safety and entertainment licensing.	London Local Authorities Act 1996	If objection – Licensing Committee If no objection – Corporate Director, Communities, Localities and Culture
3. Notice requiring removal of unauthorised advertisement hoardings, etc.	London Local Authorities Act 1995 – Section 11	Corporate Director, Communities, Localities and Culture Corporate Director Development & Renewal
4. Notice requiring removal of signs on buildings	London Local Authorities Act 1995 – Section 12	Corporate Director, Communities, Localities and Culture
5. Authority to license near beer premises.	London Local Authorities Act 1995	Corporate Director, Communities, Localities and Culture
6. Authority to register door supervisors.	London Local Authorities Act 1995	Corporate Director, Communities, Localities and Culture
7. Consent to distribution of free literature.	London Local Authorities Act 1994 – Section 4	Corporate Director, Communities, Localities and Culture
8. Licensing of night cafes.	London Local Authorities Act 1994	If objection – Licensing Committee If no objection – Corporate Director, Communities, Localities and Culture
9. Renewal of street trading	London Local Authorities Act	Corporate Director,

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licenses.	1994	Communities, Culture and Localities
102. Removal of distribution containers on the highway.	London Local Authorities Act 1991 – Section 22	Corporate Director, Communities, Localities and Culture, of Place
113. Licensing of special treatment premises.	London Local Authorities Act 1991 – Part II	If objection – Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
124. Crime Prevention Policies <u>Measures.</u>	London Local Authorities (No. 2) Act 1990	Chief Executive [NB: Function allocated to Head of Paid Service until 31st October 2014.]
13. Licensing of night cafes.	London Local Authorities Act 1990	If objection – Licensing Committee If no objection – Corporate Director, Communities, Localities and Culture
14. Street trading.	London Local Authorities Act 1990	If objection – Licensing Committee. If no objection – Corporate Director, Communities, Localities and Culture
15. Consent for demolition works under street.	Greater London Council (General Powers) Act 1986 – Section 5	Corporate Director, Communities, Localities and Culture, Place
16. Consent for construction which causes obstruction to access to vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 6	Corporate Director, Communities, Localities and Culture, Place
17. Consent for infilling of vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 7	Corporate Director, Communities, Localities and Culture, Place
18. Powers relating to certain retaining walls.	Greater London Council (General Powers) Act 1986 – Section 8	Corporate Director, Communities, Localities and Culture, Place
19. Registration of sleeping accommodation.	Greater London Council (General Powers) Act 1984 – Part IV	Corporate Director, Communities, Localities and Culture of Health, Adults and Community
2010. Provision relating to the sale of goods by competitive bidding – including registration of premises or stalls.	Greater London Council (General Powers) Act 1984 – Part VI	Corporate Director, Communities, Localities and Culture, Place

21. Power to make charge in respect of approval of plans etc relating to drains.	Greater London Council (General Powers) Act 1984 – Section 36	Corporate Director, Communities, Localities and Culture
2211. Removal of occupants of buildings in vicinity of dangerous structures etc. – apply to court.	Greater London Council (General Powers) Act 1984 – Section 38	Corporate Director, Communities, Localities and Culture, Place
2312. Control of overcrowding in certain hostels including the ability to serve notices.	Greater London Council (General Powers) Act 1981 – Part <u>VI</u>	Corporate Director, Communities, Localities and Culture, Health, Adults and Community
24. Power to establish foreign loans reserve fund.	Greater London Council (General Powers) Act 1976	Corporate Director, Resources
2513. Closure of unsanitary food premises/stalls – Council to seek an order from the court.	Greater London Council (General Powers) Act 1973 – Section 30	Corporate Director, Communities, Localities and Culture, Place
2614. Licenses to erect scaffolding.	Greater London Council (General Powers) Act 1970 – Section 15	Corporate Director, Communities, Localities and Culture, Place
2715. Walkways.	Greater London Council (General Powers) Act 1969 – Section 11	Corporate Director, Communities, Localities and Culture, Place
2816. Byelaws as to artificial lighting of common staircases	London County Council (General Powers) Act 1955 <u>1956</u> – Section 63	Council
29-17 Gratuities to non-pensionable employees	London County Council (General Powers) Act 1930 – Section 61	Chief Executive [NB: Function allocated to Head of Paid Service until 31st October 2014.]
3018. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
31. Service of penalty charge notice on basis of information provided by camera etc.	London Local Authorities Act 2000 – Section 4	Corporate Director, Communities, Localities and Culture
32. Service of penalty charge notice where parking attendant prevented from issuing a notice.	London Local Authorities Act 2000 – Section 5	Corporate Director, Communities, Localities and Culture
3319. Cleansing relevant land of refuse and litter.	London Local Authorities Act 2000 – Section 19	Corporate Director, Communities, Localities and Culture, Place
34. Penalty charge notices in respect of Bus lane	London Local Authorities Act 1996 – Section 4	Corporate Director, Communities, Localities and

infringements.		Culture
3520. Making special temporary prohibitions within a special parking area.	London Local Authorities Act 1995 – Section 9	Corporate Director, Communities, Localities and Culture, Place
36. Near Beer – Approval of policies.	London Local Authorities Act 1995	Licensing Committee
37. Night Café Licensing – approval of policies.	London Local Authorities Act 1994	Licensing Committee
38. Regulation of street trading and associated issues.	London Local Authorities Act 1994	The Council
3921. Making of regulations relating to dangerous structure fees.	London Local Authorities Act 1994 – Section 8	The Council
4022. Approval of policies in respect of special treatment licenses.	London Local Authorities Act 1991 – Part II	The Council
41. Crime prevention measures.	London Local Authorities Act (No. 2) 1990 – Section 5	Chief Executive {NB: Function allocated to Head of Paid Service until 31st October 2014.}
42. Restoration of gas, water and electricity.	London Local Authorities Act (No. 2) 1990 – Section 4	Corporate Director, Communities, Localities and Culture
43. Removal of luggage or shopping trolleys found in open air.	London Local Authorities Act 1990 – Section 43	Corporate Director, Communities, Localities and Culture
44. Street trading – Regulation of street trading and market trading together with the provision, maintenance and management of storage accommodation; and, the approval of policies in respect of street trading.	London Local Authorities Act 1990	Corporate Director, Communities, Localities and Culture
4524. Determination of charges for London Building Acts consents etc.	Greater London Council (General Powers) Act 1982 – Section 3	Corporate Director, Development and Renewal, Place
4625. Control of Brown Tail Moth.	Greater London Council (General Powers) Act 1979 – Section 8	Corporate Director, Communities, Localities and Culture, Place
4726. Power to extinguish rights of interment <u>in cemeteries</u> .	Greater London Council (General Powers) Act 1976 – Section 9	Corporate Director, Communities, Localities and Culture, Place
4827. Prohibition of person entering upon grass verge.	Greater London Council (General Powers) Act 1974 –	Corporate Director, Communities, Localities and

	Section 14(2)	<u>Culture, Place</u>
4928. Authorisation of parking on verges.	Greater London Council (General Powers) Act 1974 – Section 15(4)	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5029. Removal of vehicles for street cleaning.	Greater London Council (General Powers) Act 1974 – Section 21	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5130. Contributions in respect of railings.	Greater London Council (General Powers) Act 1972 – Section 18	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5231. Restoration of gas, <u>water</u> and electricity services.	Greater London Council (General Powers) Act 1972 – Section 19	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5332. Boundary walls.	London County Council (General Powers) Act 1963 – Section 6	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5433. Acquisition of easements etc.	London County Council (General Powers) Act 1963 – Section 8	Corporate Director, Development and Renewal, <u>Place</u>
5534. Underpinning of houses near a street improvement.	London County Council (General Powers) Act 1963 – Section 9	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5635. Approval of trade refuse disposal facilities.	London County Council (General Powers) Act 1963 – Section 11	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5736. Provision of shops etc. in subway.	London County Council (General Powers) Act 1963 – Section 14	Corporate Director, Communities, Localities and <u>Culture, Place</u>
5837. Power to provide illumination, floodlighting etc.	London County Council (General Powers) Act 1963 – Section 17	Corporate Director, Communities, Localities and <u>Culture, Place</u>
59. Service of notices for prevention of flooding etc.	London County Council (General Powers) Act 1962 – Section 17	Corporate Director, Communities, Localities and Culture
6038. Restriction of vehicular access to and from street improvements.	London County Council (General Powers) Act 1960 – Section 13	Corporate Director, Communities, Localities and <u>Culture, Place</u>
6139. Acquisition of land for the purpose of providing facilities for storage etc. of horticultural produce.	London County Council (General Powers) Act 1959 – Section 12	Corporate Director, Communities, Localities and <u>Culture, Place</u>
6240. Provision of accommodation and charges.	London County Council (General Powers) Act 1959 – Section 13	Corporate Director, Communities, Localities and <u>Culture, Place</u>

6341. Power to lease and enter into agreements.	London County Council (General Powers) Act 1959 – Section 14	Corporate Director, Communities, Culture and Localities, Place
6442. Provision of advances for erection etc. of buildings.	London County Council (General Powers) Act 1957 – Section 78	Corporate Director, Communities, Localities and Culture, Place
6543. Removal of bottles from streets.	London County Council (General Powers) Act 1957 – Section 81	Corporate Director, Communities, Localities and Culture, Place
6644. Powers of borough councils to maintain burial grounds.	London County Council (General Powers) Act 1955 – Section 36	Corporate Director, Communities, Localities and Culture of Place
6745. Return of library books	London County Council (General Powers) Act 1955 – Section 37	Corporate Director, Communities, Localities and Culture, Children's
6846. Recovery of expenses of fencing certain lands.	London County Council (General Powers) Act 1955 – Section 39	Corporate Director, Communities, Localities and Culture, Place
6947. Defacement of streets with slogans etc.	London County Council (General Powers) Act 1954 – Section 20	Corporate Director, Communities, Localities and Culture of Place
7048. Powers of sanitary authority to cleanse aged and feeble persons in their homes	London County Council (General Powers) Act 1953 – Section 43	Corporate Director, Communities, Localities and Culture, Health, Adults and Community
7149. Expenses of councils in connection with ceremonies etc.	London County Council (General Powers) Act 1951 – Section 32	Chief Executive
7250. Improvement of roadside amenities etc.	London County Council (General Powers) Act 1951 – Section 33	Corporate Director, Communities, Localities and Culture, Place
73. Power to supply storage etc for accommodation to costermongers etc.	London County Council (General Powers) Act 1951 – Section 34	Corporate Director, Communities, Localities and Culture
7451. Supply of heat.	London County Council (General Powers) Act 1949 – Part II	Corporate Director, Place, Communities, Localities and Culture
7552. Maintenance of forecourts to which public have access and power to serve improvement notices	London County Council (General Powers) Act 1948 – Section 43	Corporate Director, Place, Communities, Localities and Culture
7653. Fencing of dangerous land in or near streets.	London County Council (General Powers) Act 1948 – Section 44	Corporate Director, Place, Communities, Localities and Culture
7754. Recovery of expenses and	London County Council	Corporate Director, Place,

costs.	(General Powers) Act 1948 – Section 44 <u>45</u>	Communities, Localities and Culture
78 <u>55</u> . Power to provide concert halls etc.	London County Council (General Powers) Act 1947 – Section 4	Corporate Director, Communities, Localities and Culture, Children's
79 <u>56</u> . Power to provide entertainment.	London County Council (General Powers) Act 1947 – Section 5	Corporate Director, Communities, Localities and Culture, Children's
80 <u>57</u> . Contributions to cultural bodies.	London County Council (General Powers) Act 1947 – Section 59	Corporate Director, Communities, Localities and Culture, Childrens
81 <u>58</u> . Acquisition of buildings or places of historic interest.	London County Council (General Powers) Act 1947 – Section 69 <u>61</u>	The Council/_Corporate Director, Communities, Localities and Culture, Children's
82 <u>59</u> . Enclosure of unenclosed land adjoining streets.	London County Council (General Powers) Act 1925 – Section 33	Corporate Director, Communities, Localities and Culture, Place
83 <u>60</u> . Compensation to persons in the Council's service on abolition of office.	London County Council (General Powers) Act 1921 – Section 31	Chief Executive [NB: Function allocated to Head of Paid Service until 31st October 2014.]

3.1.3 Council Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. The determination of an appeal against any decision made by or on behalf of the Authority.	<u>As per paragraph 2 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended</u>	<u>Corporate Director, Governance or</u> Licensing Committee in relation to Licensing matters. <u>Corporate Director, Governance or</u> Appeals Committee in relation to other matters
2. The making of arrangements in respect of appeals against the exclusion of pupils from maintained schools.	<u>Subsection (1) of Section 67 51A of, and Schedule 18 to the School Standards and Framework Act 1998</u> <u>Education 2002 and Regulations made thereunder</u>	<u>Corporate Director, of Law, Probity and</u> Governance
3. The making of arrangements in respect of school admission appeals.	Sections 94(1), 1A and (4) of the School Standards and Framework Act 1998.	<u>Corporate Director, of Law, Probity and</u> Governance
4. The making of arrangements in respect of appeals by a school governing body of a requirement that they take a pupil excluded from another school.	Section 95(2) of the School Standards and Framework Act 1998	<u>Corporate Director, of Law, Probity and</u> Governance
5. Any function relating to contaminated land.	Environmental Protection Act 1990 – Part IIA	Corporate Director, <u>Place, Communities, Localities and Culture</u>
6. The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act <u>1990</u> <u>1999</u> ; Environment Act 1995 (Part IV); Environmental Protection Act 1990 (Part I); Clean Air Act 1993	Corporate Director, <u>Place, Communities, Localities and Culture</u>
7. The service of an abatement notice in respect of a statutory nuisance.	Environmental Protection Act 1990 – Section 80(1)	Corporate Director, <u>Place, Communities, Localities and Culture</u>

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<p>8. In relation to or in support of Council functions only, or in relation to any appointment of a Councillor to a paid position except that of Cabinet Member, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <ul style="list-style-type: none"> • the authority; • a joint committee of two or more authorities; or <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p><u>As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended.</u></p>	<p>General Purposes Committee</p> <p>NB: This function in relation to or in support of an Executive function is allocated to the Executive, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member (see Part 3.2.2).</p>
<p>9. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p><u>As per paragraph 20 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended by the Local Authorities (Functions & Responsibilities) (Amendment) Regulations 2001 (SI 2212)</u></p>	<p>All Chief Officers</p>
<p>10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</p>	<p>Noise and Statutory Nuisance Act 1993 – Section 8</p>	<p>The Council</p>
<p>11. The inspection of the authority's area to detect any statutory nuisance.</p>	<p>Environmental Protection Act 1990 – Section 79</p>	<p>Corporate Director, <u>Place, Communities, Localities and Culture</u></p>
<p>12. The investigation of any complaint as to the existence of a statutory nuisance.</p>	<p><u>Environmental Protection Act 1990 – Section 80</u></p>	<p>Corporate Director, <u>Place, Communities, Localities and Culture</u></p>
<p>13. The obtaining of information as to interests in land.</p>	<p>Town and Country Planning Act 1990 – Section 330</p>	<p>Corporate Director, <u>Place, Communities, Localities and Culture</u></p>
<p>14. The obtaining of particulars of persons interested in land.</p>	<p>Local Government (Miscellaneous Provisions) Act 1976 – Section 16</p>	<p>All Corporate Director, <u>Place, Communities, Localities and Culture</u></p>

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15. The making of agreements for the execution of highways works	Highways Act 1980 – Section 278 (substituted by the New Roads and Street Works Act 1991 – Section 23	Corporate Director, Place, Communities, Localities and Culture
16. Functions relating to Local Area Agreements	Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007	The Council

3.2 EXECUTIVE FUNCTIONS

General

The Executive is responsible for all functions of the authority that are not reserved to the Council by the law or by this Constitution or have been allocated to DCLG Commissioners by the Directions of 17 December 2014, [29 April 2015 and 16 January 2017](#).

3.2.1 Executive Functions – Local Choice – Local Act Functions

None – the Council has determined that all local choice functions under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) shall be allocated to the Council.

3.2.2 Executive Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>1. In relation to or in support of an Executive function only, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <ul style="list-style-type: none">• the authority;• a joint committee of two or more authorities; or <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p>As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2000/ 2853) as amended.</p>	<p>The Mayor, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member.</p> <p>NB: This function in relation to or in support of a Council function, or in relation to any appointment of a Councillor to a paid position other than that of Cabinet Member, is allocated to the Council (see part 3.1.3)</p>

3.2.3 Other Executive Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Representing the Borough in Civil Protection and Emergency Planning matters under the Act.	Civil Contingencies Act 2004	Chief Executive or such persons as s/he delegates in her/his absence

3.2.4 Responsibility for Executive Functions

All executive functions of the Council except those reserved to DCLG Commissioners by the Directions of 17 December 2014, [29 April 2015](#) and [16 January 2017](#) are vested in the Mayor. The Mayor may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time. The Mayor may exercise those functions him/herself, or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time.

The Mayor will provide the Monitoring Officer with a list ("the Executive Scheme of Delegation") setting out who of the following (not specified in the delegations contained in sections 3.2.2 and 3.2.3 above) are responsible for particular Executive functions.

- The Mayor and Cabinet collectively; or
- an individual Cabinet Member; or
- a committee of the Cabinet; or
- an officer; or
- a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or
- through joint arrangements.

If the Mayor amends the Executive Scheme of Delegation the Mayor must provide the Monitoring Officer with an updated scheme within five (5) working days.

In the event that the Mayor wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, s/he will first take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.

3.3 COUNCIL AND COMMITTEES/ OTHER BODIES

Council and Committees (including Sub-Committees and Boards of those Committees)

- 3.3.1 Council
- 3.3.2 Overview and Scrutiny
- 3.3.3 Grants Scrutiny Sub-Committee
- 3.3.4 Health Scrutiny Sub-Committee
- 3.3.5 Housing Scrutiny Sub-Committee
- 3.3.6 Audit Committee
- 3.3.7 Development Committee
- 3.3.8 Strategic Development Committee
- 3.3.9 Freedom of the Borough Ad Hoc Panel
- 3.3.10 General Purposes Committee
- 3.3.11 Licensing Committee
- 3.3.12 Pensions Committee
- 3.3.13 Pensions Board
- 3.3.14 Standards Advisory Committee

Other Boards and Panels

- 3.3.15 Adoption Panel
- 3.3.16 Children's Social Care Complaint Review Panel
- 3.3.17 Private Fostering Panel
- 3.3.18 Safeguarding Adults Board
- 3.3.19 Safeguarding Children Board
- 3.3.20 School Admissions Forum
- 3.3.21 Secure Accommodation Panel
- 3.3.22 Standing Advisory Council on Religious Education (SACRE)
- 3.3.23 Tower Hamlets Health and Wellbeing Board

Joint Committees

- 3.3.24 London Council's Committee (known as the Leader's Committee)
- 3.3.25 Transport and Environment Committee
- 3.3.26 Grants Committee
- 3.3.27 London Housing Consortium
- 3.3.28 Joint Committee of the Six Growth Boroughs
- 3.3.29 Inner North East London Joint Health Overview and Scrutiny Committee
- 3.3.30 Pensions CIV Sectoral Committee

3.3.1 Council

Membership: All elected Members of the Authority and the Executive Mayor	
Functions	Delegation of Functions
1. Constitutional Functions <p>(a) All functions set out in Article 4.02 of this Constitution</p> <p>(b) Adopting or amending the Council's Constitution</p> <p>(c) To hold a debate on a matter which is the subject of a petition containing 2,000 or more valid signatures in accordance with the Council's Petition Scheme</p> <p>(d) Budget and Policy Framework Functions</p> <p>(e) All functions relating to the adoption of the budget and policy framework, as set out in Article 4.01</p> <p>(f) Taking decisions in respect of functions which are not in accordance with the policy and budget framework</p>	<p>Non-material changes to the Constitution delegated to General Purposes Committee; changes to reflect a decision of the Council or a change in legislation; or to correct a matter of fact delegated to the Corporate Director, Governance</p>
2. Committee Functions <p>(a) Making arrangements for the discharge of Council functions by a Committee or officer under section 101(5) of the Local Government Act 1972; and</p> <p>(b) making appointments under section 102 (appointment of Committees) of the 1972 Act</p>	<p>Appointments to committees:</p> <p>(a) General Purposes Committee</p> <p>(b) Corporate Director, Governance</p>
3. Power to promote or oppose local or personal Bills <p>(a) Pursuant to Section 239 of the Local Government Act 1972</p>	None
4. Members' Allowance Scheme <p>(a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme</p>	None

Quorum: Twelve (12) voting Members of Council

NB In the absence of any express statutory prohibition to the contrary, all Council bodies listed below may establish Sub-Committees pursuant to section 101 of the Local Government Act 1972 and/or may make specific delegations to officers.

Where a Council Committee appoints a Sub-Committee/Panel under the above provision, the Committee shall appoint a Member to serve as Chair of the Sub-Committee/Panel. If the Committee does not do so, the Sub-Committee/Panel may appoint its own Chair from amongst the Members appointed by the Committee to the Sub-Committee/Panel. Each Committee, Sub-Committee or Panel may appoint a Vice-Chair from amongst its membership.

3.3.2 Overview and Scrutiny

Membership: Nine (9) Councillors (each political group may appoint up to three (3) substitutes may be appointed for each Councillor Member) and six (6) co-opted members: - a Church of England and a Roman Catholic representative; three (3) Parent Governor representatives under paragraph 7 of Schedule A1 to the Local Government Act 2000; and a non-voting Muslim faith representative	
Functions	Delegation of Functions
1. To discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters) in accordance with the arrangements specified for the discharge of the Overview and Scrutiny function and the establishment of an Overview and Scrutiny Committee contained within Part 4 (section 4.5) and Article 6 of the Constitution	None
2. To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime & Disorder Committee	None
3. In accordance with the Council's Petition Scheme: (a) To require a Chief Officer to give evidence to the Committee on a matter that is the subject of a petition including 1,000 or more valid signatures (the Committee will also invite the relevant Executive Member to the meeting); and (b) To undertake a review if a petition organiser feels the authority's response to his/her petition was inadequate	None
4. On behalf of the Council to establish and make appointments to any joint overview and scrutiny committee	None
Quorum: Three (3) voting Members of the Committee	

3.3.3 Grants Scrutiny Sub-Committee

1. Introduction and Aims

- 1.1 Member input is vital at the development and delivery stage of the grants process by ensuring that the overall objectives of the grant scheme are being met based on identified need, that a fair geographical distribution of funding is being proposed, and that the full range of community needs are being met.
- 1.2 The Grants Sub-Committee will support an objective, fair, transparent and coordinated approach to grant funding across the Council including but not restricted to the following.
 - (a) overseeing the process and arrangements for awarding and administering grants and related procurement processes to ensure a strategic approach;
 - (b) overseeing the processing arrangements for developing grants criteria and assessment methodology;
 - (c) overseeing the monitoring, performance management and evaluation arrangements in relation to funded projects; and
 - (d) ensuring fairness and transparency in the grant awarding process.
- 1.3 The Grants Sub-Committee will be mindful of the Council's objective to create an environment for a thriving Third Sector. In this context, the following are key factors:
 - (a) improve partnership working between local organisations;
 - (b) provide longer-term funding to organisations;
 - (c) ensure that funding is aligned to the Strategic Plan and Community Plan;
 - (d) ensure that the Council achieves value for money from its grants; and
 - (e) ensure that funding supports appropriate services for the benefit of local residents.

2. Responsibilities

- 2.1 The Overview & Scrutiny Grants Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to grants matters. This will include:
 - (a) Reviewing and/or scrutinise recommendations, decisions made or actions taken in connection with the discharge of the council's grants;
 - (b) Advising the Mayor, DCLG Commissioners or Executive of key issues/questions arising in relation to grants reports due to be considered by the Mayor, DCLG Commissioners or Executive; and

- (c) Making reports and/or recommendations to the full Council and/or the Mayor, DCLG Commissioners or Executive in connection with the discharge of grants functions
- 2.2 The Grants Sub-Committee will have a broad range of responsibilities. This will include scrutinising adherence to grant eligibility, appraisal, and monitoring arrangements.
- 2.3 Other areas of responsibility for the Grants Sub Committee include but are not restricted to the following:
 - (a) monitoring and reviewing all grant programmes across the Council;
 - (b) maintaining an overview of performance and value for money for all London Borough of Tower Hamlets grant funding;
 - (c) support an appropriate, fair and transparent commissioning and appraisal process is followed when allocating any grant funding;
 - (d) ensure that the Service agreements used in relation to the various Council grant regimes are fit for purpose and that appropriate monitoring and assurance systems are implemented and in place; and
 - (e) receive grant programme performance, monitoring reports and agreeing appropriate action to be taken in respect of projects which are under-performing.

3. **Chair and Membership**

- 3.1 ~~The membership of the Grants Sub-Committee will consist of the Chair of Overview and Scrutiny (or his nominated Deputy) as Chair of the Grants Sub-Committee, with the composition consisting of three (3) Members of the Overview and Scrutiny Committee from the administration and one (1) each from the opposition parties (five (5) in total).~~ Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Chair of the Overview and Scrutiny Committee (or his/her nominated Deputy). The membership of the Grants Scrutiny Sub-Committee will be selected at the Annual General Meeting.

4. **Actions and Responsibilities**

- 4.1 Below are some of the specific actions and responsibilities required to ensure the effective operation of the Grants Sub-Committee.
- 4.2 **Servicing of meetings.** The servicing of meetings will be undertaken by the Council's Democratic Services Team and which work will include:
 - (a) dispatch of reports;

- (b) taking of minutes and recording of actions/decisions;
- (c) dissemination of minutes and decisions; and
- (d) audio recording of meetings.

4.3 **Meeting frequency.** The Grants Sub-Committee will meet as required in order to consider grant awards in a timely manner.

4.4 Officers preparing reports for consideration must liaise with Democratic Services in good time to ensure that meetings are able to be convened as required to consider reports.

4.5 **Preparation and presentation of Reports.** The Lead Manager/Officer of the appropriate grant/funding programme will be responsible for preparing and presenting reports to the Grants Sub-Committee. This will include:

- (a) preparing reports and recommendations;
- (b) obtaining legal and financial clearance of reports;
- (c) sending completed reports to Democratic Services for dispatch;
- (d) presenting reports; and
- (e) implementing actions/decisions agreed.

4.6 **Record of attendance.** All members of the Sub-Committee present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

5. Proceedings

5.1 The Grants Sub-Committee will generally meet in public and conduct its proceedings in accordance with the relevant rules of procedure contained in the Council's Constitution such as the:

- (a) Council Procedure Rules;
- (b) Access to Information Procedure Rules, and
- (c) The Overview and Scrutiny Procedure Rules.

5.2 For the purposes of the Grants Sub-Committee, Rule 19 of the Council Procedure Rules (Petitions) applies.

6. Declaration of Interests

- 6.1 In accordance with the Council's Code of Conduct for Members, Members are reminded that it is a requirement to declare disclosable pecuniary interests and any other interest that they may have within the published register of interests.

7. Decision making

- 7.1 Currently the Council is subject to Direction from the Secretary of State and Commissioners are responsible for decision making on Grants.

3.3.4 Health Scrutiny Sub-Committee

1. Establishment

- 1.1 The Council's Constitution states that the Annual Council Meeting will establish "such other Committees/ Sub-Committees as it considers appropriate to deal with matters which are neither Executive Functions nor reserved to the Council".
- 1.2 The Constitution refers to the establishment of "a standing Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 1.3 At the Annual General Meeting of the Council, held on 18 May 2016 the nominations were received the Municipal Year 2015/16 with a membership numbering seven (7), and an allocation of places in accordance with overall proportionality requirements as follows: four (4) Majority Group Members (Labour), three (3) Minority Group Member (Independent Group) and zero (0) Minority Group Members (Conservative).

2. Terms of Reference and Quorum

- 2.1 The Health Scrutiny Sub-Committee will undertake the Council's functions under the National Health Service Act 2006 and associated Regulations and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:
 - (a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
 - (b) To respond to consultation exercises undertaken by an NHS body; and
 - (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.
- 2.2 The quorum will be three (3) voting members.
- 2.3 The Health Scrutiny Sub-Committee will meet at least four (4) times a year.

3. Reports

- 3.1 The Sub-Committee will report to full Council, Cabinet or the appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Sub-Committees shall first be

considered by the Overview and Scrutiny Committee before being reported to full Council, Cabinet or the appropriate Cabinet member, as appropriate.

4. Proceedings of Scrutiny Sub-Committees

- 4.1 The Overview and Scrutiny Committee and its Scrutiny Sub-Committees will generally meet in public and conduct their proceedings in accordance with the Procedure Rules in Part 4 of the Constitution.

3.3.5 Housing Scrutiny Sub-Committee

1. Chair and Membership

- 1.1 Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Lead Scrutiny Member for Place for 2016/17. The membership of the Housing Scrutiny Sub-Committee will be selected at the Annual General Meeting.

2. Frequency of meetings

- 2.1 The Housing Scrutiny Sub-Committee will meet four (4) times a year.
- 2.2 The Sub-Committee may arrange other meetings as and when necessary to consider any urgent issues as well as arranging meetings for detailed scrutiny reviews and challenge sessions.

3. Responsibilities

- 3.1 The Housing Scrutiny Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to housing matters. This will include:
- (i) Reviewing and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's housing functions;
 - (ii) Advising the Mayor, DCLG Commissioners or Cabinet of key issues/questions arising in relation to housing reports due to be considered by the Mayor, DCLG Commissioners or Cabinet;
 - (iii) Making reports and/or recommendations to the full Council and/or the Mayor, DCLG Commissioners or Cabinet in connection with the discharge of housing functions;
 - (iv) Delivering (c) by organising an annual work programme, drawing on the knowledge and priorities of the council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;
 - (v) Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;
 - (vi) Considering housing matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public; and
 - (vii) The Sub-Committee will report annually to the Overview and Scrutiny Committee on its work.

4. Support to the Sub-Committee

- 4.1 The ~~Service Heads~~Divisional Directors for ~~Corporate~~ Strategy, Policy, Equalities and Partnerships and Equality (~~LP~~GGovernance) and ~~Strategy, Regeneration and Sustainability~~Growth and Economic Development (~~D&R~~Place) will be the senior officer leads and champion the work of the Sub-Committee.
- 4.2 The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:
- (a) Meeting room bookings, refreshments
 - (b) Agenda preparation and dispatch
 - (c) Taking minutes and recording of actions/decisions
 - (d) Dissemination of minutes and decisions
 - (e) The Corporate Strategy & Equality Service will provide policy support to the
 - (f) Sub-Committee which will include:
 - (g) Research and analysis
 - (h) Work programme development
 - (i) Support with undertaking reviews and challenge sessions
 - (j) Drafting review reports and challenge sessions

5. Proceedings

- 5.1 The Housing Scrutiny Sub-Committee will generally meet in public and conduct its proceedings in accordance with the rules and procedure contained in the Council's Constitution such as the:
- (a) Council Procedure Rules;
 - (b) Access to Information Procedure Rules, and
 - (c) The Overview and Scrutiny Procedure Rules.

3.3.6 Audit Committee

Membership: Seven (7) Members of the Council Councillors . (Up each political group may appoint up to three (3) substitutes may be appointed for each Member) . The Audit Committee shall not be chaired by a Member of the Executive.	
Functions	Delegation of Functions
1. To consider the Audit Plan and review the performance of Internal Audit against this target	None
2. To review internal audit findings and the annual report from the Head of Audit and seek assurance that action has been taken where necessary	None
3. To act as a forum for the external auditors to bring issues to Members' attention including both specific reports and general items such as the Annual Audit Letter and the Annual Governance Report	None
4. To be satisfied that the authority's assurance statement including the Annual Governance Statement properly reflects the risk environment and any actions required to improve it	None
5. To enable the Council to demonstrate a response to its fiduciary responsibilities in preventing fraud and corruption	None
6. To consider reports of audit activity together with specific investigations	None
7. To monitor the Authority's Risk Management arrangements and seek assurance that action is being taken on risk related issues identified by auditors and inspectorates	None
8. To make arrangements for the proper administration of the Council's financial affairs and for the proper stewardship of public funds except the appointment of the Chief Finance Officer and which shall remain the duty of the Council	None
9. To meet the obligations of the Accounts and Audit (England) Regulations 2011 (where savings provisions apply) and the Accounts and Audit Regulations 2015 and the various statutory requirements in respect of the duty to approve the Authority's Statement of Accounts, income and expenditure and balance sheet	None

or record of payments and receipts (as the case may be)	
10. Pursuant to section 7 of the Local Audit and Accountability Act 2014 to appoint a local auditor to audit the Council's accounts	None
Quorum: Three (3) Members of the Committee	

3.3.7 Development Committee

Membership: Seven (7) Members of the Council <u>Councillors- (Up each political group may appoint up</u> to three (3) substitutes may be appointed for each Member).	
Functions	Delegation of Functions
1. Planning Applications <p>(a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria</p> <p>(i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p>(ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres</p> <p>(iii) Retail development with a gross floor space exceeding 5,000 square metres</p> <p>(iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to the development, and the Corporate Director, Place considers that these objections cannot be addressed by amending the development, by imposing conditions and/or</p>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him; or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>by completing a legal agreement</p> <p>(b) To consider and determine recommendations from the Corporate Director, Place to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development</p> <p>(c) To consider and determine recommendations from the Corporate Director, Place for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.</p> <p>(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place)</p>	
<p>2. Observations</p> <p>(a) To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues</p>	None
<p>3. General</p> <p>(a) To consider any application or other planning matter referred to the Committee by the Corporate Director, Place where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised)</p>	None
<p><i>It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</i></p>	
<p>Quorum: Three (3) Members of the Committee</p>	

3.3.8 Strategic Development Committee

Membership: Seven (7) Members of the Council Councillors- (Up each political group may appoint up to three (3) substitutes)- may be appointed for each Member.	
Functions	Delegation of Functions
<p>1. To consider any matter listed within the terms of reference of the Development Committee where any one of the following applies</p> <ul style="list-style-type: none"> (a) Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames) (b) Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area (c) Applications for employment floor space on sites of more than 4 hectares (d) Major infrastructure developments (e) Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres (f) Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres (g) Applications for developments including 200 or more car parking spaces (h) Legal proceedings in relation to the matter are in existence or in contemplation (i) Three or more members of the Development Committee are disqualified in some way from participating in the decision (j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee (k) To consider any application or other planning matter referred to the Committee by the Corporate Director, Place where s/he considers it appropriate to do so (for example, if especially significant strategic issues are raised) 	None
<i>It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</i>	

Quorum: Three (3) Members of the Committee

3.3.9 Freedom of the Borough Ad Hoc Panel

Membership: Members of the ~~Council Panel~~ to include the Speaker of the Council, the Executive Mayor, any former Civic Mayors or Chairs of Council still serving as Councillors, and at least one (1) representative of each political group on the Council. The Panel may co-opt additional non-voting Members including other former Civic Mayors or Chairs/ Speakers of Council, or independent persons drawn from the business, community or public sectors.

The Panel shall be chaired by the Speaker of the Council

Functions	Delegation of Functions
1. To consider any proposals that may be made in due course relating to the granting of the Freedom of the Borough, including any nominations for that award, and to make recommendations	None

Quorum: Three (3) voting Members of the Panel

3.3.10 General Purposes

Membership: Nine (9) Members of the Council Councillors (each political group may <u>appoint</u> up to three (3) substitutes may be appointed for each Member)	
Functions	Delegation of Functions
This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution	-
1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including: (a) the provision of assistance at European Parliamentary elections; (b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and (c) the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under Local Government Act 2000).	None
2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
3. To recommend to Council the introduction, amendment or revocation of byelaws	None
4. Appointment and revocation of local authority school governors	None

5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
6. To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer	None
7. To determine major policy on the terms and conditions on which staff hold office within allocated resources	None
8. To agree any negotiated settlement, in relation to a senior executive in circumstances which do not amount to a dismissal that may be proposed in accordance with the Council's Pay Policy Statement	None
9. To determine the criteria for the appointment of the Head of Paid Service and other statutory and non-statutory chief officers and deputy chief officers and to establish Appointments Sub-Committees to consider such appointments	None
10. To make recommendations to Full Council on the appointment of the Head of Paid Service	None
11. To establish a Sub-Committee to consider any proposal to discipline and/or dismiss the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution and to appoint a minimum of two (2) 'Independent Persons' to such Sub-Committee	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution

<p>12. To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including:</p> <p>(a) Education awards appeals;</p> <p>(b) Appeals by governing bodies;</p> <p>(c) Appeals by employees under human resources procedures requiring a Member level decision; and</p> <p>(d) Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval</p>	None
<p>13. To establish Employee Appeals Sub-Committees and other Appeals Sub-Committees as appropriate to be convened by the Corporate Director, Law, Probity and Governance for determination of the above appeals referred to in paragraph 12 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance</p>	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
<p>14.</p> <p>(a) Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution</p> <p>(a)(b) <u>In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part 2, Article 12.06(c)(ii) of this Constitution</u></p>	None
<p>Quorum: Three (3) Members of the Committee</p>	

3.3.11 Licensing Committee

Membership: Fifteen (15) Members of the Council. No substitute members may be appointed for this committee

Functions	Delegation of Functions
<p>1. <u>To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act</u>To consider and determine applications for the grant or variation of the following:</p> <ul style="list-style-type: none"> (i) Premises Licenses, Personal Licences, Temporary Events Notices and Club Premises Certificates pursuant to the Licensing Act 2003 where relevant representations have been received. (ii) Special treatment licenses in respect of premises within the borough where objections have been received. (iii) Gaming permits, as defined by Schedule 9 (6) of the Gaming Act 1968, where objections have been received. (iv) Small lotteries registration, where objections have been received. (v) Competitive bidding licenses, where objections have been received. (vi) Pools promotion registration, where objections have been received. (vii) Granting "hypnotism waivers" in accordance with Council policy. (viii) Any other application which the Corporate Director, Environment and Culture considers should be referred to the Committee for determination 	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine any applications for licenses not specifically reserved to the Licensing Committee by these terms of reference and all applications for licences where no objections have been received.</p>
<p>2. <u>To establish Sub-Committees to consider and determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, objections to temporary event notices and</u></p>	<p>NoneThe Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all</p>

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<p><u>any applications requiring a hearing under the Licensing Act 2003 and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act</u>To consider and determine applications for revocation and/or review of any licences which fall to be determined by the Committee in accordance with paragraph 1 a) to h) above</p>	<p><u>applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</u></p>
<p>3. <u>To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005</u>To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</p>	<p>None</p>
<p>4. <u>To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</u>To determine fees and charges for the issue, approval, consent, license, permit or other registration for functions for which the Committee has responsibility</p>	<p>None</p>
<p>5. <u>To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) regarding the control of sex establishments within the Borough</u>To determine all aspects of licensing policy/procedure (excluding the determination of the Council's Statement of Licensing Policy) and miscellaneous licensing matters, including the creation of Sub Committees for the purposes of the Licensing Act 2003</p>	<p>None <u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</u></p>
<p>6. <u>To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn</u>To consider the Council's statement of licensing policy</p>	<p>None <u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or</u></p>

	<u>the objections have been withdrawn within the appropriate time frame</u>
7. <u>To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution where the Function has been specifically delegated to the Licensing Committee</u>	<u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</u>
8. <u>To determine fees and charges for the issue, approval, consent, license, permit or other registration in respect of Licensing and Registration Functions as set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution for which the Committee has responsibility</u>	<u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to determine fees for premises licences in respect of gambling</u>
9.	
Quorum: Three (3) Members of the Committee	

3.3.12 Pensions Committee

Membership: Seven (7) Members of the Council Councillors (each political group may appoint up to three (3) substitutes may be appointed for each Member); plus one (1) representative of the Admitted Bodies and one (1) Trade Union representative. The Admitted Body and Trade Union representatives will be non-voting members of the Committee.	
Functions	Delegation of Functions
1. To consider pension matters and meet the obligations and the duties of the Council under the Superannuation Act 1972, and the various statutory requirements in respect of investment matters	None
Quorum: Three (3) Members of the Committee	

3.3.13 Pensions Board

Introduction

1. This document sets out the terms of reference of the Local Pension Board of the London Borough Of Tower Hamlets (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
4. Except where approval has been granted under regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

Interpretation

5. The following terms have the meanings as outlined below:

'the Act' The Public Service Pensions Act 2013.

'the Code' means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes.

'the Committee' means the committee who has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972 (i.e. the Pensions Committee at LBTH).

'the Fund' means the Fund managed and administered by the Administering Authority.

'the Guidance' means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.

'the Regulations' means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

(as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations ~~2009-2016~~ (as amended from time to time).

'Relevant legislation' means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.

'the Scheme' means the Local Government Pension Scheme in England and Wales.

Statement of purpose

6. The purpose of the Board is to assist* the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

7. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members†.

Establishment

The Board ~~is was~~ established on ~~{01 APRIL 2014} 01 April 2014; subsequent to approval approved by {FULL COUNCIL} Council on {26 NOVEMBER November 2014}; and by {subject to the agreement of the Pensions Committee on 24 February 2015}.~~

8. As stated above, the Pensions Board is not explicitly bound by the rules governing Committees established under Section 101 of the Local Government Act 1972, however, for consistency and best practice, the Pensions Board will, where practicable and subject to specific rules set out in these Terms of Reference, operate in the same way as the Council's other Committees as set out in the Constitution. This includes:

* Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means

† See paragraphs 7.9 to 7.11 of the Guidance for more information on a Code of Conduct for Boards

- Rules 6 - 10, 17.3, 17.6 and 18 to 25 of the Council Procedure Rules (Part 4 – Rules of Procedures) relating to :
 - Notice and summons to meetings
 - Chair of meeting (except in relation to casting votes)
 - Quorum
 - Duration of meetings
 - Cancellation of meetings
 - Voting (certain rules)
 - Minutes
 - Petitions
 - Record of Attendance
 - Exclusion of the Public
 - Members’ Conduct
 - Disturbance by Public
 - Suspension of Amendment of Council Procedure Rules
- Access to Information Procedure Rules (Part 4.2 of the Constitution)
- Code of Conduct for Members (Part 5.1 of the Constitution) – with specific reference to registering and disclosing interests.
- Members’ Allowance Scheme (Part 6 of the Constitution) – with particular reference to allowances and expenses payable.

Membership

9. The Board shall consist of six (6) voting members, as follows:
 - Three (3) Member Representatives; and
 - Three (3) Employer Representatives.
10. There shall be an equal number of Member and Employer Representatives.
11. There shall also be one (1) other representatives who is not entitled to vote.

Member representatives

12. Member representatives shall either be scheme members[‡] or have capacity to represent scheme members of the Fund.
13. Member representatives should be able to demonstrate their capacity[§] to attend and complete the necessary preparation for meetings and participate in training as required.
14. Substitutes ~~shall~~may be appointed. Where appointed, substitutes ~~should~~must be named and must undertake the same training as full members.

[‡] Active, deferred or pensioner members

[§] See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

15. A total of three (3) member representatives shall be appointed^{**} from the following sources:

- (a) One (1) member representative shall be appointed by the recognised trade unions representing employees who are scheme members of the Fund.
- (b) One (1) member representative shall be appointed by the Admitted Bodies Forum where that body is independent of the Administering Authority and open to and representative of all scheme members of the Fund.
- (c) One (1) member representative shall be appointed following a transparent recruitment process which should be open to all pensioners and be approved by the Administering Authority.

Employer representatives

16. Employer representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.

17. Employer representatives should be able to demonstrate their capacity^{††} to attend and complete the necessary preparation for meetings and participate in training as required.

18. Substitutes shall be appointed. Where appointed substitutes should be named and must undertake the same training as full members.

19. A total of three (3) employer representatives shall be appointed^{‡‡} to the Board from the following sources:

- (a) One (1) elected member employer representative shall be appointed by Council to and representative of all employers in the Fund.
- (b) One (1) employer representative shall be appointed following a transparent recruitment process which should be open to all employers in the Fund and be approved by the Administering Authority.
- (c) One (1) employer representative shall be appointed by the Administering Authority where all employers will have been asked to submit their interest in undertaking the role of employer representative on the Board.

^{**} See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing member representatives

^{††} See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

^{‡‡} See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing employer representatives

Other members^{§§}

20. One (1) other member shall be appointed to the Board by the agreement of both the Administering Authority and the Board to act as an Independent Chair.
21. Other members do not have voting rights on the Board.

Appointment of chair

22. Subject to the meeting arrangements in paragraphs 35 to 37 below a chair shall be appointed for the Board as set out below:
 - (a) An independent chair to be appointed by the Administering Authority but shall count as an 'other' member under paragraphs 20-21 above. In this respect the term independent means having no pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund or not being a member of the Fund.

Duties of chair

23. The chair of the Board:
 - (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference,
 - (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered, and
 - (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

Notification of appointments

24. When appointments to the Board have been made the Administering Authority shall publish the name of Board members, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Terms of Office^{*}**

25. The term of office for Board members is four (4) years.

^{§§} When considering whether to have other members on the Board regard should be given to the advice provided in paragraphs 5.21 to 5.24 of the Guidance

^{***} See paragraphs 5.29 and 5.30 of the Guidance which outlines points to consider when setting out the term of office for Board members. In particular consideration should be given to allowing members to retire on a rolling basis to ensure experience is retained

26. Extensions to terms of office may be made by the Administering Authority with the agreement of the Board.
27. A Board member may be appointed for further terms of office using the methods set out in paragraphs 15 and 19.
28. Board membership may be terminated prior to the end of the term of office due to:
- (a) A member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund⁺⁺⁺.
 - (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied.
 - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.
 - (d) A Board member no longer being able to demonstrate to the London Borough Of Tower Hamlets their capacity to attend and prepare for meetings or to participate in required training.
 - (e) The representative being withdrawn by the nominating body and a replacement identified.
 - (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
 - (g) A Board member who is an elected member becomes a member of the Pensions Committee.
 - (h) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

Conflicts of interest⁺⁺⁺

29. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.
30. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.
31. On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

⁺⁺⁺ This includes active, deferred and pensioner members.

⁺⁺⁺ See section 7 of the Guidance for more information on Conflicts of Interest.

Knowledge and understanding (including Training)^{§§§}

32. Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined in paragraph 6 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
33. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
34. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

Meetings

35. The Board shall as a minimum meet four (4) times^{****} each year.
36. Meetings shall normally take place between the hours of 9am and 9pm at the Town Hall.
37. The chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

Quorum

38. A meeting is only quorate when at least one person of each member and employer representatives are present including an independent chair or 50% of both member and employer representatives are present.
39. A meeting that becomes inquorate may continue but any decisions will be non-binding.

^{§§§} See section 6 of the Guidance for more information on Knowledge and Understanding.

^{****} See 5.35.11 in Guidance for more advice on the number of meetings to hold each year.

Board administration

40. The Chair shall agree with an officer from Democratic Services (the 'Board Secretary') an agenda prior to each Board meeting.
41. The agenda and supporting papers will be issued at least seven (7) working days (where practicable) in advance of the meeting except in the case of matters of urgency.
42. Draft minutes of each meeting including all actions and agreements will be recorded and published within twenty-one (21) working days of the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes. Where necessary any information considered exempt as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or considered confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998 shall be included in a Part II minute that is not made available to the public.
43. The Board Secretary, in consultation with the Investment & Treasury Manager shall support Board members in maintaining their knowledge and understanding as determined in the Board's Knowledge and Understanding, Policy and Framework, and other guidance or legislation.
44. The Board Secretary shall arrange such advice as is required by the Board subject to such conditions as are listed in these Terms of Reference for the use of the budget set for the Board.
45. The Board Secretary shall ensure an attendance record is maintained along with advising the Administering Authority on allowances and expenses to be paid under these terms.
46. The Board Secretary shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

Public access to Board meetings and information

47. The Board meetings will be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).
48. The following will be entitled to attend Board meetings in an observer capacity:

- (a) Members of the Pensions Committee,
- (b) Any person requested to attend by the Board.

Any attendees will be permitted to speak at the discretion of the Chair.

49. In accordance with the Act the Administering Authority shall publish information about the Board to include:

- (a) The names of Board members and their contact details.
- (b) The representation of employers and members on the Board.
- (c) The role of the Board.
- (d) These Terms of Reference.

50. The Administering Authority shall also publish other information about the Board including:

- (a) Agendas and minutes
- (b) Training and attendance logs
- (c) An annual report on the work of the Board to be included in the Fund's own annual report.

51. All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- (a) On the Fund's website.
- (b) As part of the Fund's Annual Report.
- (c) As part of the Governance Compliance Statement.

52. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Expenses and allowances⁺⁺⁺

53. The Administering Authority [SHALL] meet the expenses of Board members in line with the Administering Authority's policy on expenses as set out in the Members Allowances Scheme

⁺⁺⁺ Provision for the payment of expenses and allowances is a decision to be made locally by each Administering Authority. Full consideration should be given to information in Guidance -see section 9 and paragraphs 5.18 and 5.35.17 for more information. Administering authorities should aim to ensure that no Board member is either better or worse off as a result of fulfilling their duties as a member of the Board

Budget

54. The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund and determined by:

- a) *The Board will seek approval from the Corporate Director, Resources for any expenditure it wishes to make.*

Core functions^{****}

55. The first core function of the Board is to assist^{§§§§} the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
- b) Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code.
- c) Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.
- d) Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.
- e) Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.
- f) Monitor complaints and performance on the administration and governance of the scheme.
- g) Assist with the application of the Internal Dispute Resolution Process.
- h) Review the complete and proper exercise of Pensions Ombudsman cases.
- i) Review the implementation of revised policies and procedures following changes to the Scheme.
- j) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
- k) Review the complete and proper exercise of employer and administering authority discretions.
- l) Review the outcome of internal and external audit reports.

^{****} In determining the role of the Board, further information can be found in paragraphs 3.27 to 3.29 of the Guidance.

^{§§§§} Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means.

- m) Review draft accounts and Fund annual report.
 - n) Review the compliance of particular cases, projects or process on request of the Committee.
 - o) Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.
56. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
- a) Assist with the development of improved customer services.
 - b) Monitor performance of administration, governance and investments against key performance targets and indicators.
 - c) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
 - d) Monitor investment costs including custodian and transaction costs.
 - e) Monitor internal and external audit reports.
 - f) Review the risk register as it relates to the scheme manager function of the authority.
 - g) Assist with the development of improved management, administration and governance structures and policies.
 - h) Review the outcome of actuarial reporting and valuations.
 - i) Assist in the development and monitoring of process improvements on request of Committee.
 - j) Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
 - k) Any other area within the statement of purpose (i.e. ensuring effective and efficient governance of the scheme) the Board deems appropriate.
57. In support of its core functions the Board may make a request for information to the Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.
58. In support of its core functions the Board may make recommendations to the Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Reporting *****

59. The Board should in the first instance report its requests, recommendations or concerns to the Committee. In support of this any member of the Board may attend a Committee meeting as an observer.

***** See section 8 of the Guidance for more information on Reporting.

60. Requests and recommendations should be reported under the provisions of paragraphs 59 and 60 above.
61. The Board should report any concerns over a decision made by the Committee to the Committee subject to the agreement of at least 50% of voting Board members provided that all voting members are present. If not all voting members are present then the agreement should be of all voting members who are present, where the meeting remains quorate.
62. On receipt of a report under paragraph 63 above the Committee should, within a reasonable period, consider and respond to the Board.
63. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.
64. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 63 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.
65. The appropriate internal route for escalation is to the Monitoring Officer and/or Acting Corporate Director, Resources, the Section 151 Officer.
66. The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
67. Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's Whistleblowing Policy.

Review of terms of reference

68. These Terms of Reference shall be reviewed on each material change to those parts of the Regulations covering local pension boards and at least every three (3) years.
69. These Terms of Reference were adopted on 01 April 2015.

3.3.14 Standards Advisory Committee

1. Composition

- 1.1 The Standards Advisory Committee shall be comprised of seven (7) Members of the Council (not including the Mayor or more than one Cabinet Member) with up to three substitutes may be appointed for each Member, appointed by the Council in accordance with the requirements of political proportionality; and up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).
- 1.2 The Co-opted member(s) will be entitled to vote at meetings under the provisions of s13 (4) (e) of the Local Government and Housing Act 1989. The Standards Advisory Committee shall be chaired by a Co-opted member.
- 1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference.

2. Appointment of Co-Opted Members

- 2.1 A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. The term of appointment shall be for four (4) years unless otherwise determined by Full Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

3. Roles and Functions

- 3.1 The Standards Advisory Committee has the following roles:
 - (a) To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least three (3) different Members of the Standards Advisory Committee (comprising two (2) of the co-opted members and one (1) Councillor) which shall make the final decision on the matter;

- (b) To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;
- (c) To convene a Hearings Sub-Committee of three Members of the Standards Advisory Committee comprising two (2) of the co-opted members and one (1) Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;
- (d) To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;
 - (i) Reporting its findings to Council for information;
 - (ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;
 - (iii) Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;
 - (iv) Recommending the Monitoring Officer arrange training for the member;
 - (v) Recommending removal from outside appointments to which s/he has been appointed or nominated;
 - (vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
 - (vii) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;
 - (viii) Recommending the Member to contact the Council via specified point(s) of contact;
- (e) To convene a Hearings (Appeal) Sub-Committee of at least three (3) different Members of the Standards Advisory Committee (comprising two (2) of the co-opted members and one (1) Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;
- (f) To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;
- (g) Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there

- may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;
- (h) Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;
 - (i) Advising the Council on the adoption or revision of the Code of Conduct for Members;
 - (j) Monitoring the operation of the Code of Conduct for Members;
 - (k) Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;
 - (l) To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;
 - (m) To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;
 - (n) Advising on local protocols for both Officer and Member governance;
 - (o) To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;
 - (p) To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and
 - (q) As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

4. Validity of proceedings

- 4.1 A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three (3) members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor (1) and at least one (1) co-opted member.
- 4.2 Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.

5. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

- 5.1 Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three (3) Members of the Standards Advisory Committee at least two (2) of whom shall be co-opted members.
- 5.2 The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.
- 5.3 The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.
- 5.4 The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

6. Attendance Requirements

- 6.1 In the event that any Member of the Committee does not attend three (3) or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.
- 6.2 The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

7. Procedures

- 7.1 The Committee shall agree a set of procedures to enable it to discharge the arrangements under its Terms of Reference.

8. Confidentiality

- 8.1 The Committee and any of its Sub-Committees may meet in private in accordance with the relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

3.3.15 Adoption Panel

THE ADOPTION PANEL – PROCEDURES AND GUIDANCE

Legislation	(a) The Adoption and Children Act 2002 (b) The Adoption Agencies Regulations 2005 (AAR) (c) Adoption Agencies & Independent Review of Determinations (Amendment) Regulations 2011 (AIR) (d) Care Planning, Placement and Case Review Regulations 2010
Guidance	(e) Statutory Adoption Guidance 2011 (SG)
Standards	(f) Adoption National Minimum Standards 2011 (NMS)
Applies to	The Panel Chairperson and Panel Members to guide their practice and decision-making; Social Workers presenting assessments, reviews and recommendations to the panel; Managers within the Adoption Service; and the agency decision-maker

Panel Status

This panel should be considered as an adoption panel under Regulation **4 of the AIR** Paragraph 1 of the Adoption and Children Act 2002. It is a requirement for all adoption agencies to have an adoption panel.

The Adoption Panel is regulated by the Adoption and Children Act 2002.

Values

The service operates within the following value framework:

- (a) Children are entitled to grow up as part of a loving family, which can meet their needs during childhood, and beyond.
- (b) Where possible it is best for children to be brought up by their own family.
- (c) The child's welfare, safety and needs will be at the centre of the adoption process.
- (d) The child's wishes and feelings will be actively sought and fully taken into account at all stages.
- (e) Delays in adoption can have a severe impact on the health and development of children and will be avoided wherever possible.
- (f) Children's ethnic origin, cultural background, religion and language will be fully recognised and positively valued and promoted when decisions are made.
- (g) The particular needs of disabled children will be fully recognised and taken into account when decisions are made.
- (h) The role of adoptive parents in offering a permanent family to a child who cannot live with their birth family will be valued and respected.

- (i) Adoption has lifelong implications for all involved and requires lifelong commitment from many different organisations, professions and individuals who have to work together to meet the needs for services of those affected by adoption.
- (j) The adoption agency make quality and appropriate recommendations, and the adoption agency decision maker ensures that appropriate and child-focused decisions are made that positively promote and safeguard the welfare of children up to the age of majority and beyond.

Panel Responsibilities

The panel is responsible for the following in relation to recommendations to the Tower Hamlets Agency Decision Maker:

- (a) To consider each application of adopters for approval and to recommend whether or not a person is suitable to act as an adoptive parent. (Where it recommends the approval of an application **it can advise** on the terms on which the approval is given). The panel has the added responsibility of being able to **recommend the termination** of the approval status of a prospective adopter.
- (b) To make recommendations in relation to a 'match' of an adopter with a child. The adoption panel makes a considered recommendation, taking in to account all of the relevant information sent through to them. The relevant documentation is sent out to the panel members at least ten working days in advance of the actual panel date.
- (c) To make a fresh recommendation if a case is referred back to panel following an applicant being considered unsuitable and where they make representations to the agency.
- (d) To consider a brief report when the assessing social worker is recommending that the applicant's assessment should be terminated.
- (e) To consider the reviews of approved adopters where they may be considered no longer suitable to adopt, and to follow the process set out in AAR 29.4
- (f) Give advice and make recommendations on any other matter or case as appropriate.

In addition the panel has the following duties and functions:

- (a) A quality assurance function reporting back to the agency every six (6) months in relation to the assessment process and the quality of reports being presented to the panel, including checking whether the requirements of the Restrictions on the Preparation of Adoption Reports Regulations 2005 are being met. In particular, monitoring and review of the work carried out by assessors: to provide feedback; to identify problems; and to ensure there is a consistency of approach in assessment across the service, and that assessment is fair to all applicants and has been completed in a thorough and rigorous way.
- (b) Monitoring the range and type of adopters available to Tower Hamlets in comparison with the needs of children requiring adoptive placements and monitoring time scales according to set standards. Where these timescales have not been met, recording accurately the reason for delay.

- (c) Ensuring the written minutes of panel meetings are accurate and informative, and clearly cover the key issues and views expressed by panel members. The minutes should record the panel's recommendation, the reasons for its recommendation and its advice. The panel chair is responsible for checking the accuracy of the minutes, ensuring they are sufficiently full, and give the actual recommendations from the panel meeting.
- (d) Exploring the support offered to adopters and post- and pre-placement children and making recommendations accordingly

Time Scales

Tower Hamlets is committed to minimising delay in all aspects of its adoption service. We are committed to meeting the following time scales:

All necessary information is provided to panel members at least five (5) working days in advance of panel meeting to enable full and proper consideration.

Minutes must be produced promptly, agreed by the panel members and sent to the agency decision maker (ADM) to allow the decision to be made within seven (7) working days of the receipt of the panel's recommendation and final set of panel minutes.

The Prospective Adopters:

- (a) Within two (2) working days written information sent in response to their enquiry. (NMS allows 5 working days)
- (b) Within two (2) months, a home-visit is undertaken / a follow up interview with a social worker takes place and/or an invitation to an information meeting is offered.
- (c) Within six (6) weeks from the completion of their assessment report, the adoption panel should receive all necessary information from the agency.
- (d) Within eight (8) months of the receipt of their formal application the panel should make a considered recommendation on the suitability of a prospective adopter to adopt. A determination about their suitability to adopt should be made by the agency, following the adoption panel's considerations and recommendation.

Matching and Placement:

The following time-scales should be adhered to, taking into account the individual child's needs:

- (a) Within six (6) months of the Agency Decision Maker deciding that the child should be placed for adoption, a match with suitable adoptive parents should be identified and recommended by the panel.
- (b) Within three (3) months of the agency deciding that the child should be placed for adoption, where a parent has requested that a child aged less than six (6) months be placed for adoption, a match with suitable adoptive parents should be identified and approved by the panel

Where Tower Hamlets fails to meet these time scales the panel can explore the reasons with the presenting social workers and record the reasons in the written minutes of the panel.

Membership

The agency "Must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel ".The Central list

It must include:-

- (a) One (1) or more social workers who have at least three years relevant post-qualifying experience.
- (b) The medical adviser to the adoption agency

From the central list the agency must appoint:-

- (a) A person to chair the panel, who is independent of the agency,
- (b) One(1) or two (2) people as vice-chairs, who may act as chair if necessary

Members of the central list must have the appropriate qualifications and/or experience to consider the cases submitted to the adoption panel.

Guidance suggests that the agency decides how many panel members should be present at each panel meeting.

There is no tenure requirement, however within Tower Hamlets membership of the central list will be re-considered after three years (in addition to annual appraisal). The central list will contain a diverse group of people and who reflect the community.

Tower Hamlets has a core group of ten (10) panel members, in addition there is also the Legal Adviser, Panel Adviser, and Panel Administrator.

Chair

This person must have the "Skills and experience" necessary to chair. The most significant qualities being –

- (a) A sound understanding of the adoption process.
- (b) The authority and competence to chair a panel.
- (c) The ability to analyse and explain complex information.
- (d) The ability to identify key issues, problems and solutions.
- (e) Excellent interpersonal, oral and written communication skills.

Social Work Members

Who have at least three (3) years relevant post qualifying experience. This should be in child care work and direct experience of adoption work.

Elected Members

Whilst there is no requirement to have someone in this role, the London Borough of Tower Hamlets has an elected member on its central list. Wherever possible this person should be a member of the Corporate Parenting Group

Medical Adviser

- (a) This is a requirement for the agency to include on its central list, the medical adviser to the adoption agency
- (b) The medical adviser also contributes to the paper work considered by the panel.
- (c) A summary on the child's health which forms part of the child's permanency report. This is sent with the CPR to the Agency Decision Maker as a Medical Report.
- (d) A summary on the prospective adopters' health which forms part of their report for panel
- (e) The medical adviser should also be consulted when the agency prepares the adoption placement report about a match for panel

Independent Panel Members

Suitable members could include specialist in education, child and adolescent mental health, race and culture, and those with personal experience of adoption

Vice Chair

The agency should appoint one or two people from the central list to be vice chairs. There is no requirement for the vice chairs to be independent of the agency

Agency Adviser to the Panel

The agency must appoint a senior member of staff to act as agency adviser. Their role is to:-

- (a) Maintain the central list and constitution of adoption panel.
- (b) Be responsible for training and induction for new members to the central list
- (c) Act as liaison between the agency and the adoption panel, monitor performance of members and the administration of panel.
- (d) To provide advice and guidance on cases presented to panel

The Agency Adviser must be a social worker with at least five (5) years relevant post qualifying experience. The adviser is not a panel member and cannot take part in the decision making process.

Legal Adviser

Whilst it is not a requirement for the agency's legal adviser to be a panel member, this is the case within Tower Hamlets. The role of the legal adviser is -

- (a) To provide legal advice in the form of a Legal Report to the Agency Decision Maker in relation to the case, when the ADM is considering adoption as the plan for a child.
- (b) When considering the suitability of adopters or a match the panel may obtain legal advice as necessary in relation to the case.

The Panel Administrator

The role of the Panel Administrator is to:

- (a) Produce an annual schedule of meetings
- (b) Maintenance of a panel booking system
- (c) Preparation of agendas
- (d) Collate CPR's Medical and Legal Reports for the ADM.
- (e) Collate, copy and send all papers to the panel within the set time scales.
- (f) Liaise with the panel adviser in relation to the practical arrangements for the panel.
- (g) To ensure quorum for Panel
- (h) Take minutes of the discussion within the panel on each topic or case presented.
- (i) Clearly record any decisions as dictated by the Panel Chair.
- (j) To type up and circulate minutes within agreed time scales.
- (k) To record any amendments of panel minutes as directed by the Panel Chair.

The Panel Administrator will be situated and line managed within the adoption service.

Appointment of Members

New members can only be appointed with consent from Divisional Director Children's Social Care.

Prior to appointment they should be interviewed and receive detailed briefing and written guidance from the panel adviser.

Performance

If Tower Hamlets considers that any member of the adoption panel is unsuitable or unable to remain in office we will terminate their period of office in writing. This can only be done with agreement from Divisional Director Children's Social Care.

The panel's professional adviser is responsible for maintaining records and checks of all panel members. Prior to appointment, each prospective member should be inducted and formally interviewed to ensure they understand their role, task and responsibilities. If required the panel adviser should advertise for appropriate members.

Guidance requires each panel member's performance to be reviewed annually, by way of an appraisal. This will be conducted by the Agency Adviser to the panel and the Panel Chair

The Chair's performance will be conducted by the ADM, who may attend some panels as an observer, to enable him/her to do the review.

Evaluation forms are provided to social workers and other attending panel in order to ensure quality assurance.

Appointment and Checks for Panel Members

All prospective panel members must have a completed Disclosure and Barring Service (DBS) check. They should provide photographic identification in the form of a passport or drivers licence.

They should also provide two (2) written references of people who have known them for more than five years.

Induction for those joining the central list should be completed within ten (10) weeks of joining the list, not within ten (10) weeks of attending their first panel meeting.

All those on the central list need to be given the opportunity to attend a training day with agency's adoption staff annually. The expectation of attending this should be included in their written undertaking.

In addition to the annual training all those on the central list need access to appropriate training.

Reaching a Recommendation

The Adoption Panel cannot sit unless they are quorate. To be quorate the following must meet as a panel:-

- (a) The Chair or Vice Chair.
- (b) The panel must also have a social worker, (with three (3) years post-qualification experience),
- (c) Three other members. If the chair is not present and the Vice Chair who is chairing the meeting is not independent of the agency, at least one of these members must be an independent person.

During meetings the Chair should ensure that each panel member has an opportunity to raise any appropriate matter, comment and to participate fully. Following discussion each member should

be asked in turn whether or not he/she supports a proposed recommendation. An attempt should be made by the chairperson to facilitate the panel reaching a consensus. This will not always be possible.

It is the Panel Chair's role to ensure that panel members take a consistent approach. Often, an evenly divided panel will suggest that there is sufficient doubt to prevent the panel making a confident recommendation. In a matching recommendation the balance of the panel's recommendation should always favour the best interest of the child. If the panel cannot reach a consensus the panel chair has a casting vote.

Where there is a serious difference of opinion amongst members, the chairperson may ask for more information to be made available to the panel before a recommendation is made. The panel chair should ensure a record of significant reservations expressed by individual panel members is made within the minutes.

In the event of the majority of the panel not supporting a recommendation then the recommendation should not be made and the reasons clearly recorded.

The Agency Decision-Maker (*For further reference see SG3 67-69*)

No panel member may take part in the agency decision.

In Tower Hamlets the agency decision-maker is the Divisional Director Children's Social Care. In the absence of the Divisional Director Children's Social Care the Service Manager, Child Protection & Reviewing will act as their deputy.

The Divisional Director Children's Social Care (the Agency Decision Maker) should receive the panel papers prior to the panel considering them. In the case of CPR's these should be provided by the panel clerk with the Medical and Legal reports, plus other documentation as agreed by the Panel Adviser within the same timetable for other panel papers. The agency's decision maker must make the decision within seven (7) working days of receipt of the panel's recommendation and final set of panel minutes. (The same time frame exists for decisions relating to CPR's.) These must have been produced promptly and a hard copy be given to the ADM by the panel clerk. Prior to making a decision the agency decision-maker may meet/ seek clarification on any of the panel processes or recommendations from either the Panel Chair or Adviser.

The agency decision must be communicated to the birth family member and prospective adopters orally within two (2) working days of the agency decision and in writing within five (5) working days. The oral notification should be given to the birth family by the child's social worker and by a PAST social worker in the case of prospective adopters.

If the agency decision-maker considers that a person is not suitable to act as an adopter s/he shall:

- (a) Write to them giving notice that s/he proposes not to approve him/her, together with full and detailed reasons for the determination.
- (b) Invite him/her to make any written representations within forty (40) working days of the decision.

In the event of receiving no written representations then the decision will be confirmed.

In the event of written representations being made, the ADM may invite the prospective adopter to meet to discuss their case.

The ADM may instead refer the case to the next possible Adoption Panel for consideration with the original panel papers. The prospective adopter must be invited to this panel. The panel should then make a further recommendation to the agency decision-maker. The agency decision-maker will then write to the adopter either a) giving approval or b) giving written reasons for the decision not to approve.

In the event of a decision not to approve then the person it concerns should be further advised of the Complaints procedure and given information about the Independent Review Mechanism. The panel cannot make any in principle recommendations.

Panel Minutes

These must be taken by the Panel Clerk and meet the following stipulations:

- (a) Be a full and accurate summary of any discussion within the panel.
- (b) Be agreed and signed off by the Panel Chair as accurate.
- (c) Clearly record any differences of opinion in relation to a panel recommendation.
- (d) Record recommendations and advice accurately as dictated by the Panel Chair.

Training should be available to the panel clerk to assist them in taking accurate minutes. In their absence another suitable experienced administrator will be required to cover.

Expenses

Those independent members who are not employed by a partner organisation should receive an expense payment of £100 plus travel per panel. This is paid by the London Borough of Tower Hamlets payroll.

Frequency and Venue

The Adoption Panel will meet twelve times a year usually for a period of not more than four hours. It will be held at a suitable venue with an appropriate waiting area for Social Workers and applicants.

Emergency Panels

An emergency Permanency Panel can be set up at any time providing it is quorate and is chaired by either the Panel Chair or the Vice Chair.

Feedback on Quality

Any member of the panel has two (2) ways in which they can give feedback on the quality of assessments and work.

- (a) Informally: Before, during or after panel the professional advisor who will take back the panel members' feedback and use it to inform management practice.
- (b) Formally: This can be put in writing to the Service Manager Children's Resources via the panel chair or to the Divisional Director Children's Social Care.

Social Workers and Adopters Attending Panel

The Social Worker that has completed the assessment and/or their line manager must attend Panel. Adopters have the opportunity to attend Panel when their assessment is considered. The purpose of this is to:

- (a) Demystify the Panel process and membership.
- (b) Provide an opportunity for carers to make representations and ask questions.
- (c) Questions should come only from the Panel Chair and should be designed only to seek clarification in areas not clear. They should not replace the written assessment as a way of gathering information.
- (d) Their strengths should be highlighted where possible.

Adopters may also attend Panel if they are being recommended for a match with a particular child or children. Carers who wish to be matched to a child but have been turned down by Tower Hamlets may not attend

The Social Worker who has completed the assessment should answer questions that relate to the assessment. They should consequently come prepared to verbally support their assessment. A leaflet explaining the process to the carers attending the panel is available from PAST.

Training

Training for Panel members should come in three (3) forms:

- (1) A briefing/training session prior to starting as a panel representative.
- (2) Attendance at an annual training day. When appropriate additional training days should be provided to panel members.
- (3) Regular facilitated sessions/presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective.

The content of training should be defined by the panel itself and facilitated by the Panel Adviser.

Appeals

If the Applicants are not satisfied by the recommendation or are not in agreement, in addition to the information in the letter from the agency (SG3.65) they should be given a full explanation by their social worker and given information on what action they can take

- (a) Follow the Tower Hamlets Complaints Procedure.
- (b) Make representations to the agency in writing within forty (40) working days of the receipt of the letter outlining the qualifying determination.
- (c) Make an application to the Independent Review Mechanism (see link in letter from ADM and IRM leaflet). The applicant's link worker may provide this leaflet.

Referral to the Adoption Register

The primary objective of PAST is to provide a service to the children who need permanent families within the borough. In accordance with the adoption standards we aim to reduce the delay in matching children with the adoptive families approved by the team.

After a family has been approved at the panel the assessing social worker will actively search for a suitable match. The assessing social worker must advise the adopters about the National Adoption Register and refer the adopters to the register if no match is found within three months of the adopters' approval

The referral form must be completed and sent to the National Adoption Register.

The adopters can now make a referral to the register and must be advised to do so.

Referral to the Consortium

The principal of no delay for children can only be achieved when resources are shared. This is the aim of the North East London Adoption Group. The PAST administration should send out a list of all adopters who have been approved to the consortium members on a monthly basis. It is the responsibility of the supporting social worker to ensure that the family's details are given to the administration team to be made a part of the circulation as soon as they have been approved.

3.3.15 Children's Social Care Complaint Review Panel

<p>Membership: The Panel consists of three (3) independent people and independent means a person who is neither a member nor an officer of the Council, nor the spouse or civil partner of such a person. The Independent Person appointed to Stage 2 may not be a member of the Panel.</p>	
Functions	Delegation of Functions
<p>The Children Act 1989 Representations Procedure (England) Regulations 2006 ('the 2006 Regulations') provides that local authorities are required to put in place systems for complaints to be made verbally to a member of staff or in writing about the actions, decisions or apparent failings of a local authority's children's social services provision. Complaints can be made by the child or young person and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right. Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, s/he will be eligible to request further consideration of the complaint by the Review Panel and the Review Panel should:</p> <ul style="list-style-type: none"> (a) listen to all parties; (b) consider the adequacy of the Stage 2 investigation; (c) obtain any further information and advice that may help resolve the complaint to all parties' satisfaction; (d) focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes; (e) reach findings on each of the complaints being reviewed; (f) make recommendations that provide practical remedies and creative solutions to complex situations; (g) support local solutions where the opportunity for resolution between the complainant and the local authority exists; (h) to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and (i) recommend any service improvements for action by the authority. 	None

Quorum: All three (3) independent members of the panel

3.3.17 The Private Fostering Panel Procedure

Legislation:	The Children Act 1989, Part IX, (Sections 66-70), as amended by Section 44 of The Children Act 2004. The National Minimum Standards for Private Fostering, July 2005. The Children (Private Arrangements for Fostering) Regulations 2005.
Applies to:	Panel members, private foster carers, social workers and managers
Applies from:	July 2005 and is updated annually

1. This guidance and procedure should be used by:

- (a) The panel chairperson and panel members to guide their practice and decision-making;
- (b) Social workers presenting private fostering assessments and recommendations to panel;
- (c) Managers within the private fostering service;
- (d) The agency decision maker.

2. Panel status

- (a) To consider and be satisfied of the suitability of each private fostering arrangement and to recommend whether or not a person is suitable to act as a private foster carer. Where the suitability of a private fostering arrangement is agreed, to recommend the terms on which the agreement is given;
- (b) To make decisions to impose requirements or prohibitions and whether to refuse to consent to allow a person who is disqualified to privately foster a child/young person;
- (c) To give advice and make recommendations on any other matter or case that Tower Hamlets Private Fostering Service feels appropriate to recommend to it.

In addition, the panel should provide a quality assurance function, as set out in the National Minimum Standards for Private Fostering:

The private fostering panel will provide a quality assurance function in relation to the assessment process – in particular:

- (a) To monitor and review the work of the assessor;
- (b) To provide feedback;
- (c) To identify problems and concerns;
- (d) To ensure there is a consistency of approach in assessment processes across the service which is fair to all parties and has been completed in a thorough and rigorous way, (as indicated in The Children Act 1989 Guidance on Private Fostering and Tower Hamlets Protocol on Private Fostering Arrangements),

3. Membership

The panel can have up to ten (10) members and will include:

3.1 Member 1 – The panel chair

This will usually be a person employed by the London Borough of Tower Hamlets who is independent of the direct line management of Tower Hamlets' Private Fostering Service. This person should be someone with suitable skills and experience in order to chair a private fostering panel and make judgements concerning children and carers. They should also have a recognised social work qualification.

In Tower Hamlets, the panel chair will be the Service Manager for Child Protection & Reviewing Service. The chair will have particular responsibilities for:

- (a) Deciding who will attend the panel, in addition to the panel members;
- (b) Ensuring that all panel members participate fully and, where possible, a consensus is reached on decision making;
- (c) Considering the status of panel members who appear to be unfit, unwilling or unable to continue;
- (d) Deciding on panel member's Involvement when a panel member declares an interest in a case;
- (e) Deciding when a matter is urgent and when an additional panel meeting needs to be convened;
- (f) Ensuring that the panel is clear about the reasons for its recommendations and that these are accurately recorded;
- (g) Monitoring the attendance of panel members and ensuring that all panel members maintain an attendance level of at least 75% at all panel meetings;
- (h) Ensuring an annual report summarising the work of the panel is written and presented to the LSCB and CSMT;
- (i) Drawing to the attention of the Private Fostering Team Manager and where appropriate The Head of Children's Social Care any issue of concern in relation the private fostering service;
- (j) Ensuring that the panel works within all relevant Tower Hamlets' policies and procedures.

3.2 *Member 2 – The vice chair*

This will be the Service Manager, Family Support and Protection and Private Fostering. The vice chair is to deputise for the panel chair in his/her absence.

3.3 *Member 3 – A medical representative*

This will be a Safeguarding Professional from the Primary Care Trust.

3.4 *Member 4 - An education representative.*

This will be a direct representative from education or someone who is involved in promoting the educational needs of children/young people.

3.5 *Member 5 – An independent member*

This will be an independent member who is registered with the GSCC and has the necessary skills and experience in private fostering to fulfil this role.

3.6 *Member 6 – An Agency Member*

This will be a person who has extensive experience of private fostering within an appropriately determined community.

4. Advisers

4.1 *Adviser 1 – Legal adviser*

The purpose of this post is to provide legal and regulatory advice to the panel and Tower Hamlets' Private Fostering Service. In reaching a decision, the legal adviser's view should be noted.

4.2 *The Panel Administrator*

The role of the panel administrator:

- (a) Collate, copy and send all papers to the panel members within the set timescales;

- (b) Liaise with the panel chair in relation to the practical arrangements for convening the panel and the time tabling of the panel agenda;
- (c) Take minutes of the discussion within the panel on each topic or case presented;
- (d) Clearly record any decisions as dictated by the panel chair;
- (e) To word process and circulate any minutes within agreed timescales;
- (f) To record any amendments of panel minutes as directed by the panel chair.

5. Appointment of members

New members can only be appointed with the agreement of the chair of the private fostering panel and could include professionals with expertise and experience in safeguarding children being cared for by alternative carers, housing law and policy, law enforcement, cultural, diversity and equality issues.

Prior to appointment, they should be inducted and receive a detailed briefing and written guidance from the panel chair or vice chair.

6. Tenure of office

Panel membership will be reviewed on an ongoing basis to reflect governmental policies, initiatives and the needs of the community. A private fostering panel member shall hold office for a term not exceeding three years, and will be reviewed by the panel chair after two consecutive terms to ensure their continued suitability to fulfil their panel membership role.

7. Checks for panel members

All panel members must have a completed Enhanced Criminal Records Bureau check and, where they are not employed by a partnership agency, they should also provide photographic identification in the form of a passport or driver's licence.

8. Reaching a recommendation

The private fostering panel cannot sit unless it is quorate. To be quorate, there must be at least three voting members including a panel member not employed by the Children's Directorate and also including either the chair or vice chair.

During meetings, the panel chair should ensure that each panel member has an opportunity to raise any appropriate matter, comment and to participate fully. Following discussion, each panel member should be asked in turn whether or not he/she is satisfied as to agreeing the suitability of the private fostering arrangement.

An attempt should be made by the chairperson to facilitate the panel reaching a consensus. This will not always be possible.

An evenly divided panel will suggest that there is sufficient doubt about the suitability of a private fostering arrangement and at such times the panel's decision will always favour the best interests of the child.

Where there is a serious difference of opinion amongst members, the chairperson may ask for more information to be made available to the panel before a decision can be made. The chairperson should ensure that a record is made in the panel minutes of any significant reservations expressed by individual panel members about a particular decision.

In the event of the majority of the panel not supporting a decision then the decision should not be made and the reasons for this clearly recorded.

9. The Agency Decision Maker

The panel chairperson will act as Agency Decision Maker and has the ultimate decision as to whether a private fostering arrangement is agreed as suitable or not. To facilitate this, the Agency Decision Maker may meet or seek clarification on any issue or process from any panel member or adviser.

The Agency Decision Maker will write to the private foster carer concerned within ten working days of the panel sitting detailing his/her decision.

If the Agency Decision Maker considers that a person is not suitable at that time to act as a private foster carer, he/she shall:

Write to them to let them know the reasons for this decision and detailing any actions(Requirements) they need to take before the arrangement can be agreed;

Invite them to make any written representations within twenty-eight (28) days of the decision.

In the event of written representations being made, then these should be referred to the next possible private fostering panel for consideration with the original panel papers. The panel will then make a further decision. The agency decision maker will then write to the private foster carer either a) giving agreement to the arrangement or b) giving reasons for the decision not to agree.

In the event of a decision not to agree, then the person concerned should be further advised of the complaints procedure and their right to appeal to the Family Proceedings Court.

10. Panel minutes

These must be taken by the panel administrator and meet the following stipulations:

- (a) Be a concise and accurate summary of any discussion within the panel;
- (b) Be agreed and signed off by the panel chair as accurate;
- (c) Clearly record any differences of opinion in relation to a panel recommendation;
- (d) Record recommendations accurately as dictated by the panel chair.

The panel clerk will be based in the Private Fostering Service.

Training should be available to the panel clerk to assist them in taking accurate minutes (if appropriate).

11. Expenses

Those independent members who are not employed by a partner organisation should receive an expenses payment.

12. Frequency and venue

The private fostering panel will meet monthly.

13. Emergency panels

An emergency private fostering panel can be set up at any time providing it is quorate and is chaired by either the panel chairperson or the vice chair. Where this is not possible, the Agency Decision Maker can make an emergency decision on any matter within the remit of the Private Fostering panel.

14. Training

Training for panel members should come in two forms:

1. A briefing/ training session prior to starting as a panel representative.
2. Regular facilitated sessions/presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective as the legislation and guidance changes.

15. Confidentiality

A confidentiality agreement is signed by all panel members.

3.3.18 Safeguarding Adults Board

1. Introduction

- 1.1 The Care Act 2014 states that the Local Authority must take the leading role in establishing a Safeguarding Adults Board (SAB). Each local authority must set up a Safeguarding Adults Board (SAB). The main objective of a SAB is to assure itself that local arrangements are in place to safeguard any adult who:
- (a) has needs for care and support (whether or not the local authority is meeting any of those needs); and
 - (b) is experiencing, or at risk of, abuse or neglect; and
 - (c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

2. Purpose

- 2.1 The role of the SAB is to oversee and lead adult safeguarding across the locality with the aim of preventing abuse and neglect. This includes the safety of patients in its local health services, quality of local care and support services, effectiveness of prisons and approved premises in safeguarding offenders and awareness and responsiveness of further education services.
- 2.2 The SAB will be a source of advice and assistance in matters relating to adult safeguarding. It will therefore have effective links with other key partnerships in the locality and share relevant information and work plans.

3. Duties

- 3.1 The SAB has 3 core duties under the Care Act 2014:
- (a) It must publish a strategic plan for each financial year that sets how it will meet its main objective and what the members will do to achieve this.
 - (b) It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any Safeguarding Adults Reviews and subsequent action.
 - (c) It must conduct any Safeguarding Adults Review in accordance with Section 44 of the Act.

4. Membership and Administration

4.1 To comply with The Care Act 2014, there **must** be representation from the following:

- (a) The Local Authority
- (b) The Local Clinical Commissioning Group (CCG)
- (c) The Police

4.2 The Board will comprise of:

An Independent Chair

Representatives from London Borough of Tower Hamlets

A Councillor
Corporate Director, Health, Adults and Community
Service Manager for Policy, Programmes and Community Insight
Safeguarding Adults Board Manager
Divisional Director, Disability & Health
Adult Safeguarding Team
Commissioning
Joint Team Manager, CLDT
Community Safety
Children's Social Care

NHS

Bart's Health NHS Trust
East London NHS Foundation Trust
Tower Hamlets CCG

Metropolitan Police

Community Safety Unit

Probation Service

London Fire Service

London Ambulance Service

Care Providers / Service Users

Excelcare Holdings

Toynbee Hall
Mencap
Age UK
Tower Hamlets Council for Voluntary Services
PohWER
Toynbee Hall
Real
Healthwatch Tower Hamlets

Housing

Tower Hamlets Homes
Providence Row Housing Association
Tower Hamlets Housing Forum

Quality Assurance

Care Quality Commission

Other possibilities representatives (as suggested by the Care Act Statutory Guidance Notes)

Department for Work and Pensions;
General Practitioners;
Representatives of further education colleges;
Members of user, advocacy and carer groups;
Representatives of children's safeguarding boards; and
Trading Standards.

- 4.3 Representatives from other agencies / organisations may be invited to attend meetings for specific agenda items or may be co-opted for pre-determined periods.
- 4.4 The SAB shall be chaired by an independent Chairperson, recruited externally and appointed after interview by senior representatives from the Tower Hamlets Partnership (THP).
- 4.5 The quorum shall be based not on numbers but on an adequate balance of representation. To be quorate a meeting must be compliant with the Care Act and must therefore include members from the following "core" membership – the Chair, The Police, Local Authority Social Care Representatives, Local Clinical Commissioning Group representatives. In addition, it is locally agreed that to be quorate The Safeguarding Adults

Board/LD Strategy Manager and The Adult Safeguarding/ MCA Manager must also be in attendance.

- 4.6 The SAB shall be programmed to meet bi-monthly and as required (e.g. in case of urgent Serious Case Reviews).

5. Authority

- 5.1 The SAB is accountable to the THP through Corporate Director, Health, Adults and Community.

6. Responsibilities

- 6.1 In accordance with the Care Act 2014, the SAB should:
- (a) identify the role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults;
 - (b) establish ways of analysing and interrogating data on safeguarding notifications that increase the SAB's understanding of prevalence of abuse and neglect locally that builds up a picture over time;
 - (c) establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
 - (d) determine its arrangements for peer review and self-audit;
 - (e) establish mechanisms for developing policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;
 - (f) develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
 - (g) identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry;
 - (h) formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
 - (i) develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
 - (j) balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
 - (k) identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
 - (l) carry out safeguarding adult reviews;

- (m) produce a Strategic Plan and an Annual Report;
- (n) evidence how SAB members have challenged one another and held other boards to account; and
- (o) promote multi-agency training and consider any specialist training that may be required; and
- (p) Consider any scope to jointly commission some training with other partnerships, such as the Community Safety Partnership.

3.3.19 Tower Hamlets Safeguarding Children Board

1. Overall purpose

- 1.1 The Local Safeguarding Children Board (LSCB) established through the Children Act 2004 Section 14.1, is a statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children, and for ensuring the effectiveness of what they do.
- 1.2 *Working Together to Safeguard Children*, Chapter 3 (DfE 2013), sets out in detail guidance for LSCBs and their member organisations to follow regarding their role, functions, governance and operational arrangements. The LSCB should coordinate what is done by each person or body represented on the Board and ensure the effectiveness of work undertaken by member organisations through a variety of mechanisms including peer review, self-evaluation, performance indicators and joint audit.
- 1.3 The broad scope of the LSCB is to address:
 - (a) Activity that affects all children and aims to identify and prevent maltreatment or impairment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care
 - (b) Proactive work that aims to target particular groups
 - (c) Responsive work to protect children who are suffering, or likely to suffer, significant harm

2. Budgets responsible for

- 2.1 To function effectively, the LSCB needs to be supported by its member organisations with adequate and reliable resources. The LSCB budget is funded by contributions made by the Police, Health Agencies (Community, Acute and Mental Health), Probation, CAFCASS, Children's Social Care and Local Authority other. It is the expectation that the majority of funds will be provided by these core partners. The LSCB budget and the statutory contribution* (£15, CA04) made by each member organisation should be reviewed and agreed on an annual basis at the end of the financial year by the Independent LSCB Chair and the LSCB Partners Group.

** Contribution is considered to be financial payments towards expenditure incurred or in kind through the provision of staff, goods or services.*

3. Legal Agreements

- 3.1 The LSCB may request personal or other information subject to the Data Protection Act. Currently, Tower Hamlets' LSCB adheres to the scope outlined in the *Information Sharing Guidance for Practitioners and Managers* (DCSF 2008) and the North East London Information Sharing Protocols.
- 3.2 Information sharing with the LSCB will be strengthened with the passage of the Children and Families Bill, which makes provisions for compliance with LSCB requests for 'appropriate' information to be disclosed in order to assist it in the exercise of its functions. The current local Information Sharing Agreement will need to be reviewed against the Children & Families Bill.

4. Accountable to

- 4.1 Tower Hamlets' LSCB is accountable for its work to
- (a) The local community
 - (b) Constituent agencies
 - (c) Overview and Scrutiny Committee
 - (d) Secretary of State

5. Who is accountable to the LSCB?

- 5.1 The following are accountable to the LSCB in relation to the discharge of responsibilities in safeguarding children:
- (a) Children and Families Partnership (in relation to safeguarding activity)
 - (b) Health and Wellbeing Board
 - (c) MARAC
 - (d) MAPPA
 - (e) LSCB Partners Group
 - (f) LSCB Subgroups:
 - Child Death Overview Panel
 - Case Review / Serious Case Review
 - Quality Assurance & Performance
 - Policy & Information
 - Learning & Development
 - Awareness Raising & Engagement

6. LSCB Core Functions:

6.1 The core functions of an LSCB are set out in regulations and are:

- (a) Developing policies and procedures including those on:
 - (i) action taken where there are concerns about the safety and welfare of a child, including thresholds for intervention;
 - (ii) training of people who work with children or in services affecting the safety and welfare of children;
 - (iii) recruitment and supervision of people who work with children;
 - (iv) investigation of allegations concerning people who work with children;
 - (v) safety and welfare of children who are privately fostered;
 - (vi) co-operation with neighbouring children's services authorities (i.e. local authorities) and their LSCB partners;
- (b) Communicating and raising awareness;
- (c) Monitoring and evaluation;
- (d) Participating in planning and commissioning;
- (e) Reviewing the deaths of all children in their areas; and
- (f) Undertaking Serious Case Reviews.

7. Additional LSCB Tasks:

- 7.1 To audit and evaluate the effectiveness of local services in protecting and promoting the welfare of children.
- 7.2 To establish standards and performance indicators for the protection of children as required by DfE and within the framework set out in the Children and Young People's Plan (CYPP 2009-2012).
- 7.3 To encourage and support the development of cooperative working relationships and mutual understanding between agencies and professionals with responsibilities for the welfare and protection of children as identified with the London Child Protection Procedures and the THIS Child.
- 7.4 Participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.
- 7.5 To use knowledge gained from research and national and local experience to develop and improve practice and service delivery and to ensure that lessons learned are shared, understood and acted on.

7.6 To raise awareness within the wider community of the need to safeguard children prevent harm and explain how the community can contribute to these objectives.

7.7 To ensure that single agency and multi-agency training on safeguarding and promoting welfare is provided in order to meet local needs. This covers both training provided by single agency to their staff and multi-agency training where staff from more than one agency train together.

8. Decision-Making Powers

8.1 The LSCB Main Board, consisting of its entire member organisation holds the final mandating authority and will be sought to make key local decisions relating to safeguarding and protection of children.

9. Outputs

9.1 There may be some exceptions, but outputs should include:

- (a) LSCB Annual Review
- (b) Multi-agency case and thematic audits
- (c) Section 11 audits
- (d) Bi-annual conference
- (e) Annual Budget
- (f) Annual Awareness Raising Campaign

10. Membership

10.1 The LSCB Membership is reviewed on an annual basis and will be published separately.

11. Expectation of Chair and Members

11.1 The Chair is responsible for providing effective leadership of the Board. S/he has a crucial role in securing an independent voice for the LSCB and should have the confidence of all partners.

11.2 The Chair and members of the Board are expected to:

- (a) Read papers in advance of meetings, respond to emails and other communications in relation to the work of the LSCB;

- (b) Attend meetings, or provide a suitable delegate by notifying the Chair in advance and obtaining agreement to the deputy or alternative representative;
- (c) Participate in meetings and vote on decisions as a representative of their organisation or stakeholder group;
- (d) Feedback relevant information to their group or organisation;
- (e) Represent and promote the work of the LSCB;
- (f) Ensure knowledge of national and local safeguarding developments are kept up to date, including their child protection/safeguarding training

12. Meeting Frequency

- 12.1 Quarterly – January, April, July, September, November
- 12.2 An extraordinary meeting may be added during the year, if necessary

13. Support

- 13.1 The LBTH Strategy, Policy and Performance team provide business and policy support for the Board including:
 - (a) Arranging meetings
 - (b) Planning and writing papers
 - (c) Coordinating Board papers
 - (d) Writing and circulating minutes
 - (e) Advising on key policy developments

14. Relationships and links with other Strategic Bodies

Children and Families Partnership*
 Community Safety Partnership*
 Health and Wellbeing Board*
 London Safeguarding Children Board

** Memorandum of understanding/ Protocol developed between the LSCB Main Board and these Forums*

3.3.20 School Admissions Forum

1. Purpose

- 1.1 The Local Authority School Admission Forum is community led advisory group representative of key stakeholders in the school admission process, including parents, schools, diocesan authorities, the Council of Mosques and local community representatives.
- 1.2 The forum's primary purpose is to consider and promote a fair and effective schools admission system, which advances social equity and inclusion, ensuring that the interests of local parents and children come first. It will discuss and **give advice** to the Local Authority and other admission authorities on a range of school admissions issues including:
- (a) Considering existing and proposed admissions arrangements;
 - (b) Promoting local agreement on admission issues;
 - (c) Considering improvements to admissions processes;
 - (d) Reviewing admissions guidance for parents;
 - (e) Promoting agreement on arrangements for dealing with in-year admissions including arrangements for vulnerable and looked after children;
 - (f) Publishing advice representing the agreed views of the Forum, this is distributed to the governors of all schools which are their own admission authorities;
 - (g) Having regard to guidance published from time to time by the Secretary of State, particularly the revised Codes of Practice on School Admissions, School Admission Appeals and 'Hard to Place' Pupils.

1.3 The forum does not have a remit with individual admissions cases.

2. Obligations and Responsibilities

- 2.1 The Forum shall:
- (a) promulgate its advice and recommendations to all admission authorities, maintained schools and Academies within the area of the LA, and
 - (b) make available such advice and recommendations to any other persons with an interest.
- 2.2 **The LA and Admission Authorities** within the area of the LA shall have regard in carrying out their functions, to any relevant advice given to them by the Forum.

3. Core Membership

- 3.1 The Forum comprises a core membership of twenty (20) representatives, nominated by the following groups and appointed by the LA:
- (a) Four (4) parent representatives, (two (2) from the Tower Hamlets Parent Council, one (1) from the Collective of Bangladeshi Governors and one (1) parent governor)
 - (b) One (1) Local Authority (LA) Education Appeal Panel Member
 - (c) One (1) community representative from the Parents' Advice Centre (Inclusion/ SEN)
 - (d) One (1) community representative from the Early Years/ Childcare Partnership
 - (e) One (1) representative from a local voluntary/ community organisation
 - (f) One (1) representative from the Council of Mosques
 - (g) One (1) representative from the Church of England Diocese
 - (h) One (1) representative from the Roman Catholic Diocese
 - (i) One (1) headteacher representing community primary schools
 - (j) One (1) headteacher representing community secondary schools
 - (k) One (1) headteacher representing voluntary aided primary schools
 - (l) One (1) headteacher representing voluntary aided secondary schools
 - (m) One (1) headteacher representing nursery schools
 - (n) One (1) headteacher/representative from primary free school/academy sector
 - (o) One (1) headteacher/ representative from secondary free school/ academy sector
 - (p) The Headteacher of Tower Hamlets PRU
 - (q) One (1) Local Authority Officer

4. Alternate Members

- 4.1 If a member is unable to attend they should nominate an alternate member who should be fully briefed before attending the meeting of the forum in their absence with the following provisos:
- (a) LA members may only nominate an alternate member who is a member of the LA.
 - (b) A Parent member may only nominate an alternate member who is also a Parent with a child(ren) between the ages of 2 – 16 years.
 - (c) A school member may only nominate an alternate member who is a headteacher or from the same sector and phase as the school of which the Member in question is a headteacher.
 - (d) Diocesan and Council of Mosque members may only nominate an alternate member with the consent of the appropriate Diocese/Council.

- 4.2 Written notice of the attendance of an alternate member must be provided to the LA's nominated officer at least two (2) days prior to any meeting.

5. Term of Office

- 5.1 The term of office for members of the Admission Forum shall be four (4) years subject to them remaining eligible. A member may resign at any time and is required to leave if he or she ceases to be eligible in the capacity in which he or she has been appointed.
- 5.2 There is no limit to the number of terms of office to which a member may be nominated or re-nominated if still eligible. Where a member is replaced, the new member serves for the remainder of the term of office.
- 5.3 Diocesan and Council of Mosque representatives must stand down if the body that nominated them decides they should do so and notifies the Clerk to the Forum.
- 5.4 Schools Members and the LA nominated local community member must stand down if, following a recommendation from the Core Members, the LA decides that the member should no longer be a member of the Forum.
- 5.5 Core Members will become ineligible for membership in the following circumstances:
- (a) Community members – if they cease to be a member of the organisation they represent;
 - (b) LA Education Appeal Panel Members - if they cease to be an Education Appeal Panel Member.
 - (c) School Members – if they cease to be a Headteacher of a school in the schools group;
 - (d) Parent member – if he/she ceases to be a qualifying parent.
- 5.6 Any member may resign at any time by giving written notice to the Clerk to the Forum.
- 5.7 It will be a condition of appointment for all members that a member will cease to be a member of the Forum if they do not attend three consecutive meetings unless they have sought their apologies and those apologies have been accepted by the majority of the Forum members present at the meeting.

6. Conduct

- 6.1 In carrying out their functions, members of the Admission Forum are expected to act in accordance with the seven principles of public life set out in the first report of the Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership www.public-standards.gov.uk.
- 6.2 Members of the Admission Forum are required to declare an interest in any individual proposal or matter which directly affects the school at which they are a governor, member of staff or which their children attend, or in which they might have a direct pecuniary interest.

7. Clerk of the Forum

- 7.1 The Admission Forum will be clerked by a representative of the Local Authority's Pupil Admissions Team.

8. Election of Chair and Vice Chair

- 8.1 Core members must elect a Chairman and Vice-Chairman at the first annual meeting of the Admissions Forum by a majority of votes cast by core members. Where possible, the chair and vice chair should not be drawn from the same membership group unless this is unavoidable. The term of office for the Chair and Vice Chair is one year. However, in keeping with the principle of representation and influence from the widest possible category of members, it is anticipated that the chair and vice-chair will be drawn from a different representative group each year.
- 8.2 When electing a Chairman and Vice-Chairman, those members nominated for office will be asked to withdraw and a secret ballot taken where appropriate. In the event of there being the same number of votes for two or more candidates a second ballot will be taken. If the voting remains the same a coin will be tossed.
- 8.3 A chair or vice chair will cease to hold office if they resign by giving notice to the Clerk of the Admission Forum, or if they cease to be a member of the Forum. Where a casual vacancy arises there will be a vote at the next meeting of the Forum.
- 8.4 The Officer representing the Local Authority on the forum is not permitted to stand for election as chair/vice chair, or vote in the elections.

9. Role of the Chair

- 9.1 The Chair or, in his/her absence, the Vice-Chair, will have the following role:-
- (a) to preside over meetings of the Admission Forum so that its business can be carried out efficiently and with regard to the rights of members and the interests of parents, schools, admission authorities and the community;
 - (b) to ensure that meetings provide an opportunity for the debate of matters of concern to parents, schools, admission authorities and the community;
 - (c) overseeing preparations of the record of the meeting, liaising with the LA Officers and the Clerk on the agenda for forthcoming meetings.

10. Quorum

- 10.1 The quorum for the Admissions Forum is seven (7) core members.

11. Meetings and Proceedings

- 11.1 The Forum normally meets between four (4) and five (5) times a year during term-time. Members decide the time and location of meetings, but meetings take place during the day. Meetings of the Forum are held in private.
- 11.2 The Clerk will ensure that meetings of the Forum are convened by giving a minimum of five (5) working days' notice in advance of the meetings, with a full agenda. Forum members will need to avail themselves of the time to read the agenda and accompanying papers and can expect each meeting to last for up to two (2) hours.
- 11.3 Forum members are required to declare any pecuniary or other interest they might have that is greater than the interests of other members of the Forum in any matter on the agenda for discussion.

12. Publication and Circulation of Meeting Minutes

- 12.1 The minutes of Forum meetings will be published on the Tower Hamlets website. Members of the Forum are free to circulate copies within the bodies they represent. The Forum's Agendas and Minutes are included on the LA's Publication List required under the Freedom of Information Act 2000.

3.3.21 Secure Accommodation Panel

Membership: At least three (3) persons, at least one (1) of whom is neither a member nor an officer of the Council by or on behalf of which the child is being looked after	
Functions	Delegation of Functions
1. To discharge the functions as set out in the Children (Secure Accommodation) Regulations 1991	None
Quorum: All voting Members of the Panel	

3.3.22 Standing Advisory Council on Religious Education (SACRE)

<p>Membership: Representatives from Groups A to D</p> <p>Group A: Sixteen (16) representatives from such Christian and other religious denominations as in the opinion of the Authority will appropriately reflect the principal religious traditions in the area.</p> <p>[African Caribbean Pentecostal Churches (x1); Buddhist (x1) Free Church (x1); Hindu (x1); Jewish (x1); Muslim (x6); Roman Catholic (x3); Sikh (x1); and Society of Friends (x1)]</p> <p>Group B: Six (6) representatives from The Church of England</p> <p>Group C: Seven (7) representatives from associations representing teachers as, in the opinion of the Authority, ought to be represented having regard to the circumstances of the area.</p> <p>Group D: Five (5) representatives from the Local Authority</p> <p>[Three (3) elected Members; and two (2) officers]</p> <p>One (1) co-opted representative of the British Humanist Association (non-voting)</p>	
Functions	Delegation of Functions
Education Reform Act 1988 places a duty on every Local Authority to constitute a Standing Advisory Council on Religious Education (SACRE). Religious Education is part of the basic curriculum which is made up of the National Curriculum and Religious Education. Unlike any other subject in the statutory curriculum, RE is local determined, monitored and controlled in a partnership with the local communities of religion and belief.	-
1. To provide advice to the Council as local education authority (LEA) on all aspects of its provision for religious education in its schools, excluding voluntary aided schools	None
2. To decide whether the LEA's agreed syllabus for religious education needs to be reviewed and to require the LEA to do so	None
3. To provide advice to the LEA on collective worship in its schools	None
4. To consider any requests from head teachers to lift the requirement to provide collective worship that is not of a broadly Christian nature	None

<p>5. To advise on matters relating to training for teachers in religious education and collective worship</p>	<p>None</p>
<p>Quorum: A total of eight (8) persons from groups A to D as follows:-</p> <ol style="list-style-type: none"> 1. Two (2) representatives from Group A – representing two (2) different denominations 2. One (1) person from Group B 3. Two (2) representatives from Group C – representing different associations 4. One (1) person from Group D together with any other two (2) members 	

3.3.23 Tower Hamlets Health and Wellbeing Board

The Health and Wellbeing Board will lead, steer and advise on strategies to improve the health and wellbeing of the population of Tower Hamlets. It will seek to do this through joint work across services in the Borough and the greater integration of health and social care as well as with those accessing services that can help to address the wider determinants of Health. The Board continues to support the ambitions of the Tower Hamlets Partnership outlined within the Tower Hamlets Community Plan.

The Health and Wellbeing Board has the following functions:

1. To have oversight of assurance systems in operation
2. To encourage integrated working between persons who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.
3. To provide advice, assistance or other support in order to encourage partnership arrangements under Section 75 of the NHS Act 2006.
4. To encourage those who arrange for the provision of any health-related services in Tower Hamlets (e.g. services related to wider determinants of health, such as housing) to work closely with the HWB.
5. To encourage persons who arrange for the provision of any health or social care functions in Tower Hamlets and those who arrange for the provision of health-related services in Tower Hamlets to work closely together.
6. To identify needs and priorities across Tower Hamlets and publish and refresh the Tower Hamlets Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions are based on evidence.
7. To prepare the Joint Health and Wellbeing Strategy.
8. To develop, prepare, update and publish the local pharmaceutical needs assessments.
9. To be involved in the development of any CCG Commissioning Plan that applies to Tower Hamlets and to give its opinion to the CCG on any such proposed plan.
10. To communicate and engage with local people on how they could achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. This will involve working with Local HealthWatch to make sure there's a continuous dialogue with the public to ensure services are meeting need.
11. Consider and promote engagement from wider stakeholders.
12. To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus on integration across outcomes spanning health care, social care and public health. Areas of focus to be agreed from time to time by members of the Board as part of work planning for the Board.
13. Such other functions delegated to it by the Local Authority.

14. Such other functions as are conferred on Health and Wellbeing Boards by enactment
<p>Quorum: The quorum of the Board in the Terms of Reference is a quarter of the membership including at least one Elected Member of the Council and one representative from the NHS Tower Hamlets Clinical Commissioning Group.</p>
<p>Membership: The membership of the Board is as follows:</p> <p><u>Chair</u></p> <ul style="list-style-type: none"> • Cabinet Member for Health and Adult Services (LBTH) <p><u>Vice Chair</u></p> <ul style="list-style-type: none"> • Representative of NHS Tower Hamlets Clinical Commissioning Group (CCG) <p><u>Elected Representatives of LBTH</u></p> <ul style="list-style-type: none"> • Cabinet Member for Education & Children's Services • Cabinet Member for Housing Management and Performance • Cabinet Member for Resources • Non-executive majority group councillor nominated by Council <p><u>Local Authority Officers- LBTH</u></p> <ul style="list-style-type: none"> • Director, Public Health • Corporate Director, Children's • Corporate Director, Health, Adults and Community <p><u>Local HealthWatch</u></p> <ul style="list-style-type: none"> • Chair of local Healthwatch <p><u>NHS (Commissioners)</u></p> <ul style="list-style-type: none"> • Chair - NHS Tower Hamlets Clinical Commissioning Group • Chief Officer – NHS Tower Hamlets Clinical Commissioning Group (CCG) <p><u>Co-opted Members (Non-Voting)</u></p> <ul style="list-style-type: none"> • <u>Council</u> <ul style="list-style-type: none"> ○ Corporate Director, Communities of Place • <u>Health Providers</u> <ul style="list-style-type: none"> ○ Chief Operating Officer - Barts Health ○ Chair of Tower Hamlets - Council for Voluntary Services ○ Regional Managing Director - East London and the Foundation Trust • <u>Other Partners</u> <ul style="list-style-type: none"> ○ Borough Commander for Metropolitan Police

- Representative from the Tower Hamlets Housing Forum.
- Chair of the Tower Hamlets Integrated Care Board
- The Young Mayor (LBTH)

Stakeholders that may attend the Board from time to time but are not members:

- Councillor nominated by Council from the largest opposition group as a stakeholder
- Representative of NHS England
- Chairs of Tower Hamlets Safeguarding Boards (Adults and Children's)
- Chair of the LBTH Health Scrutiny Sub-Committee
- Local Liaison Officer for National Commissioning Group

3.3.24 London Council's Committee (known as the Leader's Committee)

Membership: The Leaders' Committee is comprised of the Leader / Mayor of each of the 33 London Local Authorities

Terms of Reference: The terms of reference of the Committee are set out in full in the Agreement dated 1st April 2000 and are summarised below:

1. To consult on the common interests of the London Local Authorities and to discuss matters relating to Local Government.
2. To represent the interests of the London Local Authorities to national and Local Government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.
3. To formulate policies for the development of democratic and effectively management Local Government.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.
5. To appoint representatives or staff to serve on any other body.
6. To represent the interests of the London Local Authorities as employers.
7. To provide services to the London Local Authorities including the dissemination of information on Local Government and on other relevant issues.
8. To provide information to the public, individuals and other organisations on the policies of London Councils and Local Government issues relevant to London.
9. To act as the regional body of the Local Government Association.
10. To act for, and on behalf of London Local Authorities in their role as employers, through the provision and development of a range of services.

Rules of Procedure: The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the London Councils' website. London Councils is also required to comply with Financial Regulations contained in the ALG Agreement. These Standing Orders and Financial Regulations also apply to the other London Councils joint committees detailed below.

3.3.25 Transport and Environment Committee

Membership: This Committee was established under an Agreement dated 15 January 1998, which was varied by Agreements dated 13 December 2001 and 1 May 2003. The Committee is comprised of one councillor from each of the London Local Authorities and Transport for London

Terms of Reference: The terms of reference of the Committee are set out in full in the Agreements dated 13th December 2001 and 1st May 2003 and are summarised below:

1. Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.
2. Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.
3. Determine the rate of discount for early payment of penalty charge notices.
4. Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.
5. The publication and updating as necessary of the Code of Practice for Parking in London.
6. The co-ordination and maintenance of vehicle removal and clamping operations.
7. The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.
8. Ticket processing, general data collection and service monitoring.
9. The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.
10. The establishment of London-wide parking schemes.
11. Implementation and enforcement of the London Lorry Ban.
12. Managing the Concessionary Fares Scheme.
13. Managing the London Taxicard Scheme.

Rules of Procedure: See for the London Council's Committee above

3.3.26 Grants Committee

Membership: This Committee was established to take decisions in relation to the London Councils Grants Scheme which was established under section 48 of the Local Government Act 1985. The members of the Grants Committee are from the 33 London Boroughs (this includes the City of London).

Terms of Reference: The terms of reference of the Committee are:

1. To ensure the proper operation of the London Boroughs Grants Scheme;
2. To make recommendations to the Leaders' Committee on overall policies, strategies and priorities;
3. To make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;
4. To consider grant applications and make grants to eligible voluntary organisations; and
5. To make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

Rules of Procedure: See for the London Council's Committee above

3.3.27 London Housing Consortium

Membership: The London Housing Consortium (LHC) is a joint committee pursuant to section 101(5) of the Local Government Act 1972 and is a building procurement consortium for housing, schools and corporate buildings. The LHC is governed by a Board of Elected Members which comprises one voting Councillor representative from each of the local authority members. The constituent authorities are: Buckinghamshire County Council and the London Boroughs of Brent, Ealing, Hackney, Haringey, Hillingdon, Islington, Lambeth, and Tower Hamlets

Terms of Reference: The terms of reference of the Committee are:

1. To provide specialist technical and procurement services related to building programmes undertaken by London Housing Consortium constituent authorities and other public sector bodies.
2. To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.

3.3.28 Joint Committee of the Six Growth Boroughs

Membership: The Joint Committee of the Six Growth Boroughs is a joint committee pursuant to section 101(5) of the Local Government Act 1972. It consists of twelve Members, comprising two Members nominated by the Executive from each of the six boroughs, namely the London Boroughs of Barking and Dagenham, Hackney, Newham, Tower Hamlets, and Waltham Forest, and the Royal Borough of Greenwich, for a maximum period not exceeding beyond and Member's remaining terms of office as a councillor

Terms of Reference: To act as a joint committee of the London Boroughs of Hackney, Newham, Tower Hamlets, Waltham Forest, and Barking and Dagenham, and the Royal Borough of Greenwich (the six boroughs) for joint collaboration in relation to convergence and legacy and to discharge on behalf of the boroughs the executive functions listed below in so far as they relate to joint activities or areas of common concern in relation to convergence and legacy, as agreed in the business plan:

1. Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the six boroughs dated [.....]
2. Management and expenditure of external funding and all other financial resources allocated to the joint committee, including any funding allocated to the joint committee by any or all of the six boroughs in addition to the annual budget.
3. Approval of an annual business plan.
4. Joint promotion of the Growth Boroughs area and its unique portfolio of assets including the Olympic afterglow.
5. Consistent approach to enforcing through planning and procurement requirements the promotion of convergence by developers and contractors.
6. Collective promotion of transport and other infrastructure investment including its prioritisation over other parts of London.
7. Joint bidding for funding, training and employment programmes, e.g. funding from the European Union and Regional Growth Fund (RGF) where bids from one Borough will not be entertained.
8. Convergence and the prioritising of the social and economic needs of the Growth Boroughs area.
9. Collective action in respect of the National and Regional allocation of local government housing, health, policing and transport resources based on need and population.
10. Working together to protect Growth Boroughs' interests in respect of National and Regional policy and action.
11. Collective working with employers on jobs and skills.

12. Contextual recognition of the varying economic, housing and investment opportunities related to the character and resources of each of the Growth Boroughs.

Any other executive functions relating to joint activities or areas of common concern in relation to convergence and legacy in relation to which funding is allocated through the annual budget or in respect of which external funding or any other financial resources are allocated to the joint committee.

The governance arrangements provide flexibility so that one or more but less than six boroughs can opt out of certain projects insofar as they relate to joint activities or areas of concern. It is within the capacity of the Joint Committee to agree that one or more but less than six boroughs may participate in work with other authorities outside the growth borough arrangements. The Joint Committee will agree any particular project will be undertaken by one or more boroughs outside the responsibilities of the Joint Committee.

Quorum: At least one Member from each of the six boroughs

3.3.29 Inner North East London Joint Health Overview and Scrutiny Committee

Membership: Pursuant to section 245 of the National Health Service Act 2006 and the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 (and which have now been repealed and replaced by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013) the Council has agreed the establishment of an Inner North East London Joint Health Overview and Scrutiny Committee ('the INEL JHOSC'), comprising the London Boroughs of Tower Hamlets, Newham, Hackney and the City of London.

London Borough of Hackney, London Borough of Newham and London Borough of Tower Hamlets will each nominate up to 3 members of the INEL JHOSC. The City of London Corporation will nominate up to two members. Appointments will be until further notice. Individual boroughs may change appointees at any time (providing they have acted in accordance with their own procedure rules) but should inform the supporting officers of any such changes.

Political proportionality rules apply to this Committee and each participating Borough's nomination should represent the political proportionality of their Borough

Terms of Reference: The terms of reference of the Inner North East London Joint Health Overview and Scrutiny Committee are:-

1. To consider and respond to any health matter which:
 - Impacts on two or more participating authorities or on the sub region as a whole, and for which a response has been requested by NHS organisations under Section 244 of the National Health Service Act 2006, and
 - All 4 participating authorities agree to consider as an INEL JHOSC
2. To constitute and meet as a Committee as and when participant Boroughs agree to do so subject to the statutory public meeting notice period.

Rules of Procedure: The Council on 21st September 2011 agreed Procedure Rules to govern the proceedings of the INEL JHOSC.

3.3.30 Pensions CIV Sectoral Committee

Constitution

- 1.a.1 The Pensions CIV Joint Committee is a sectoral joint committee operating under the London Councils governance arrangements. (The London Councils' Governing Agreement dated 13 December 2001 (as amended), London Councils' Standing Orders, Financial Regulations and other policies and procedures as relevant.)
- 1.a.2 Each London local authority participating in the arrangements shall appoint a representative to the Pensions CIV Joint Committee being either the Leader of the local authority or the elected mayor as applicable or a deputy appointed for these purposes. (Clause 4.5 of the London Councils' Governing Agreement dated 13 December 2001 (as amended).)
- 1.a.3 The Pensions CIV Joint Committee shall appoint a Chair and Vice-Chair.
- 1.a.4 The Pensions CIV Joint Committee shall meet at least once each year to act as a forum for the participating authorities to consider and provide guidance on the direction and performance of the CIV, In addition, members of the Pensions CIV Joint Committee shall meet at least once each year at an Annual General Meeting of the ACS Operator in their capacity as representing shareholders of the ACS Operator.
- 1.a.5 Subject to Clause 1.a.4 above, meetings of the Pensions CIV Joint Committee shall be called in accordance with London Councils' Standing Orders and the procedure to be adopted at such meetings shall be determined in accordance with those Standing Orders.
- 1.a.6 If the Pensions CIV Joint Committee is required to make decisions on specialist matters in which the members of the Pensions CIV Joint Committee do not have expertise the Pensions CIV Joint Committee shall arrange for an adviser(s) to attend the relevant meeting to provide specialist advice to members of the Pensions CIV Joint Committee.

Quorum

- 1.a.7 The requirements of the Standing Orders of London Councils regarding quorum and voting shall apply to meetings of the Pensions CIV Joint Committee.

Terms of Reference

- 1.a.8 To act as a representative body for those London local authorities that have chosen to take a shareholding in the Authorised Contractual Scheme (ACS) Operator

company established for the purposes of a London Pensions Common Investment Vehicle (CIV).

- 1.a.9 To exercise functions of the participating London local authorities involving the exercise of sections 1 and 4 of the Localism Act 2011 where that relates to the actions of the participating London local authorities as shareholders of the ACS Operator company.

To act as a forum for the participating authorities to consider and provide guidance on the direction and performance of the CIV and, in particular, to receive and consider reports and information from the ACS Operator particularly performance information and to provide comment and guidance in response (in so far as required and permitted by Companies Act 2006 requirements and FCA regulations).

- 1.a.10 In addition, members of the Pensions CIV Joint Committee will meet at least once each year at an Annual General Meeting of the ACS Operator to take decisions on behalf of the participating London local authorities in their capacity as shareholders exercising the shareholder rights in relation to the Pensions CIV Authorised Contractual Scheme operator (as provided in the Companies Act 2006 and the Articles of Association of the ACS Operator company) and to communicate these decisions to the Board of the ACS Operator company. These include:

- 1.a.10.1 the appointment of directors to the ACS Operator board of directors;
- 1.a.10.2 the appointment and removal of auditors of the company;
- 1.a.10.3 agreeing the Articles of Association of the company and consenting to any amendments to these;
- 1.a.10.4 receiving the Accounts and Annual Report of the company;
- 1.a.10.5 exercising rights to require the directors of the ACS Operator company to call a general meeting of the company.

Guidance note on the dual role of the Pensions CIV Sectoral Committee

1. Overview

The Pensions CIV Joint Committee will in practice be fulfilling two roles:

- a) To consider and provide guidance on the direction and performance of the CIV ("**Joint Committee Meetings**"). Decisions can be taken at the committee relating to the operation and business of the ACS Operator but they will not be formal decisions of the ACS Operator unless either a general meeting of the ACS Operator (and not the committee) has been formally convened or a Board meeting of the ACS operator adopts the recommendations of the Joint Committee.

- b) The formal shareholder meetings of the ACS Operator to take decisions on behalf of the participating London local authorities in their capacity as shareholders exercising the shareholder rights in relation to the ACS Operator (**"Shareholder Meetings"**).

There are various differences between the Committee meetings and the Shareholder Meetings, both in terms of how they are convened and who can attend. These differences are summarised below. In practice, the best way to conduct business is for a meeting of shareholders to be convened at the rising of the Joint Committee so that shareholders business can be transacted including any necessary formalising of any business of the joint committee:

2. Committee Meetings

The conduct of London Councils committee meetings are governed by London Councils' Standing Orders which are contained in Schedule 6 of the Leaders' Committee Governing Agreement.

3. Shareholder Meetings

The Shareholder Meetings are private meetings of the shareholders of the ACS Operator and only shareholders or their appointed representative may attend.

The conduct of the shareholder meetings will also be governed by London Councils' Standing Orders as far as these are compatible with company law, or by company law where the requirements are different e.g. notice periods are longer under company law and there are rules around proxies which must be followed.

3.4 THE EXECUTIVE

3.4.1 Cabinet

Membership: The Mayor and at least two (2) and not more than nine (9) other Executive Councillors appointed by the Mayor.	
Functions	Delegation of Functions
1. To discharge all functions not specified as the responsibility of the full Council or of any other Committee, where the Mayor has delegated his powers to the Cabinet as set out in the Executive Scheme of Delegation.	Chief Officers and other officers authorised by them have the delegated authority as set out in paragraph 3.2 above and 3.5 below.
2. In relation to any Executive function for which the Mayor has not delegated his powers to the Cabinet, to advise the Mayor on the discharge of that function.	No delegations
3. To refer to the Standards Advisory Committee for consideration any report which contains implications for the Council's ethical framework	No delegations
Quorum: Three (3) Members of the Cabinet	

The Cabinet may establish Sub-Committees to discharge functions on its behalf but any Cabinet Sub-Committee may only include Cabinet Members.

3.4.2 King George's Fields Charity Board

Membership: All Members of the Cabinet	
Functions	Delegation of Functions
1. To administer the affairs of the King George's Field, Mile End charity, registered number 1077859 and the King George's Field – Stepney (Tredegar Square, Bow) charity, registered number 1088999 and discharge all duties of the Council as sole trustee of these charities.	No delegations
2. To administer the affairs and discharge the duties of trustee of such other charities controlled by the Council as the Executive might authorise.	No delegations
Quorum: Three (3) Members of the Board	

3.4.3 Grants Determination Sub-Committee

Membership: The Mayor plus three (3) other Executive Councillors as appointed by the Mayor or their nominees who must also be Executive Councillors	
Functions	Delegation of Functions
1. To determine all applications for grant funding received by the Council.	No delegations
2. To determine all applications for corporate match funding received by the Council.	No delegations
3. The Sub-Committee may delegate decision making to individual officers, provided that the extent of this delegation is made clear and that it is minuted properly	No delegations
4. Where decision making has been delegated, to receive a report advising as to the exercise of a discretion at the next Sub-Committee meeting following the exercise of such discretion.	No delegations
5. To receive quarterly update reports against defined parameters in order for the Council to demonstrate either: that delivery is in line with the application and, therefore, the grant achieved its purpose; or to provide clear delineation where outcomes were not achieved and the reasons for such failure are apparent. Such Monitoring should therefore include measuring performance against the expected outcomes.	No delegations
6. To determine criteria under which grant applications will be considered.	No delegations
Quorum: Three (3) Members of the Committee	

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3.5 THE CHIEF EXECUTIVE AND CHIEF OFFICERS

- 3.5.1** The Chief Executive and Chief Officers are authorised to make decisions relating to any executive function carried out by services under their management other than taking “key decisions” as defined by Article 13 of this Constitution which are the responsibility of the Mayor or Executive itself, unless specifically delegated by the Mayor or Executive to an Executive Sub-Committee or a Chief Officer.
- 3.5.2** The Chief Executive and Chief Officers are authorised to make decisions relating to any Council function carried out by services under their management other than those referred to in the terms of reference of the Council or any Council Committee or Sub-Committee unless the Council or that Committee or Sub-Committee specifically delegates it to the officer concerned.
- 3.5.3** The Chief Executive and Chief Officers may delegate decisions or functions for which they are responsible to one or more officers within their directorate provided that they maintain a ~~directorate~~Directorate scheme~~Scheme~~ of ~~management~~Management which is notified to the Monitoring Officer and published in Part 8 of this Constitution in due course.
- 3.5.4** Any officer taking a decision on an executive function under delegated authority must ensure that the Mayor and/or any relevant Member of the Executive is consulted on matters of a controversial nature and, where appropriate, these matters should be referred to the Executive for decision.
- 3.5.5** The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's Directorates, save where prohibited by law.

3.6 SCHEME OF MANAGEMENT

Introduction

- 3.6.1** This Scheme delegates certain powers and duties of the Council to Officers under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation. It is adopted with the intent that it should lead to a streamlining and simplification of the decision-making processes of the Council and accordingly it should be interpreted widely rather than narrowly.
- 3.6.2** The Scheme delegates to Chief Officers and other Authorised Officers the powers and duties necessary for the discharge of the Council's functions within the broad functional description set out, together with the specific delegations therein, and should be taken to include powers and duties within those descriptions under all present and future legislation, and all powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972, including the power to affix the Common Seal of the Council.
- 3.6.3** An Officer may decline to exercise delegated powers and instead report to the Mayor, ~~the~~ Cabinet or appropriate Committee.
- 3.6.4** For the purpose of this Scheme "Authorised Officer" means an Officer who is specified under this Scheme as having the authority to exercise delegated powers and duties on behalf of the Council.

3.7 Limitations

3.7.1 This Scheme does not delegate to Officers:

- any matter reserved by law or by the Terms of Reference of the Council, the Executive, a Committee, or Sub-Committee, Board or Panel to the Council, Executive, or a Committee or Sub-Committee of the Council or the Executive;
- any matter which by law may not be delegated to an officer;
- any matter which is specifically excluded from delegation by this Scheme or by resolution of Council, the Executive, or a Committee or a Sub-Committee.

3.7.2 Officers may only exercise delegated powers in accordance with the:

- ~~• policies, plans and programmes approved by or on behalf of the Council;~~
- ~~• budget and policy framework and executive procedural rules;~~
- ~~• officer employment procedural rules;~~
- ~~• contract and financial procedural rules;~~
- ~~• any statutory restrictions, statutory guidance/circulars or statutory code of practice.~~
 - The Budget and Policy Framework;
 - The approved Budget;
 - The relevant Procedure Rules set out in Part 4 of this Constitution;
 - Policies, plans and programmes that have been approved on or on behalf of the Council;
 - Any instructions given by the Chief Executive;
 - Any financial advice given by the Corporate Director, Resources;
 - Any legal advice given by the Corporate Director, Governance;
 - Any statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Council or the Mayor and Executive; and

- All other parts of the Constitution (including article 13 “Decision Making”).

3.7.3 In exercising delegated powers, officers shall act only within the revenue and capital budgets for the relevant service as approved by the Council, subject to any variation thereof which is permitted by the Council’s contract and financial procedural rules.

3.8 Delegated Decision-Making - General Principles

3.8.1 In exercising any delegated function, officers shall have regard to the requirement to comply with the limitations set out in paragraph 3.7.2 above, and shall be responsible for undertaking any appropriate consultation with the Council's ~~Head of Paid Service~~ Chief Executive, Section 151 Officer or Monitoring Officer as appropriate.

3.8.2 Where any matter involves professional or technical considerations not within the sphere of competence of the Director or Authorised Officer concerned, ~~he/she~~ he shall consult with the appropriate head of profession or technical officer of the Council before authorising action. ~~Such constraints are kept to the absolute minimum necessary for internal check.~~

3.8.3 ~~The officers~~ Officers exercising any delegated function such powers shall take account of any previous decision of the Council on any relevant policies or procedures.

3.8.4 All decisions shall be taken in the name of, but not necessarily personally by, the officer(s) to whom the power is delegated. Arrangements shall be made for the recording of action taken pursuant to these powers.

3.8.5 Decisions need to be taken as near to the point of service delivery as possible.

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3.8.6 Managers and staff must have authority to act in line with their levels of responsibility within the organisation.

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3.8.7 All existing and newly appointed managers and staff must be advised in writing of their personal levels of delegated authority by their Directorate (this can be by provision of copies of the relevant documentation).

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3.8.8 Divisional Directors are responsible for and must ensure that this Scheme is fully implemented, monitored, maintained and regularly reviewed and any changes required are reported to the Corporate Director, Governance.

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3.8.9 Directors and Divisional Directors may further delegate their powers under this Scheme to officers within their Directorate or withdraw powers but must ensure that any such is in writing and is subsequently included in the Directorate's scheme of delegations and the Monitoring Officer is notified in writing.

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3.8.10 For the avoidance of doubt, functions delegated by reference to job titles or posts includes an officer appointed to a named post on an acting, interim or temporary basis.

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3.8.11 Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to.

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3.8.12 In the absence, for whatever reason, of an officer with delegated powers under this Scheme, his/her powers may be exercised by any post holder within his/her Directorate within a higher category or to any officer designated to perform the duties of the absent post holder.

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3.8.13 The Scheme will be superseded in any case where a Council or Mayoral decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently.

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3.8.14 Where an officer considers that in exercising a delegated power or duty a departure in policy, procedure or a significant change in financial practice is likely to be involved, ~~he/she-s/he~~ shall consult with the appropriate officer in paragraph 3.8.1 above, who shall, if necessary, refer the matter to the Mayor or Cabinet or appropriate Committee.

3.8.15 Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer a matter to the Council, the Mayor, Cabinet or relevant Committee as appropriate with the agreement of the appropriate Chief Officer. The criteria that officers may have to consider when determining whether to exercise a function could include-

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- Whether the decision may incur a significant social, economic or environmental risk.
- The likely extent of the impact of the decision both within and outside of the borough.
- Whether the decision is likely to be a matter of political controversy.
- The extent to which the decision is likely to result in substantial public interest.

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3.8.16 The Mayor in Cabinet or Committees may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive.

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3.8.17 For the avoidance of doubt, references in the Scheme to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time.

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3.8.18 A Chief Officer may extend or withdraw delegations as s/he considers appropriate, subject to notification to the Monitoring Officer who will ensure publication in this Constitution in due course.

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3.9. Arrangement For Scheme Of Management~~Interpretation~~

3.9.1 References in the Scheme to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time.

3.9.2 The Scheme of Management is in two parts as follows:-

~~ARRANGEMENT FOR SCHEME OF MANAGEMENT~~

Part A – Corporate Delegations. These are set out ~~below~~ at Part 8.1 of this Constitution and cover a general range of functions which apply to all the Council’s Directorates. The Corporate Delegations authorise all officers of the appropriate seniority to exercise the functions specified.

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Part B – Directorate Delegations. These are set out at Part 8.2 of this Constitution and apply to the particular functions undertaken by each Directorate. The delegations extend to the holders of the specified posts which have been determined by the Director having regard to the requirements of the particular functions and the way in which the service is delivered.

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~~A Chief Officer may extend or withdraw delegations as he/she considers appropriate, subject to notification to the Monitoring Officer who will ensure publication in this Constitution in due course.~~

Scheme of Management – Part A: Corporate Delegations

Human Resources Management

1. Establishment

Decision		Director	Service Head	Section Head	Notes
1.1	Making changes to the establishment. Creating and deleting posts	✓	✓		Changes must be funded from within the Service Head's approved budget
1.2	Making changes to job documentation (JDs and person specifications)	✓	✓	✓	
1.3	Making changes to the structure and reporting lines	✓	✓		

2. Appointments

Decision		Director	Service Head	Section Head	Notes
2.1	Deciding to fill vacant posts	✓	✓	✓	
2.2	Taking decisions on the recruitment process for individual posts	✓	✓	✓	
2.3	Chairing appointments panels and making appointments	✓	✓	✓	Posts at Service Head level and above are member appointments except in the Law, Probity and Governance Directorate. Panels for Section Head appointments must be chaired by Service Heads or Directors
Decision		Director	Service Head	Section Head	Notes
2.4	Deciding whether to proceed with appointments in the light of references, medicals	✓	✓	✓	

	and criminal record checks				
2.5	Determining whether the probation period for a new recruit has been successfully completed	✓	✓	✓ (Communities, Localities & Culture only)	Termination of contracts following an unsuccessful probation period must be approved by Service Heads or Directors.
2.6	Approving acting up and cover arrangements	✓	✓	✓ (Communities, Localities & Culture only)	
2.7	Authorising transfers and secondments	✓	✓		
2.8	Procuring/engaging agency and temporary staff	✓	✓	✓ (Communities, Localities & Culture only)	

3.— Remuneration

Decision		Director	Service Head	Section Head	Notes
3.1	Authorising a request for a post to be graded or regraded.	✓	✓		
3.2	Authorising essential car user status and entitlement to car and season ticket loans	✓			These may also be authorised by the Service Head, Human Resources and Workforce Development. Currently under review.
Decision		Director	Service Head	Section Head	Notes
3.3	Approving annual increments	✓	✓	✓	
3.4	Awarding honoraria and ex-gratia payments	✓	✓		

3.5	Approving acting up allowances	✓	✓		
3.6	Approving or authorising pay supplements that form part of a member of staff's terms of employment e.g. overtime, bonus etc.	✓	✓	✓	
3.7	Authorising expenses and allowances	✓	✓	✓	

4. ~~Disciplinary, capability, sickness management and grievances~~

Decision		Director	Service Head	Section Head	Notes
4.1	Suspending a member of staff	✓	✓		
4.2	Instructing a member of staff to leave the premises	✓	✓	✓	
4.3	Initiating disciplinary proceedings/confirming disciplinary charges	✓	✓	✓	
4.4	Chairing a disciplinary panel for charges that may lead to action up to a final warning	✓	✓	✓	
4.5	Chairing a disciplinary panel for charges that may lead to dismissal	✓	✓	✓ (except Communities, Localities & Culture)	
4.6	Initiating performance/capability procedure	✓	✓	✓	
4.7	Chairing a performance panel	✓	✓	✓	
4.8	Confirming action taken under the performance procedure including dismissal	✓	✓		

Decision		Director	Service Head	Section Head	Notes
4.9	Initiating action under the Sickness procedures including referral to Occupational Health and chairing a sickness review meeting	✓	✓	✓	
4.10	Terminating a member of staff's contract under the terms of the sickness procedures	✓	✓	✓ (except Communities, Localities & Culture)	
4.11	Determining complaints under the Grievance or CHAD (harassment) Procedures	✓	✓	✓	
4.12	Determining appeals under the Grievance or CHAD Procedures	✓	✓		

5. Attendance

Decision		Director	Service Head	Section Head	Notes
5.1	Agreeing changes to an individual's contractual hours	✓	✓	✓	
5.2	Agreeing hours of attendance	✓	✓	✓ (Communities, Localities & Culture only)	
5.3	Agreeing the application of any flexible or shift working arrangements	✓	✓	✓ (Communities, Localities & Culture only)	
5.4	Agreeing home working arrangements	✓	✓	✓ (Communities, Localities & Culture only)	

5.5	Approving annual leave and flexi leave	✓	✓	✓	
Decision		Director	Service Head	Section Head	Notes
5.6	Approving carry over leave	✓			
5.7	Approving special leave	✓	✓		
5.8	Approving training (time off and costs)	✓	✓	✓	
5.9	Approving time off with pay	✓	✓		
5.10	Approving leave without pay	✓	✓		

6. Leavers

Decision		Director	Service Head	Section Head	Notes
6.1	Confirming resignations	✓	✓	✓	
6.2	Providing references	✓	✓	✓	
6.3	Agreeing terms on which staff leave the Council e.g. outstanding leave, notice to be worked etc.	✓	✓	✓	
6.4	Designating a member of staff as a redeployee	✓	✓		
6.5	Agreeing redundancy/early retirement	✓	✓		

Other Matters

7. Managing budgets

Decision		Director	Service Head	Section Head	Notes
7.1	Incurring expenditure within approved budget limits	✓	✓	✓	May be delegated further to designated budget managers
7.2	Authorising virements within approved service budget	✓	✓	✓	May be delegated further to designated budget managers
7.3	Authorising virements between approved service budgets	✓			Up to £250,000 under delegated authority

8. Payroll

Decision		Director	Service	Section	Notes
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			Head	Head	
8.1	Authorising payroll submissions	✓	✓		Includes authority to include a new employee on the payroll
8.2	Authorising payroll corrections	✓	✓		

9. Income

Decision		Director	Service Head	Section Head	Notes
9.1	Determining whether income is due	✓	✓	✓	Delegated further to budget managers/operational staff as required.
9.2	Determining local fee rates	✓			Where authorised by the Executive
9.3	Initiating debt recovery action	✓	✓	✓	No decision required—administrative task. Decision not to pursue a debt needs to be a delegated decision—see below (writing off debts)
9.4	Cancelling and reversal of debts	✓	✓	✓	Cancellation of debt raised in error—Administrative task providing there is documented audit trail.

Decision		Director	Service Head	Section Head	Notes
9.5	Writing off debts	✓	✓		Up to £20,000 with written agreement of Corporate Director, Resources. Over £20,000 with written agreement of Corporate Director, Resources and Director of Law, Probity and Governance

10. — Purchasing and Procurement

Decision		Director	Service Head	Section Head	Notes
10.1	Seeking tenders and quotations within approved limits	✓	✓	✓ (Communities, Localities & Culture only)	Subject to Procurement Procedures
10.2	Awarding contracts within approved limits	✓	✓	✓ (Communities, Localities & Culture only)	Subject to Procurement Procedures
10.3	Placing orders	✓	✓	✓ (Communities, Localities & Culture only)	Subject to Procurement Procedures
10.4	Authorising variations to contracts within approved limits	✓	✓	✓ (Communities, Localities & Culture only)	Subject to Procurement Procedures

Decision		Director	Service Head	Section Head	Notes
10.5	Terminating contracts	✓	✓ (Communities, Localities & Culture only)		Subject to legal advice
10.6	Authorising invoices	✓	✓	✓	Maybe delegated further within Directorate to designated budget managers.
10.7	Maintaining an inventory of assets	✓	✓	✓	
10.8	Disposal of Assets	✓	✓		Subject to guidance in Financial Procedures

11. — Authorisations

Decision		Director	Service Head	Section Head	Notes
11.1	Signing off reports to Executive and committee	✓			
11.2	Signing off Government and other returns	✓			
11.3	Signing off bids and applications for funding	✓	✓ (Communities, Localities & Culture only)		
11.4	Approving service and business plans	✓			

12. — Complaints

Decision		Director	Service Head	Section Head	Notes
12.1	Determining complaints	✓	✓	✓	

Decision		Director	Service Head	Section Head	Notes
12.2	Authorising compensation	✓	✓	✓	Subject to financial limits — Service Head £25,000 and Section Head £3,000

13. — Engaging Specialists

Decision		Director	Service Head	Section Head	Notes
13.1	Engaging legal advice and entering into legal actions	✓	✓		Subject to consultation with Director of Law, Probity and Governance
13.2	Engaging consultants	✓	✓	✓ (Communities, Localities & Culture only)	

14. — Land Transactions

Decision		Director	Service Head	Section Head	Notes
14.1	Acquisitions and Disposals at full market value. The purchase or sale of land up to £250,000 in value (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review)	✓	Corporate Property, D&R Directorate only		Subject to reference to Cabinet by the Director of areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.
Decision		Director	Service Head	Section Head	Notes

14.2	Acquisition and Disposals at below market value. The purchase or sale of land (on the basis set out in paragraph 14.1 where in respect of a purchase the value of the consideration does not exceed £250,000 or in respect of a sale the value of the consideration and the undervalue foregone do not together exceed £250,000. Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent to the Secretary of State may be sought as necessary.	✓	Corporate Property, D&R Director a-te only		Subject to reference to Cabinet by the Director of areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.
14.3	Compulsory Disposals. Any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the statutory procedures.	✓	Corporate Property, D&R Director a-te only		

Part B of the Scheme of Management (Departmental Delegations) is set out at Part 8 of this Constitution.

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3.10 PROPER OFFICERS AND STATUTORY APPOINTMENTS

3.10.1 ~~The following officers have been designated “proper officers” for the following functions:~~ In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer.

3.10.2 ~~In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his/her absence, the Corporate Director of Governance, and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead.~~

3.10.3 ~~Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.~~

Statutory Officers

LEGISLATION	DESIGNATION	POST
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Corporate Director, Law, Probity and , Governance
Section 151 Local Government Act 1972 (and section 114 of the Local Government Finance Act 1988)	Chief Finance Officer	Corporate Director, Resources
Section 6 Local Authority Social Services Act 1970	Director of Adult Social Services	Corporate Director, Adults’ Services, <u>Health, Adults and Community</u>
Section 18 Children Act 2004	Director of Children’s Services	Corporate Director, Children’s
Section 30 Health and Social Care Act 2012	Director of Public Health	Director, Public Health
Section 9FB Local Government Act 2000	Scrutiny Officer	Service Head for Corporate <u>Divisional Director Policy and</u>

		Strategy and Equality
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Proper Officers

NO.	STATUTE & FUNCTION	OFFICER
National Assistance Act 1948 and National Assistance (Amendment) Act 1951		
1.	Proper officer to seek an order for removal of persons into care	Corporate Director, Ault <u>Services, Health, Adults and Community</u>
Registration Service Act 1953		
2.	Sections 9(1) and (2), 13(2)h and (3)b and 20 (b) - Proper officer for Births, Deaths and Marriages	Corporate Director, Law, Probity and Governance
Local Government Act 1972		
3.	Section 83(1) – The officer to whom a person elected to the office of the Mayor or a Councillor shall deliver a declaration of acceptance of office on the prescribed form	Chief Executive
4	Section 84 – The officer to whom written notice of resignation of office shall be delivered	Chief Executive
5.	Section 86 - To declare any vacancy in any office under the Section	Chief Executive
6.	Section 88(2) - The officer who may call a Council meeting for the election to the vacant office of Chair of Council	Chief Executive
7.	Section 89(1)(b) - The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the borough	Chief Executive
8.	Section 100B(2) - The officer authorised to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Corporate Director, Law, Probity and Governance
9.	Section 100B(7)(c) - The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	Corporate Director, Law, Probity and Governance
10.	Section 100C(2) - The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded	Corporate Director, Law, Probity and Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
11.	Section 100D(1)(a) - The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Corporate Director, Law, Probity and Governance
12.	Section 100D(5) – The Officer to determine which documents constitute background papers and section 100H - ability to charge for the provision of such documents	Corporate Director, Law, Probity and Governance
13.	Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Corporate Director, Law, Probity and Governance
14.	Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Corporate Director, Law, Probity and Governance
15.	Section 115 – The officer to whom money properly due from officers shall be paid	Corporate Director, of Resources
16.	Section 137A – The officer to receive statements in connection with the provision of financial assistance	Corporate Director, of Resources
17.	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Corporate Director, of Resources
18.	Section 223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Corporate Director, Law, Probity and Governance
19.	Section 225(1) – The officer to receive and retain statutory documents on behalf of the Authority	Corporate Director, Law, Probity and Governance
20.	Section 229(5) – The officer to certify copies of documents	Corporate Director, Law, Probity and Governance
21.	Section 233 – The officer to receive documents required to be served on the Authority	Corporate Director, Law, Probity and

		Governance
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NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
22.	Section 234(1) and (2) – The officer to authenticate documents on behalf of the Authority	Corporate Director, Law, Probity and Governance
23.	Section 238 – The officer to certify printed copies of bylaws	Corporate Director, Law, Probity and Governance
24.	Section 248 – The officer responsible for the keeping of the roll of freemen	Corporate Director, Law, Probity and Governance
25.	Schedule 12 (paragraphs 4(2)(b)) – The officer responsible for signing summonses to attend meetings	Chief Executive
26.	Schedule 12 (paragraphs 4(3)) – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Corporate Director, Law, Probity and Governance
27.	Schedule 14 (paragraph 25(7)) – The officer responsible for the certification of true copies of resolutions	Corporate Director, Law, Probity and Governance
Local Government Act 1974		
28.	Section 30(5) – The officer responsible for giving notice of Local Government Ombudsman Report	Corporate Director, Law, Probity and Governance
Local Government (Miscellaneous Provisions) Act 1976		
29.	Section 41 - The officer to certify as evidence of resolutions of proceedings	Corporate Director, Law, Probity and Governance
Highways Act 1980		
30.	Section 59(1) – The officer to certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage	Divisional Director Public Realm

NO.	STATUTE & FUNCTION	OFFICER
Highways Act 1980		
31.	Section 205(3) – The officer to prepare a specification of the street works referred to in the resolution, with any necessary plans and sections, an estimate of the probable expenses of the works, and a provisional apportionment apportioning the estimated expenses between the premises liable to be charged with them under the private street works code	Divisional Director Public Realm
32.	Section 205(5) – The officer to certify copies of resolution and approved documents	Divisional Director Public Realm
33.	Section 210(2) – The officer to certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Divisional Director Public Realm
34.	Section 211(1) – The officer to make the final apportionment of costs under the private street works code	Divisional Director Public Realm
35.	Section 216(2) and (3) – The officer to settle the proportion of the amount of costs under the private street works code in respect of railway undertakers or canal undertakers	Divisional Director Public Realm
36.	Section 259 – The officer to issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Divisional Director Public Realm
37.	Section 321 – The officer to authenticate notices, consents, approvals, orders, demands, licenses, certificates or other documents	Divisional Director Public Realm
38.	Schedule 9 (paragraphs 4) – The officer responsible for signing plans showing proposed prescribed improvement or building lines	Divisional Director Public Realm
Representation of the People Act 1983		
39.	Section 8 – Person appointed as Registration Officer	Chief Executive
40.	Section 28 – Person appointed as Acting Returning Officer	Chief Executive
41.	Section 35 – Person appointed as Returning Officer	Chief Executive
42.	Section 37(7)(b) – The officer to receive declarations and give public notice of election agents' appointments	Chief Executive
43.	Section 131(1) – The officer to provide accommodation for holding election court	Chief Executive

NO.	STATUTE & FUNCTION	OFFICER
Building Act 1984		
44.	Section 93 – The officer to sign any notice, order or other document which the Council is authorised or required to give, make or issue under this Act, to authorise any officer in writing to do so, and to authenticate any such document	Divisional Director Planning and Building Control
Public Health (Control of Disease) Act 1984		
45.	Section 45F(2)(a) and (b) and 45P(2) – The proper officer for the purposes of the Health Protection (Notification) Regulations 2010	Divisional Director Public Realm
Weights and Measures Act 1985		
46.	Section 72(1) – Person appointed as Chief Inspector of Weights and Measures	Divisional Director Public Realm
Local Government Finance Act 1988		
47.	Section 116(1) – The officer to notify the external auditor of a meeting under the Act to consider a report from the Chief Finance Officer	Divisional Director Risk Management
Local Government and Housing Act 1989		
48.	Section 2(4) – The officer to hold on deposit the Council's list of politically restricted posts	Corporate Director, Law, Probity and, Governance
49.	Section 3A – The officer who, in consultation with the Monitoring Officer, determines applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive (in consultation with the Monitoring Officer)
50.	Section 15 to 17 (and Regulations made thereunder) – the officer to receive and give notices relating to the membership of political groups	Chief Executive
Freedom of Information Act 2000		
51.	Section 36 – The 'qualified person'	Corporate Director, Law, Probity and, Governance
NO.	STATUTE & FUNCTION	OFFICER

Local Government Act 2000		
52.	Section 9G and 9GA(4) – The proper officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Corporate Director, Law, Probity and Governance
Regulation of Investigatory Powers Act 2000		
53.	Part I, Chapter II (acquisition and disclosure of communications data) and Part II (directed surveillance and use of covert human intelligence source) – The officers who are designated to grant authorisation	Service Head, Divisional Director Community Service or, in that officer's absence, Corporate Ant- Fraud Manager Public Realm

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3.11 ADVISORY BODIES AND WORKING PARTIES

- 3.11.1** The Mayor and/or the Chief Executive may from time to time establish working parties or advisory bodies which include in their membership Councillors and/or officers and/or representatives from partner organisations or the local community. These are not constituted as Committees or Sub Committees of the Council and are not authorised to make decisions on behalf of the Council. A list of such bodies is maintained and updated by the Corporate Director, ~~of Law, Probity and~~ Governance.

3.12 SPECIFIC DELEGATIONS

- | 3.12.1 The Corporate Director, ~~Communities, Localities and Culture, Place~~ (or any officer authorised by her/him) has the authority to consider and determine any applications for licenses not specifically reserved to the Licensing Committee by these terms of reference and all applications for licences where no objections have been received.
- | 3.12.2 The Corporate Director, ~~of Law, Probity and~~ Governance has authority to make or amend an appointment to a position on a committee or panel of the Council in accordance with the nomination by a political group, where the position has previously been allocated by the Council to that Group. Any nomination received by the Corporate Director, ~~of Law, Probity and~~ Governance in accordance with the above provision after 5.00 p.m. on any day will take effect no earlier than 9.00 a.m. on the next working day.