

GENERAL PURPOSES COMMITTEE

Tuesday, 26 February 2019 at 6.30 p.m.

ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor Helal Uddin

Vice-Chair: Councillor Kevin Brady

Councillor Faroque Ahmed, Councillor Asma Begum, Councillor Mohammed Ahab Hossain, Councillor Asma Islam, Councillor Tarik Khan, Councillor Motin Uz-Zaman and Councillor Peter Golds

Deputies:

Councillor Andrew Wood, Councillor Sabina Akhtar, Councillor Shah Ameen and Councillor Victoria Obaze

[The quorum for this body is 3 Members]

Contact for further enquiries:

David Knight, Democratic Services

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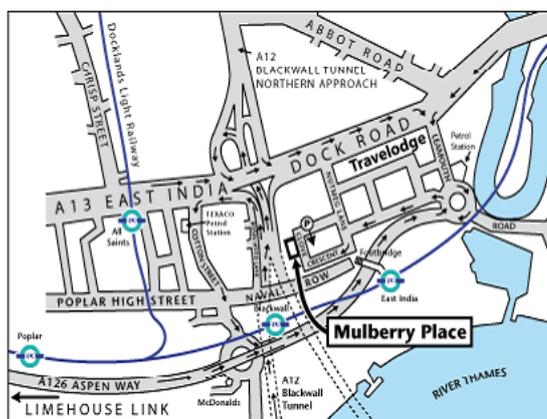
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	PAGE NUMBER(S)
1. APOLOGIES FOR ABSENCE DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS	5 - 8
<p>To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.</p>	
<p>See attached note from the Monitoring Officer.</p>	
2. MINUTES	9 - 14
<p>To agree the unrestricted minutes of the last General Purposes Committee meeting</p>	
3. WORK PLAN	
4. REPORTS FOR CONSIDERATION	
4 .1 Local authority school governor appointments	19 - 22
4 .2 Local authority school governor appointments - demographic breakdown	
<p>The Committee will receive a Verbal Update.</p>	
4 .3 Spitalfields Community Governance Review - Draft Recommendations	23 - 134
4 .4 Constitution Review Part B	135 - 322
4 .5 Pay policy statement	323 - 390
4 .6 Update on Senior Recruitment	391 - 394

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

6. EXCLUSION OF THE PRESS AND PUBLIC

In view of the contents of the remaining items on the agenda the Committee is recommended to adopt the following motion:

“That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A to the Local Government Act, 1972.”

EXEMPT SECTION (Pink Papers)

The exempt committee papers in the agenda will contain information, which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain these papers after the meeting, please hand them to the Committee Officer present.

6.1 Local Authority Governor Appointments - Exempt Appendices 395 - 412

The Local Authority Governor Applications appendices are exempt by virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A of the Local Government Act 1972. The appendices will be considered during item 4.1 on the unrestricted part of the agenda.

6.2 Forthcoming Restructures - Staffing implications 413 - 420

Next Meeting of the Committee:

Tuesday, 7 May 2019 at 6.30 p.m. in ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer – 020 7364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT TIME NOT SPECIFIED ON TUESDAY, 11 DECEMBER 2018

C3 - TOWN HALL MULBERRY PLACE

Members Present:

Councillor Helal Uddin (Chair)
Councillor Kevin Brady (Vice-Chair)
Councillor Faroque Ahmed
Councillor Asma Begum
Councillor Asma Islam
Councillor Peter Golds

Apologies:

Councillor Mohammed Ahabab Hossain
Councillor Tarik Khan
Councillor Motin Uz-Zaman

Officers Present:

Amanda Harcus	– Divisional Director of HR
Asmat Hussain	– (Corporate Director, Governance and Monitoring Officer)
Matthew Mannion	– (Committee Services Manager, Democratic Services, Governance)
David Knight	– (Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

2. MINUTES

The unrestricted minutes of the General Purposes Committee meeting held on Monday 29th October, 2018 were approved as a correct record of proceedings.

3. WORK PLAN

The work plan of future agenda items was received and noted by the Committee.

RESOLVED

1. That the Work Plan be noted.

4. REPORTS FOR CONSIDERATION

4.1 Constitution Review Part A

The Committee received and noted a report that set out a draft copy of the new Part A of the constitution for consideration by the Committee as part of the current refresh of the Councils Constitution.

The Committees comments on Part A of the new constitution maybe outlined as follows:

The Committee noted that:

- This report follows on from the report to General Purposes Committee on 29 October 2018 which set out the initial reasons for the review;
- It is good practice to review the constitution regularly; it also follows on a recommendation of the recent Corporate Peer Review that highlighted the need to ensure that the Council removes bad bureaucracy whilst retaining good governance;
- The 'Supplementary Documents' (formerly called 'Supporting Documents') will remain a separate section but will be specified as being part of the Constitution. However, the delegations will remain in place to ensure that the relevant Sections can be updated as required;
- As agreed at the October meeting because discussions on the constitution will take place at the General Purposes Committee a constitution working group would not require for this review;
- This process would work best if the reviewed constitution was presented in stages;
- Part A of the new Constitution that is now before the Committee for consideration is a merger of the existing Parts 1 (Summary and Explanation) and 2 (Articles);
- Appendix 1 of the report provides an outline of how the different sections/articles have been combined;
- Whilst the content has been reviewed and re-organised, all sections of information have been retained. The overall length has now been reduced;
- The draft will be amended following any comments made at this meeting and then combined with other sections of the Councils

Constitution and will then form a fully refreshed constitution to be presented to Council;

- Certain sections of Part A will be reviewed by the relevant Committees or the Mayor.
- Going forward they can consider whether they wish to confirm agreement to the following Sections at a later date or if the Committee is content for them to proceed direct to Council (i) Section 9 – Overview and Scrutiny Committee and Scrutiny Sub-Committees/Panels; and Section 11 – The Standards (Advisory) Committee and the Code of Conduct for Members;
- The Mayor would also be consulted in respect of any changes proposed in relation to Executive decision-making arrangements.
- Some minor amendments such as when the Monitoring Officer makes statutory guidance or minor changes would be reported to the Committee and this would be the oversight so as not have to go to Full Council just because it a statutory and legal requirement. Although there would still be the option of taking it to Full Council if necessary;
- When each Committee reviews its Terms of Reference there will be an opportunity to undertake a to review the role of their Co-Optees;
- With regard to the changes to key decisions there has been a significant revision undertaken to make it clearer which decisions should qualify as Key Decisions;
- The definition and guidance has been expanded for key decisions;
- Possible specific potential financial thresholds for certain key decisions (and officer decision publication) are also to be consulted on;
- Further consideration should be given at a future meeting as to those decisions that have a significant impact on the community in terms of what is a significant impact on two or more wards;
- The Freedom of the Borough is the highest award that the Council can bestow. It is a power that is very rarely used and is normally only awarded to local people who have in the opinion of the Council rendered eminent services to the Borough. Therefore, there is a need for the constitution to clarify what a freeman can and cannot do.

The Chair Moved and it was:-

RESOLVED

To confirm that the Committee wishes to review the final Part A at a later meeting.

4.2 Appointment Sub-Committee - Membership

The Committee noted that at its meeting on 25 June 2018 it had agreed to the establishment of the Appointments Sub-Committee (and its terms of reference) for the municipal year 2018/19. This report proposed a minor amendment to those terms of reference in order to increase the membership of the Sub-Committee so as to allow a wider range of Councillors to take part in the meetings.

The Committee noted that:

- This report proposes an amendment to the terms of reference to increase the membership from four to five members as follows (i) 4 members of the Council as nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive; and (ii) 1 Member of the Council as nominated by the Leader of the Opposition Group;
- An amendment is also proposed in relation to officer roles in order to better reflect internal procedures. Under Paragraph 2 of the terms and conditions it is proposed to read as follows “the Divisional Director, HR (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub-Committee in each Chief Officer/Deputy CO appointment cycle”;
- The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible; and
- In the event that the initial nominations do not produce such a Sub-Committee, the Divisional Director HR (or their respective nominee) will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.

The Chair Moved and it was:-

RESOLVED to agree:

1. to increase the membership of the Appointment Sub-Committee from four to five Members; and
2. the updated Terms of Reference attached at Appendix 1 to the report.

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items

5.1 Appointments to External Bodies

The Committee noted that this item had been withdrawn as Tower Hamlets Homes (THH) were at present redrafting the terms and conditions and going forward the appointment to the Board of Tower Hamlets Community Housing would be an unpaid a position.

6. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

1. That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to

Information) Act 1985, the press and public be excluded from the remainder of the meeting on the grounds that the remaining agenda item contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government Act 1972.

7. EXEMPT MINUTES

Nil items

8. FORTHCOMING RESTRUCTURES - STAFFING IMPLICATIONS

Amanda Marcus, Divisional Director, HR, presented a report that provided information to Members in respect of severance packages of over £100,000. This report related to five employees who were to leave the Council on the grounds of redundancy and whose severance packages exceeded the threshold.

The Committee considered the report agreed the reasons for excluding the press and public.

The Chair Moved and it was:-

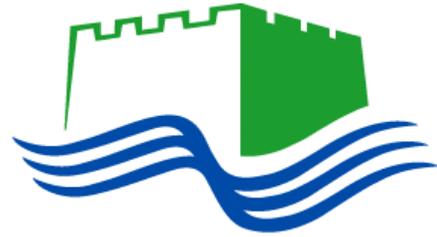
RESOLVED to

1. approve the dismissal of those employees as detailed in the report through voluntary redundancy (or with pay in lieu of notice); and
2. note the severance packages that apply to the dismissals arise as a result of the individual's contractual terms and conditions of employment and that information regarding these payments will be reported to Council in the annual update of the Pay Policy Statement report.

The meeting ended at 20:30hrs

**Chair, Councillor Helal Uddin
General Purposes Committee**

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TOWER HAMLETS

DRAFT GENERAL PURPOSES COMMITTEE WORK PLAN 2019/20

Page 15

Agenda Item 3

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GP CTTEE WORK PLAN 2019/20

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	GP Cttee
APRIL 2019			
1. Constitution Review – Part C and D	The Council continuously reviews its governance arrangements to ensure they are fit for purpose. In particular, the Constitution should be reviewed regularly to ensure it is an effective support to decision making and governance at the Council. This is the third in a series of reports seeking GP Committee agreement on refreshed sections of the Constitution.	Matthew Mannion, Committee Services Manager	April 19
2. Constitution Review – Scheme of Officer Delegation	To improve clarity; streamline decision making and ensure good governance.	Matthew Mannion, Committee Services Manager	April 19
MAY 2019			
3. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	May 19
4. Elections update – including the role of the Police	Progress update for the Local elections, including, timetable, polling places, staffing, training, postal vote openings, role of the police and preparations for the count.	Will Tuckley, Chief Executive	May 19
5. Annual canvass update	Report on response rate and statistics for the published Register of Electors.	Will Tuckley, Chief Executive	May 19
JUNE 2019			
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	Jun 2019
2. Borough and Ward Boundaries	Report on any changes to the boundaries of the Borough and Wards	Will Tuckley, Chief Executive	Jun 2019

GP CTTEE WORK PLAN 2019/20

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	GP Cttee
3. Update on Senior Recruitment	An update on recent senior management recruitment.	Divisional Director HR and Transformation	Jun 2019
SEPTEMBER 2019			
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	September 2019
2. Update on Senior Recruitment	An update on recent senior management recruitment.	Divisional Director HR and Transformation	September 2019
DECEMBER 2019			
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	December 2019
2. Update on Senior Recruitment	An update on recent senior management recruitment.	Divisional Director HR and Transformation	December 2019
FEBRUARY 2020			
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	February 2020
2. Update on Senior Recruitment	An update on recent senior management recruitment.	Divisional Director HR and Transformation	February 2020
MAY 2020			
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	May 2020
2. Update on Senior Recruitment	An update on recent senior management recruitment.	Divisional Director HR and Transformation	May 2020

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Non-Executive Report of the: General Purposes Committee 26 th February 2019	
Report of: Debbie Jones, Corporate Director (Children’s Services)	Classification: [Unrestricted]
Local Authority Governor Application	

Originating Officer(s)	Runa Basit
Wards affected	All wards

Executive Summary

This report sets out for Members details of applicants who have applied to be nominated as the local authority governor at Tower Hamlets maintained schools.

Recommendations:

The General Purposes Committee is recommended to:

1. Consider the applications and agree to nominate the applicants to the positions that are available for local authority governors at maintained schools in Tower Hamlets.

1. REASONS FOR THE DECISIONS

- 1.1 The School Governance (Constitution) (England) Regulations 2012 set out the process for the appointment of local authority governors to maintained schools. The Regulations allow for the local authority to nominate a person to fill the position of local authority governor. It is for the governing body to appoint that person if the governing body considers the person meets any eligibility criteria that it has set.
- 1.2 The governor nominations in this report are to fill the current LA governor vacancies

2. ALTERNATIVE OPTIONS

- 2.1 To improve the efficiency for appointing local authority governors to school vacancies, the General Purposes Committee at a meeting held on Wednesday 15 February 2006 made the decision to delegate authority to the Corporate Director (Children, Schools & Families) to appoint and revoke the appointment of local authority governors, except where there was a dispute about an appointment or there was more than one applicant for a post in

which case the Committee would decide the appointment.

2.2 At a meeting on 29 November 2011, the Council resolved to amend the constitution and the terms of reference of the General Purposes Committee were amended. The committee is now responsible for the appointment and revocation of local authority school governors.

2.3 As this is a function of the local authority there is no alternative option.

3. DETAILS OF THE REPORT

3.1 Applications to be nominated as the local authority governor to twelve schools are attached as Appendices to this report in the restricted area of the agenda.

3.2 APPLICATIONS

New applications

- a) The Headteacher and Chair of Bonner Primary school are in support of Shaminul Hoque's application. **Shaminul Hoque's** application is enclosed at **Appendix 1**.
- b) The Headteacher and Chair at City Gateway School are in support of Ian Cameron's application. **Ian Cameron's** application is enclosed at **Appendix 2**.
- c) The Headteacher and Chair at Bow Secondary School are in support of Nazira Begum Uddin's application. **Nazira Begum Uddin's** application is enclosed at **Appendix 3**.
- d) The Headteacher and Chair at Lawdale Primary School are in support of Robin Polding's application. **Robin Polding's** application is enclosed at **Appendix 4**.

4. EQUALITIES IMPLICATIONS

4.1 Local Authority Governors are drawn from all sectors of the community. There is a mechanism in place to ensure, as far as possible, that the composition of governing bodies reflects the makeup of the school and wider community.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,

- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 There are no further specific statutory implications arising from the report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no financial implications arising from the recommendations in this report.

7. COMMENTS OF LEGAL SERVICES

7.1 *Section 19 of the Education Act 2002 requires each maintained school to have a governing body, which is a body corporate constituted in accordance with the Regulations. Each maintained school is required to have an instrument of government, which specifies the membership of the governing body. Regulations require a governing body to include person appointed as a local authority governor and for a number of associated matters.*

7.2 *The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.*

7.3 *Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –*

- *A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.*
- *A person must be aged 18 or over at the date of appointment to be qualified to be a governor.*
- *A person cannot hold more than one governor post at the same school at the same time.*
- *A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.*
- *A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly*

speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being barred from 'regulated activity' relating to children under the Safeguarding of Vulnerable Groups Act 2006; or (6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.

- *A person is disqualified from appointment as a local authority governor if he or she is eligible to be a staff governor.*

7.4 Once appointed, a governor will hold office for a fixed period of four years from the date of appointment, except in a limited number of circumstances. This does not prevent a governor from being elected for a further term. A governor may resign, be removed or be disqualified from holding office in the circumstances specified in the relevant Regulations.

7.5 In determining whether to appoint an authority governor, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. The Committee will wish to be satisfied that the process of selection is fair, open and consistent with furtherance of these equality objectives.

7.6 The Council's Constitution gives the General Purposes Committee responsibility for appointment of local authority school governors.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendices 1 – 4 [EXEMPT]. LA Governor Application Forms – To follow

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:

Runa Basit

<p>Cabinet 27 February 2019</p> <p>General Purposes Committee 26 February 2019</p>	 TOWER HAMLETS
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Spitalfields Community Governance Review – Draft Recommendations</p>	

Originating Officer(s)	Matthew Mannion, Committee Services Manager Steve Morton, Senior Strategy, Policy and Performance Officer
Wards affected	Spitalfields & Banglatown and Weavers Wards

Special Circumstances Justifying Urgent Consideration (For General Purposes Committee)

This report was not available in time for the standard publication deadline for a number of reasons including the need to make amendments following very recent engagement meetings. Nevertheless it is proposed that the report should be considered at this meeting as it is a consultation report and in order to meet the timeline for the Community Governance Review this is the only General Purposes Committee meeting where consideration of this report is possible and it is important to enable Non-Executive Members the opportunity to consider the report and provide their feedback to the Chief Executive before he publishes the Council's Draft Recommendations documentation and begins the second stage consultation.

Executive Summary

Following receipt of a valid petition requesting a Town Council be established in the Spitalfields area of the borough, a first stage consultation has taken place on the proposals set out in the petition. The first stage consultation closed on 31 December 2018.

The responses to the first stage consultation have now been analysed and this, along with research undertaken by officers has resulted in the preparation of Draft Recommendations in respect of the community governance arrangements in this part of the borough.

This report seeks the views of the Cabinet and General Purposes Committee, in representing the Executive and Non-Executive branches of the Council, on the draft recommendations before the Chief Executive takes a final decision. The final agreed Draft Recommendations will be put out to a second stage consultation exercise from Monday 4 March to Sunday 26 May 2019, a period of twelve weeks.

Once the second stage consultation is completed, Final Recommendations will be

prepared for presentation to Council in July 2019 for a final decision.

Recommendations:

The Mayor in Cabinet / General Purposes Committee is recommended to:

1. Review and comment on the Community Governance Review Draft Recommendations, summary consultation responses and second stage consultation information set out in Appendix 1.
2. Review and note the full first stage consultation analysis in Appendix 2.
3. Review and note the equality analysis set out in Appendix 3.
4. Review and comment on the updated Terms of Reference set out in Appendix 4.

1. REASONS FOR THE DECISIONS

- 1.1 Following receipt of a valid petition the Council is required to undertake a Community Governance Review. This report presents draft recommendations on the review following the first stage consultation.

2. ALTERNATIVE OPTIONS

- 2.1 This report is presented for consultation and alternative options to the draft recommendations could be proposed.

3. DETAILS OF THE REPORT

- 3.1 The power to establish Parish Councils within London was re-established by the Local Government and Public Involvement in Health Act 2007. Local authorities can consider whether it would be in the local interest to establish parish councils through a Community Governance Review (CGR).
- 3.2 A CGR can be triggered by the receipt of a valid petition from a specific area requesting that such a review be undertaken. The Council received such a petition on 23 July 2018. Following receipt of that petition, the Council began the process of conducting a Community Governance Review. A report was presented to Cabinet on 26 September 2018 and, following further discussion, a 1st Stage Consultation on the proposals was conducted. This completed on 31 December 2018.

- 3.3 Summary information on the 1st stage consultation and the responses received is set out in Appendix 1 to this report alongside the draft recommendations. A full consultation analysis is set out in Appendix 2.

Preparation of Draft Recommendations

- 3.4 Officers have analysed the responses to the consultation and undertaken separate research into the community governance options that could be proposed. Appendix 1 sets this out in more detail and provides the proposed Draft Recommendations. In addition, Appendix 3 sets out the Equalities Impact Assessment in relation to the draft recommendations.
- 3.5 Members are requested to review this document and comment where appropriate. Any comments received will be considered by the Chief Executive before he takes the decision to finalise the Draft Recommendations and begin the second stage consultation.

Second Stage Consultation – further information

- 3.6 In addition to the draft recommendations, Appendix 1 also sets out some information on the consultation planning for the second stage consultation.

Process and Timeline

- 3.7 At the commencement of the first stage of the CGR consultation, the review's Terms of Reference set out a timetable for the whole CGR process. Following a request from campaigners to alter the initial proposals, this included a twelve week first stage consultation, followed by an eight week second stage consultation.
- 3.8 The above change was seen as useful in providing an extended first stage consultation to enable a wide range of views to be sought. Officers now recommend a twelve week second stage consultation on the Council's draft recommendations. The timetable has therefore been adjusted to take this into account. The revised timetable does reduce the amount of time available to process the results of the review but on balance is seen as the best use of the time available.
- 3.9 The proposed updated Terms of Reference (timetable) is set out in Appendix 4 to this report.

4. EQUALITIES IMPLICATIONS

- 4.1 The CGR will be undertaken taking account the Council's approach to equality analysis in order to comply with the general equality duty in the Equality Act 2010. In drafting recommendations, the Council will need to take account of the impact of any proposals on people with protected characteristics. The Council and Cabinet reports setting out any draft or final recommendations

following the review will set out the relevant equalities information to inform those final decisions.

5. OTHER STATUTORY IMPLICATIONS

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

5.2 The regulations require that the Council must conclude its review with a period of twelve months starting on the day on which the council received the CGR application. The timetable is concluded when the council publishes the final recommendations made in the review. Government guidance is that the same timetable is applicable to the consequential matters that emerge in a review.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 It is estimated that the cost of the full CGR will be in the region of £15k-£20k and this can be contained within existing directorate budgets. Any Council officer time to support this process will also be contained within existing staffing budgets.

6.2 In addition, should the establishment of a Parish Council be agreed at the end of the process, any additional costs associated with the establishment process would need to be approved through the Council's financial approval process.

7. COMMENTS OF LEGAL SERVICES

7.1 1. Section 83 of the Local Government & Public Involvement in Health Act 2007 (the 2007 Act) requires the Council to respond to a valid community governance petition and undertake a Community Governance Review (CGR) with terms of reference that allow for the petition to be considered.

7.2 Section 81 of the 2007 Act requires the Council to adopt and publish terms of reference for conducting the CGR and which must specify the area under review. Section 79(2) provides that the CGR must be conducted in accordance with the Act and the terms of reference adopted for the CGR by the Council.

- 7.3 Section 100 of the 2007 Act provides that the Council must have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England in conducting the CGR. Section 93 provides that the CGR must be completed within 12 months and the commencement date is defined as the day on which the Council receives a valid community governance petition.
- 7.4 Section 93 of the 2007 Act also sets out the duties the Council must comply with when undertaking a CGR. The Council must consult with local government electors for the area under review and any other person or body (including a local authority) which appears to have an interest in the review. In carrying out the CGR the Council must also have regard to the need to secure that community governance within the area under review reflects the identities and interests of the community in that area and that the community governance is effective and convenient. In addition, in deciding what recommendations to make the Council must take into account any other arrangements that have already been (or could be) made for the purposes of community representation or community engagement in respect of the area under review. More generally, the Council must take into account any representations received in connection with the review.
- 7.5 Under Part 3.1.1.6 of the Council's Constitution functions relating to community governance are delegated to the Chief Executive.
-

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1 – Draft Recommendations for the CGR and summary consultation analysis
- Appendix 2 – First Stage Consultation detailed response analysis (to follow)
- Appendix 3 – Equality Analysis (to follow)
- Appendix 4 – Amended Terms of Reference for the CGR

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None.

Officer contact details for documents:

N/A

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**London Borough of Tower Hamlets community governance
review**

Initial analysis and draft recommendations

Published 4 March 2019

Contents

Introduction	2
Phase 1 consultation summary	3
Key considerations.....	5
Clarifying the role of a parish council	6
Financing a parish council	8
Options appraisal.....	9
The council's conclusions and recommendations	11
What happens next?	13
Appendix 1 Community Governance Review terms of reference	15
Appendix 2 Boundary maps.....	16

Introduction

Tower Hamlets Council received a valid petition on 23 July 2018 from 324 local residents requesting the creation of a new parish council, which they wished to be titled 'Spitalfields Town Council'. The boundaries of the parish proposed in the petition would sit within the two wards of Spitalfields & Banglatown and Weavers.

On receipt of a valid petition the council is required to carry out a community governance review under the provisions of the Local Government and Public Involvement in Health Act 2007. This review is considering whether a new parish should be created. The review covers the area proposed by the petitioners as well as adjacent areas. For the purposes of the review the council has defined adjacent areas as comprising the two wards of Spitalfields & Banglatown and Weavers. The parish boundaries proposed by the petitioners falls within these two wards.

The revised terms of reference for the review extending the phase 2 consultation period to twelve weeks are attached as an appendix to the cover report.

The wording of the petition was as follows:

"We, the undersigned, are electors who live in Spitalfields and believe that Spitalfields should have a Town Council which we hope will be subdivided into at least three electoral wards.

"We ask that Tower Hamlets Council undertake a Community Governance Review in accordance with its duties under Section 83 of the Act. We hope that the outcome of this review leads to the creation of a new local council for Spitalfields to be called Spitalfields Town Council, which would work with Tower Hamlets to represent our community and bring about improvements to our town. We recommend the Town Council area includes Spitalfields Neighbourhood Planning Area and the Former Bishopsgate Goods Yard site (only that part within Tower Hamlets)."

A map showing the boundaries of the parish proposed by the petitioners was presented with the petition. This map is shown in the community governance review terms of reference.

As part of a community governance review the council is required to consult all local government electors in the area covered by the review as well as any other person, organisation or business who has an interest.

Two consultation phases are taking place as part of the review. The first phase ran from 8 October 2018 and closed on 31 December 2018. This sought views on the proposals in the petition. This report summarises the feedback the council received from the first phase of the consultation, clarifies the options available and presents the council's draft recommendations for consultation.

The second stage of consultation, on the council's draft recommendations, will take place from 4 March to 26 May 2019. Local government electors as well as any other person, organisation or business that has an interest in the review will be able to respond to the council's draft recommendations.

A final decision will be made by the council in July 2019.

Phase 1 consultation summary

Consultation methods

Phase 1 of the community governance review consultation sought views on the petitioners' proposal from local government electors in the two wards of Spitalfields & Banglatown and Weavers as well as any other person, organisation or business that appeared to have an interest in the review.

The council stated that its preferred means for people to respond to the consultation was on its website through an online questionnaire. Additionally, a designated email address was advertised, allowing respondents to request a paper copy questionnaire or any additional information or support they needed to help inform them of the process and how to respond.

Supporting information on the council website included terms of reference for the review, the phase 1 consultation document and a detailed map of the parish boundaries proposed by the petitioners. At the request of the Spitalfields & Banglatown Town Council Campaign, the council also added a link to the National Association of Local Councils' booklet 'All About Local Councils'.

The council wrote to all households in the two wards under review drawing their attention to the community governance review and informing them how they could respond. Emails and letters were also sent to resident associations and community groups in the area, Third Sector organisations, all councillors, local MPs, neighbouring boroughs, the GLA and others.

To ensure that the consultation would reach a wide cross section of the community a decision was taken to use community researchers employed by the council. They conducted outreach to raise awareness of the consultation and to encourage people to complete the questionnaire online. They distributed posters and fliers in both English and Bengali. The community researchers also supported nineteen people to complete a questionnaire. During the consultation period a review of demographic information showed lower than expected response rates from women and people of Bangladeshi ethnicity. The community researchers were tasked with developing strategies for increasing responses from these two groups. This included outreach at places of worship and local schools.

Consultation questions:

In order to ascertain views on the petitioners' proposals the council asked the following questions:

1. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area? Please give the reasons for your response.
2. Do you support the proposed boundaries for the parish council ('Town Council'). Please give the reasons for your response.
3. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?
4. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?

Consultation responses

In all, 892 valid responses were received. Of these 515 were received via the survey on the council website. A further 377 responses were received on paper (19 questionnaires from community researchers employed by the council, 358 from questionnaires handed in at the council reception).

A full analysis of the phase 1 consultation responses can be found on the council website at

www.towerhamlets.gov.uk/lgnl/council_and_democracy/consultations.

This section summarises the key findings of that report.

Of all responses received 75% were against the proposal to create a parish council, with 25% supporting the proposal. A majority from all areas opposed the proposal but opposition was particularly strong in areas outside the boundary proposed by the petitioners. Of those living within the proposed parish boundary 39% supported the proposal to create a parish council and 61% were against.

There are differences in the level of support for the proposal based on the response channels used. All but one of the papers response oppose the creation of a parish. This contrasts with the online responses, where two in five support a new parish. All the responses handed in at the council reception oppose the creation of a parish council. The council understands that these were collected and submitted by campaigners against the proposals in the petition. The council is aware that there are groups campaigning actively both for and against the proposal to create a parish council.

The reasons given for opposition vary greatly. Almost a quarter (24%) are worried that the creation of a parish council will divide the local community. Respondents also have financial concerns in terms of having to pay more taxes (18%). Others were concerned that the proposal would divide wealthy areas from more deprived areas (15%).

Of those supporting the proposal to create a parish council the main reasons given were wanting to have a voice in local decision making (25%), greater local democracy (23%) and a desire to address the needs of the area (18%).

The majority of respondents oppose the boundary proposed by the petitioners (80%). This indicates that even amongst some who support the proposal in general there are issues with the proposed boundary. Again the level of opposition varies by location, with marginally more support for the boundaries, amongst those located in the area proposed by the petitioners (35%). The reasons why respondents oppose these boundaries vary. Almost a quarter oppose the proposals in general and so oppose the boundaries (23%). Similarly, almost a quarter oppose the boundaries because they believe it will divide communities (23%).

About three out of five (59%) of respondents do not agree with naming the parish council 'Spitalfields Town Council'. Just over half of those who responded online disagree with the name (51%) compared with 78% of those who responded in other ways.

There was no overall consensus on proposals for electoral arrangements. About one in five (21%) agree with that there should at least three electoral wards, while 45% disagree.

Key considerations

Identity and interests of the community in the area

When considering a proposal to create a new parish a principal council must consider whether the proposal is reflective of the identities and interests of the community in that area.¹ Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. The feeling of local community and the wishes of local inhabitants are key considerations that a principal council needs to take into account.²

In a borough like Tower Hamlets, there may well be a variety of different communities of interest; for example, representing age, gender, ethnicity, faith or life-style groups. There are other communities with specific interests in schools, hospitals or in leisure pursuits. Any number of communities of interest may flourish in an area but they do not necessarily centre on a specific place or help to define it.

Spitalfields as a place name has appeared in records since the Middle Ages. The area is recognised as a distinct identifiable place in the council's Local Development Framework 2010. Government guidance states that boundaries should reflect the 'no-man's land' between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable.³ In a densely populated urban area like Tower Hamlets there are not always such clear physical boundaries between communities.

¹ Local Government & Public Involvement in Health Act 2007 93(4)

² Guidance on Community Governance Reviews. DCLG 2010 s.59

³ Guidance on Community Governance Reviews. DCLG 2010 s.83

Government guidance also suggests that principal councils consider the impact on community cohesion of community governance arrangements.⁴ Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. However, the guidance specifically asks principal councils to consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.⁵

Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. A principal council is further advised not to make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils may decline to set up such community governance arrangements where they judge that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.⁶

Effective and convenient local governance

Legislation requires a principal council to consider whether a parish council would be an effective and convenient form of local governance. The government has stated that by 'effective and convenient' it means that a parish council is able to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.⁷

Clarifying the role of a parish council

We want people to clearly understand what a parish council is, what it can do and the implications of setting one up. This section restates some of the facts about the functions of a parish council contained within the phase 1 consultation document. It also corrects some of the misconceptions that arose during the first phase of the consultation.

The functions of parish councils

A parish council operates at a local level below the principal council, in this case Tower Hamlets Council. A parish council can also be called 'community council', 'neighbourhood council', 'village council', or 'town council'. The universal term is 'local council'. They all operate within the same legal framework. Parish councils are the lowest tier of local government. They are not linked to any religion or religious institution.

A parish council is a democratically elected, additional and legally independent tier of local government with its own councillors, which can provide a range of local services within a defined area. A parish council is not

⁴ Guidance on Community Governance Reviews. DCLG 2010 s.67

⁵ Guidance on Community Governance Reviews. DCLG 2010 s.75

⁶ Guidance on Community Governance Reviews. DCLG 2010 s.74

⁷ Guidance on Community Governance Reviews. DCLG 2010 s.62

a replacement for a principal council and will not deliver complete independence and autonomy for an area.

Parish councils' activities fall into three main categories: representing the local community; delivering services to meet local needs; and striving to improve quality of life and community well-being.

Parish councils are not tasked with statutory responsibilities relating to the provision of housing, social care, education and waste collection. They are a statutory consultee in relation to planning but they are not a planning authority.

They have the option to exercise a variety of powers and duties, including the delivery of a small number of specific local services that add to those provided by the principal council including allotments, bridleways, burial grounds, bus shelters, car parks, commons and open spaces, community transport schemes, community safety and crime reduction measures, events and festivals, footpaths, leisure and sports facilities, litter bins, public toilets, street cleaning and lighting, tourism activities, traffic calming measures, village greens and youth projects.

A parish council can choose not to deliver any services and instead act purely as a means of influencing local service provision made by the principal council or other partners such as the police. Alternatively, a parish council can provide additional services to those provided by the principal council such as the provision of car parking with the consent of the principal council.

When a parish council is formed it can enter into discussions with the principal council (e.g. Tower Hamlets Council) about the transfer of services, budgets and assets within the service areas listed above. However this is subject to mutual agreement and securing "best value" by law.

The Localism Act 2011 enables parish councils and others to express an interest in running a local authority service. This is called the community right to challenge (CRC). Exceptions to this are services that are excluded by legislation (e.g. packages of services for health and social care for named individuals). The CRC relates to 'relevant services' and not functions. Principal councils must consider an expression of interest to run a local authority service submitted by a parish council or other relevant group. There are various reasons why an expression of interest can be rejected or modified, but if it is accepted, the authority must carry out a procurement exercise. There is no guarantee that the eventual provider of the service would be the organisation that launched the expression of interest. Parish councils can also exercise the community right to bid to purchase assets of community value if they come up for sale, for example a pub, shop or community hall.

The Localism Act 2011 also created a new process for neighbourhood planning, which enables parish councils, as well as neighbourhood forums, to work with the principal council (the planning authority) to create a plan for their

area. The plan sets out policies and priorities for the physical development of the area and must be in accordance with the local development plan approved by the planning authority and the secretary of state.

Guidance on neighbourhood planning in Tower Hamlets can be found on the council's website at:

www.towerhamlets.gov.uk/lgnl/planning_and_building_control

More information about parish councils can be found online:

www.gov.uk/government/get-involved/take-part/set-up-a-town-or-parish-council

www.nalc.gov.uk/our-work/create-a-council

Financing a parish council

It is important that residents are clear about the potential costs of a parish council and the likely cost to council tax payers within a parish. Parish councils are funded principally through an annual precept, an additional council tax levied on eligible individuals. This is set by the principal council in the first year and then by the parish council itself once elected. Nationally, the average Band D precept charged by a parish or charter trustee for 2018-19 will be £64.05, an increase of £3.02, or 4.9%, from 2017-18.⁸

The tax base for a parish council in the area shown on the map as option 1 is estimated at 3,277 Band D equivalent properties. At the national average of a £64.05 precept, the estimated total precept for a parish council in this area would be in the region of £209,892.⁹

[FIGURES FOR OPTIONS 2 AND 3 HERE]]

A parish can also be funded through income generated through, for example, car parks or markets. A parish council would also be eligible for a portion (15-25%) of the Community Infrastructure Levy collected in the area. Parish councils do not receive any contributions from business rates.

Parish councils have to consider the scope of service delivery they propose, any income that can be generated, the tax base and the precept they wish to charge. This funding supports the governance and administration of the parish council and the additional services it provides. All councils have costs related to the actual functions of running a council. In the case of a parish council such costs include democratic, management, civic and central administrative expenses.

⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700668/Council_tax_levels_set_by_local_authorities_in_England_2018-19_revised.pdf

⁹ If a council tax collection rate of 97.25% is assumed then the figure would be 3,177 Band D equivalent properties with an estimated total precept of £203,487

[BENCHMARKING INFORMATION SECTION TO BE ADDED HERE FOR PUBLISHED VERSION.]

Options appraisal

The council is mindful of its duty to have regard to the need to secure that community governance within the area under review:

- a) reflects the identities and interests of the community in that area, and
- b) is effective and convenient¹⁰¹¹

Relevant considerations which influence judgements against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.

Where a principal council has conducted a review following receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make.¹² This could be different boundaries, electoral arrangements or a different name from those set out in the petition.

After considering responses to the first phase of consultation the council believes that there are four broad options for community governance in the Spitalfields area.

a) *Adopt the petitioners' proposals in full*

This would entail the creation of a new parish along the boundaries set out in the petition, with a parish council established. It would also involve the establishment of a number of wards with up to three councillors elected for each of those wards. The council is unable to give the new parish council the style 'Town Council'. This would be a matter for the parish council, if it were to be established.

The council will not be including the boundary set out in the petition for further consultation. At this stage the council is of the view that the original boundary proposal could have a potentially negative impact on community cohesion. The parish area proposed is significantly less deprived than neighbourhoods to the south, east and north of the proposed parish boundary, potentially dividing more affluent communities from their less affluent neighbours.

¹⁰ Local Government & Public Involvement in Health Act 2007 93(4)

¹¹ The government has said that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them. Guidance on community governance reviews 2010 para 62

¹² Guidance on community governance reviews 2010 para 95 [CHECK REF]

b) *Create a parish council but with modifications to the proposals made in the petition*

While the council is not persuaded at this stage that the creation of a parish would be in the interest of the local community or a suitable for the delivery of services it wishes to consult further on these matters.

At this stage the council believes that if a parish were to be created its boundaries would need to vary from the original proposal in the petition. Any boundary proposal would need to clearly reflect the identities and interests of the community and be effective and convenient in terms of service delivery. Relevant considerations which influence judgements against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.

During phase 1 of the consultation the Spitalfields & Banglatown Town Council Campaign proposed an extension of the boundary of the proposed parish eastwards. The council will consult on a modified version of this boundary proposal, which does not include the Bishopsgate Goods Yard site. This area is shown on the map at Appendix 2 as option 1 for consultation.

The council will not include the former Bishopsgate Goods Yard site in any option for consultation for the following reasons. The site has strategic significance and is shared with the London Borough of Hackney. It abuts onto the area covered by the East Shoreditch Neighbourhood Planning Area which also has an interest. The site is awaiting development and has no residents to consult. The council will keep this area under review and may consider it in a future community governance review if a parish were to be created.

The council will include two further boundary options for consultation in phase 2.

- a boundary following the Spitalfields & Bangaltown ward boundary on the west as far south as the neighbourhood planning area boundary. This boundary is shown on the map at Appendix 2 as option 2 for consultation.
- A possible extension of the above area southwards to the Whitechapel Road.) This area is shown on the map at Appendix 2 as option 3 for consultation.

The map at Appendix 2 shows the parish boundary options that the council will be putting forward for further public consultation. The council considers these boundaries better balance different considerations in respect of community identity, service provision and clear natural boundaries.

Following consultation in phase 1, if a parish were to be created, the council recommends that it should be called 'Spitalfields & Banglatown Parish'.

If a new parish and parish council were to be created, the principal council has a duty to make consequential recommendations covering electoral arrangements for a parish council should one be established. Tower Hamlets Council will follow national guidance on electoral arrangements including the number of parish council wards and councillors.

c) *Reject the proposal to create a parish council and retain existing governance arrangements*

The council respects the views of the local government electors who signed the original petition which triggered this community governance review. However, it is also mindful that they represent only 8.6% of the electorate within the proposed parish boundary (3784 registered electors). Only 222 responses in favour of the proposal to create a parish were received by the council during phase 1 of the consultation. The council does not regard this level of support as indicating strong local opinion in favour of a parish being established.

At this stage the council believes that the proposal to create a parish is not be reflective of the identity and interests of the community in the area nor would it provide effective and convenient local governance. It has significant concerns about the impact that establishing such a parish would have on community cohesion.

d) *Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance.*

The council has a duty to take into account any other arrangements that could be made for the purposes of community engagement or community representation in respect of the area under review.¹³ The council is currently reviewing arrangements to strengthen local democratic accountability across the borough. Options under consideration include strengthening neighbourhood management arrangements, area or community forums, or additional support for residents and community associations.

The council's conclusions and recommendations

The council is treating the petition from over three hundred local government electors with the utmost seriousness, as an expression of the wishes of those individuals. However, the council is also mindful of its duty to ensure that the other residents in the area, surrounding areas and the wider borough can have a say.

¹³ Local Government & Public Involvement in Health Act 2007 93(5)

Following the first phase of consultation and subsequent analysis the council's assessment, prior to the second consultation phase and analysis taking place, is that it is not at this point persuaded that creating a parish would reflect the identities and interests of the community in that area nor be an effective and convenient form of local governance. Our reasons are as follows:

- i) The council does not believe that there is significant local support for the proposal to create a parish although it recognises that there are committed campaigners both for and against.
- ii) The council acknowledges the historic and current identity of Spitalfields as a place, however it does not believe that the creation of a parish would best reflect the interests of the community in that area. Community identity is diverse and complex with many different interests and needs which have to be balanced.
- iii) The council is particularly concerned that the establishment of a parish could have a negative impact on community cohesion. This was a significant concern expressed by respondents in phase 1 of consultation. The council would welcome views on how these concerns could be addressed.
- iv) The option of a parish council for the Spitalfields area should also be considered alongside the broader needs of the borough. The strength of its many local communities adds up to a bigger community that is more than the sum of its parts. In the council's view all areas of the borough should contribute to its civic life and public services.
- v) The council does not believe that the original proposal by the petitioners would lead to the delivery of effective and efficient local governance in terms of value for money or service provision. The council would welcome views on whether the extended boundaries proposed would address this concern.

The council has set out what it believes are the four broad options:

- a) Adopt the petitioners' proposals in full*
- b) Create a parish council but with modifications to the proposals made in the petition*
- c) Reject the proposal to create a parish council and retain existing governance arrangements*
- d) Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance.*

The council remains strongly committed to localism and community engagement within the borough. We acknowledge that the borough cannot and should not be run from one central location and the diversity of the borough and local needs must be reflected in how decisions are made. We

committed to giving local people a greater say over decisions that affect them and an enhanced focus on responding to service users and local communities.

At this stage the council's recommended option is option d). It will be seeking, through consultation and engagement outside the scope of this community governance review, proposals and ideas for how non parish forms of community governance could be created or strengthened.

The council will also consult further on options b) and d). It acknowledges that parish councils are not a familiar form of local government in London and that information needs to be available to help local people come to a final view on their preferred option.

What happens next?

In this report the council has set out its draft recommendations and the rationale for them. Before it makes a final decision it will consult further on these as required by law.¹⁴ Phase 2 of the community governance review will take place from 4 March to 26 May 2019.

In accordance with the terms of reference for the review the council will consult on its draft recommendations with all local government electors for the wards of Spitalfields and Banglatown and Weavers, and any other person, organisation or business who appears to have an interest in the review.

The council will write to all those who submitted a response in phase 1 of the consultation inviting them to give their views on the draft recommendations. It will also write to households in the area who did not submit a response inviting them to also contribute to the review. Letters will be accompanied by an FAQ or similar providing factual information about parish councils including their legal status, powers and how they are funded. It will also include information about the likely cost of a parish council to local council tax payers if one were to be established.

A full consultation document will be posted on the council's website and may also be requested by email or post.

An online consultation form will be made available on the council's website. This is the council's preferred method for gathering views for reasons of cost and efficiency. However, the council recognises that this may not be suitable for everyone. It will therefore make the consultation form available for download, or send it by email or post on request. Responses by letter will also be accepted. Individuals may ask for support in making a response if they are unable to do this themselves. The minimum requirement for a paper consultation response to be deemed valid is that a full name, address and signature are provided.

¹⁴ Local Government & Public Involvement in Health Act 2007 93(3)

The council will organise a number of information giving events within the area under review. A static information display will be located for viewing in a public place within the area. General communications and targeted publicity about the review will be released throughout the consultation period. The council will concentrate efforts to publicise the consultation within the areas of the proposed boundaries.

All information relating to the community governance review will be published on the council's website.

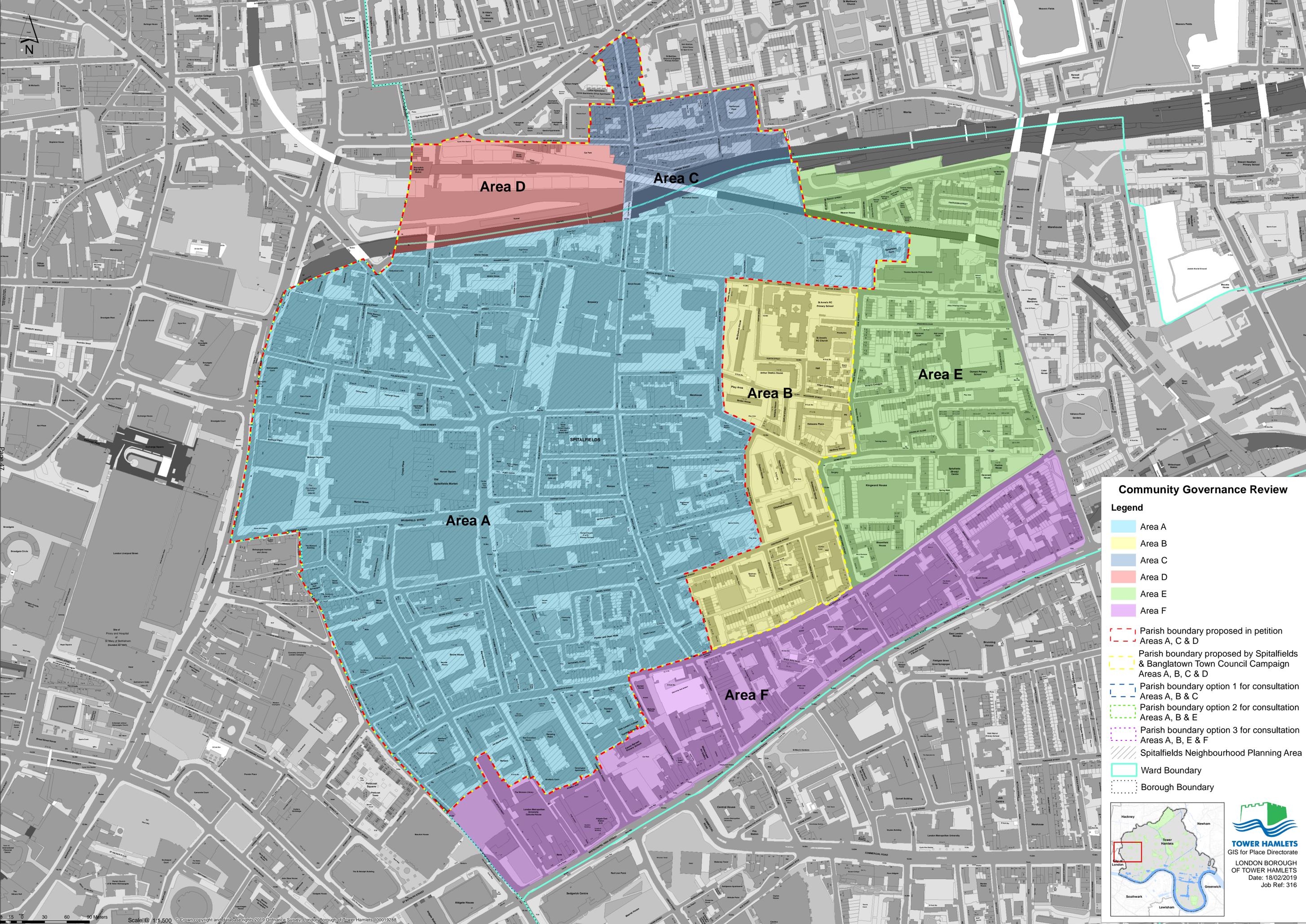
The community governance review will conclude in July 2019 with a final decision made by the council.

Appendix 1 Community Governance Review terms of reference

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Appendix 2 Boundary maps
[MAPS HERE]

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Community Governance Review

- Legend**
- Area A
 - Area B
 - Area C
 - Area D
 - Area E
 - Area F
- Parish boundary proposed in petition
 - Areas A, C & D
 - Parish boundary proposed by Spitalfields & Banglatown Town Council Campaign
 - Areas A, B, C & D
 - Parish boundary option 1 for consultation
 - Areas A, B & C
 - Parish boundary option 2 for consultation
 - Areas A, B & E
 - Parish boundary option 3 for consultation
 - Areas A, B, E & F
 - Spitalfields Neighbourhood Planning Area
 - Ward Boundary
 - Borough Boundary



TOWER HAMLETS
 GIS for Place Directorate
 LONDON BOROUGH
 OF TOWER HAMLETS
 Date: 18/02/2019
 Job Ref: 316

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London Borough of Tower Hamlets community governance review

Terms of reference

**Published 8 October 2018
Timetable Updated 1 March 2019**

Introduction

Tower Hamlets Council ('the council') is carrying out a community governance review ('the review') under the provisions of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act').

The council is required to consider the Government's [guidance on community governance reviews](#). This is to ensure that the review reflects the identities and interests of the community in that area and that any arrangements put in place by the review are effective and convenient. This and other relevant legislation and guidance have been considered in drawing up these terms of reference.¹

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the council to publish its terms of reference for the review. The legislation also expects the terms of reference to set out clearly the matters on which a community governance review is to focus.

Why is the council undertaking the review?

Tower Hamlets Council has received a valid petition from local residents requesting the creation of a new parish council² under the 2007 Act as detailed below:

"This petition is addressed to Tower Hamlets Council under section 80 of the Local Government and Public Involvement in Health Act 2007.

"We, the undersigned, are electors who live in Spitalfields and believe that Spitalfields should have a Town Council which we hope will be subdivided into at least three electoral wards.

"We ask that Tower Hamlets Council undertake a Community Governance Review in accordance with its duties under section 83 of the Act. We hope that the outcome of the review leads to the creation of a new local council for Spitalfields, to be called "Spitalfields Town Council, which would work with Tower Hamlets to represent our community and bring about improvements to our town. We recommend the Town Council includes Spitalfields Neighbourhood Planning Area and the Former Bishopsgate

¹ In undertaking the review, the council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, guidance on community governance reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). (The 2007 Act has transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England.)

² References in these terms of reference to a 'parish' should be taken to include a parish which has an alternative style. Legislation allows for that area to be known as a town, community, neighbourhood or village, rather than as a parish.

Goods Yard site (only that part within Tower Hamlets). A detailed map of this area has been sent separately to your officers.

This petition was jointly organised and circulated by Spitalfields Forum, the Spitalfields Society and Spitalfields Community Group.”

The petition was submitted to the council on 23 July 2018. The petition was signed by the required number of local government electors for the area as set out in section 80(3) of the Local Government and Public Involvement Health Act 2007. The council is therefore required to undertake a review in accordance with section 83(2) of the 2007 Act.

What is a community governance review?

Community governance reviews provide the opportunity for councils to review and make changes to community governance within their areas. The recommendations made in a community governance review have two main objectives:

- To improve community engagement and better local democracy
- To enable more effective and convenient delivery of local services.

A community governance review considers one or more of the following:

- Creating, merging, altering or abolishing parish councils
- The naming of and the style of new parish councils
- The electoral arrangements for parish councils (the ordinary year of election; council size; the number of councillors to be elected to the council and warding)
- Grouping or degrouping parish councils.

In this case, the review is considering whether a parish council for the Spitalfields area should be created and the electoral arrangements for that parish council should the proposal be adopted.

Review objectives

The objectives of the review as a whole are as follows:

1. To fulfil the council’s obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
4. To take into account any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Which area is being reviewed?

The area being reviewed includes the area proposed in the petition as well as adjacent areas within the borough. This includes all of Spitalfields and Banglatown ward and Weavers ward.

A map of the area proposed by the petitioners is attached to this document in Appendix 1. The map also shows the boundaries of current council wards.

How will the review take place?

A full timetable is set out in Appendix 2 but in summary the following steps will be followed:

1. Initial general consultation based on this terms of reference (phase 1 consultation).
2. The council considers the responses and prepares draft recommendations.
3. The draft recommendations are presented for consultation (phase 2 consultation).
4. The council prepares final recommendations, which are considered at a council meeting.

Who will be consulted in the review?

Tower Hamlets Council is responsible for conducting the review. The council will consult with all local government electors for the wards of Spitalfields and Banglatown and Weavers, and any other person, organisation or business who appears to have an interest in the review.

How will the consultation be conducted?

The council will write to all local government electors in the area informing them of the review and asking for their views on the proposals in the petition (phase 1 consultation). It will also write to organisations and businesses that appear to have an interest in the review. Information will be made available on the council website, social media, press releases and displayed in public venues in the area affected where possible. The council will employ community researchers to reach out to residents who may not be able to submit a written response. Following this initial phase of consultation, the council will prepare and publish draft recommendations and the reasons for making them. There will be a further period of consultation (phase 2) on the draft recommendations before final proposals are agreed by the council.

All information relating to the community governance review will be published on the council's website.

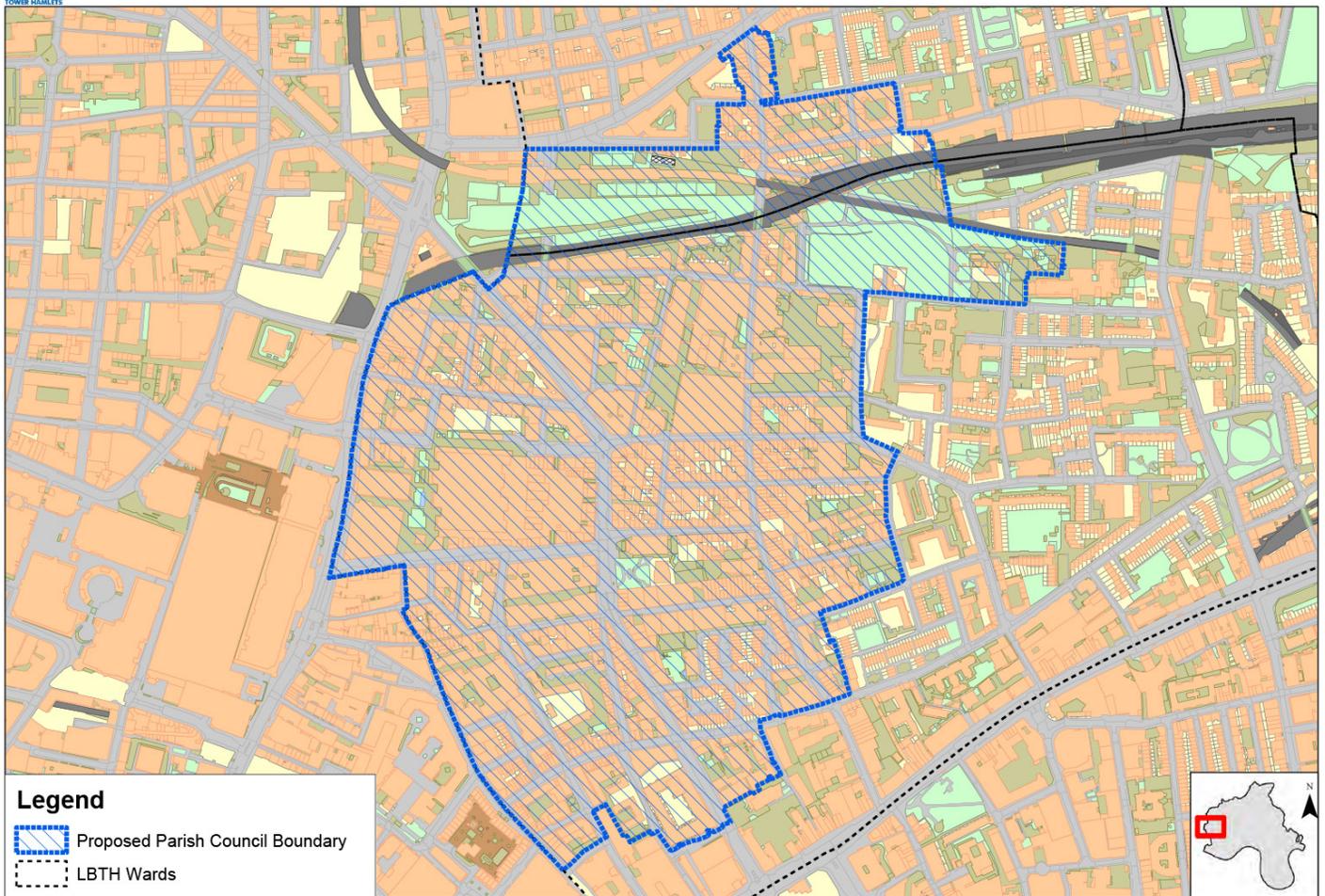
Consultation responses will also be published on the council's website. All personal information will be removed.

The review timetable is detailed in Appendix 2.

Appendix 1 – the petition proposed area



Spitalfields



Appendix 2 Timetable for the review Updated 1 March 2019

Publication of these terms of reference formally begins the community governance review. The review must be completed within twelve months of the receipt of a valid petition.

Stage	What happens?	Timescales	Dates
Initiation	Valid petition received	Milestone	23 July 2018
Preparing for the review	Project planning Preparation of terms of reference	Eight weeks	1 August – 30 September
Review begins	Terms of reference published	Milestone	8 October 2018
Consultation phase 1	Initial submissions are invited	Twelve weeks	8 October – 31 December 2018
Review phase 1	Consideration of submissions received Draft recommendations are prepared	Ten weeks	1 January 2019 – 1 March 2019
Draft recommendations	Draft recommendations published	Milestone	4 March 2019
Consultation phase 2	Consultation on draft recommendations	Twelve weeks	4 March 2019 – 27 May 2019
Review phase 2	Consideration of submissions received Final recommendations prepared and agreed by council	Seven weeks	28 May 2019 – 17 July 2019
Conclusion of review	Final recommendations are published – concluding the review	Milestone	19 July 2019
Implementation	Council resolves to make a Reorganisation Order if required	Milestone	July / August 2019

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Tower Hamlets Council

Community Governance Review Consultation

Phase 1 Consultation Findings Report

07 February 2019

Contents

Introduction	4
Background	4
Phase 1 Consultation.....	4
Objectives.....	5
Consultation Programme	5
Proposed Boundary.....	5
Responding to the Consultation.....	7
Communications Programme.....	7
Social media	7
Leaflets	7
Letters	7
Emails	8
Other promotion	8
Consultation Response.....	9
Analysis Methodology	10
Next steps.....	10
Executive Summary	11
Analysis	12
1. Overall support for creation of parish council	12
Q. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area?	12
Analysis by respondent type	12
Q. Please give the reasons for your response.	13
'Yes'	14
Analysis by respondent type	14
'No'	18
Analysis by respondent type	20
2. Overall support for proposed boundaries	24
Q. Do you support the proposed boundaries for the parish council ('Town Council').....	24
Analysis by respondent type	24
Q. Please give the reasons for your response.	25
'Yes'	25
Analysis by respondent type	26
'No'	30
Analysis by respondent type	32
3. Name of parish council.....	36
Q. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?	36
Analysis by respondent type	37
4. Proposed electoral wards.....	42
Q. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?.....	42

Analysis by respondent type	43
Appendix A	47
Survey.....	47
Appendix B	50
Equalities Data	50
Appendix C	56
Table of responses	56

Introduction

This report summarises the responses to the first phase of a Community Governance Review consultation which is being undertaken in response to a petition from residents requesting the creation of a new parish council in the Spitalfields area of the London Borough of Tower Hamlets.

Phase 1 of the Community Governance Review consultation opened on the 8 October and ran for 12 weeks until the 31 December 2018. The council chose a consultation period of 12 weeks to enable a broad range of views to be gathered. The consultation programme covered online, print and face-to-face channels to encourage a broad range of responses from different groups.

Background

The council received a valid petition on 23 July 2018 from residents requesting the creation of a new parish council, 'Spitalfields Town Council', to be located within the two wards of Spitalfields and Banglatown and Weavers.

The petition was organised and submitted by the Spitalfields Forum, the Spitalfields Society and Spitalfields Community Group. The council is now carrying out a community governance review under the provisions of the Local Government and Public Involvement in Health Act 2007.

Terms of reference for the review were published on the council website on 8 October 2019. The review is considering whether a parish council should be created. The council is consulting all residents in the two wards of Spitalfields & Banglatown and Weavers as well as any other person, organisation or business who has an interest in the review.

Two consultation phases will take place as part of the review. The first phase, on the proposals as set out in the petition, ran from 8 October 2018 and closed on 31 December 2018. This report details the findings from this phase of consultation.

A second consultation stage, putting forward the council's draft recommendations, will take place in spring 2019.

Phase 1 Consultation

Phase one of the consultation was designed to gather views and gauge the level of support for the proposals made by the petitioners. Namely:

- that a new parish council should be created;
- that its boundaries should be those set out by the petitioners in the map submitted with the petition
- that its name should be 'Spitalfields Town Council'
- that it should be divided into at least three wards

The consultation document explained that a parish council operates at a local level below the principal council, in this case Tower Hamlets Council. A parish council is a democratically elected, additional and legally independent tier of local government with its own councillors, which can provide a range of local services within a defined area. The petitioners proposed the creation of new

parish council, to be called 'Spitalfields Town Council'. They also proposed boundaries for the new parish and that it should have at least three electoral wards.

Government guidance states that parish councils work towards greater responsiveness to community needs and interests. Their activities fall into three main categories:

1. Representing the local community
2. Delivering services to meet specific local needs
3. Striving to improve quality of life and community wellbeing, including promoting community cohesion

Consultation documents outlined the areas where parish councils could exercise powers and duties, with the consent of the principle authority (i.e. Tower Hamlets). It would also be a statutory consultee for planning applications.

The consultation document stated that the parish council would be funded principally by an annual precept – an additional council tax levied on local council tax payers. But it could also be funded through income generated through, for example, car parking or markets. A parish council would also be eligible for a portion of the Community Infrastructure Levy collected in the area.

Objectives

The objectives of this consultation were:

1. To fulfil the council's obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
4. To consider any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Consultation Programme

Public consultation on whether a new parish council should be created commenced on the 08 October and lasted for 12 weeks until the 31 December 2018. The consultation programme covered online, printed and face-to face channels to encourage a broad range of responses from different groups including residents, workers, visitors, business owners/representatives and organisations such as Residents Associations and amenity groups.

Proposed Boundary

The border of the parish proposed by the petitioners was outlined in the consultation document and in a detailed map on the council website. During the consultation, the Spitalfields & Banglatown Town Council Campaign Group suggested an alternative boundary that encompassed the original boundary, plus an extension eastward. The council has agreed to consult further with this revised boundary in phase 2.

Proposed Parish Council Area



The area being consulted on is shown on the map below.

Responding to the Consultation

The council stated that its preferred means for people to respond to the consultation was on its website through an online questionnaire. This consisted of a mixture of closed and open questions to understand support or opposition to the creation of a new parish council. The questions included are listed below. The online questionnaire also requested some demographic information about the respondent if they wished to provide this.

The full questionnaire can be found in Appendix A.

The consultation questionnaire was accessible online via the council website. Additionally, a designated email address which was advertised, allowing respondents to request a paper questionnaire or any additional information or support they needed to help inform them of the process and how to respond.

To ensure the council could reach a wide cross section of the community a decision was taken to work with community researchers employed by the council. They conducted outreach to raise awareness of the consultation and encourage people to complete the questionnaire online. They distributed posters and fliers in both English and Bengali. The community researchers also supported nineteen people to complete a questionnaire. During the consultation period a review of demographic information collected through the online survey showed lower than expected response rates from women and people of Bangladeshi ethnicity. The community researchers were tasked with developing strategies for increasing responses from these two groups. This included outreach at places of worship and local schools.

Communications Programme

A broad range of communications were used to inform the local area about the consultation. The consultation was publicised on the council's website and through its social media channels. A press release was issued with the launch of the consultation. Letters were sent to over eight thousand residents of the two wards who are on the council tax register. The council also wrote to local faith organisations and places of worship, voluntary and community groups in the area, and local businesses. Posters were put up in council premises and other public venues. The council also distributed 500 dual language fliers (English / Bengali). The consultation was also promoted by word of mouth through face to face engagement and outreach.

Social media

The consultation was promoted on the councils' Twitter account (@TowerHamletsNow) and the councils' Facebook page.

- The council posted 11 of tweets about the consultation and received 20178 impressions.
- The council published 8 posts on the Tower Hamlets Council Facebook page, which had a combined reach of 7761.

Leaflets

To provide information about the consultation and the proposed parish council, Tower Hamlets produced 500 dual language leaflets that could be read in either English or Bangladeshi. These leaflets were distributed at various venues in the proposed area.

Letters

Letters about the consultation were sent to 8664 residents that were listed on the Council Tax Register as living in the proposed area.

Emails

Emails were sent to a variety of relevant organisations including:

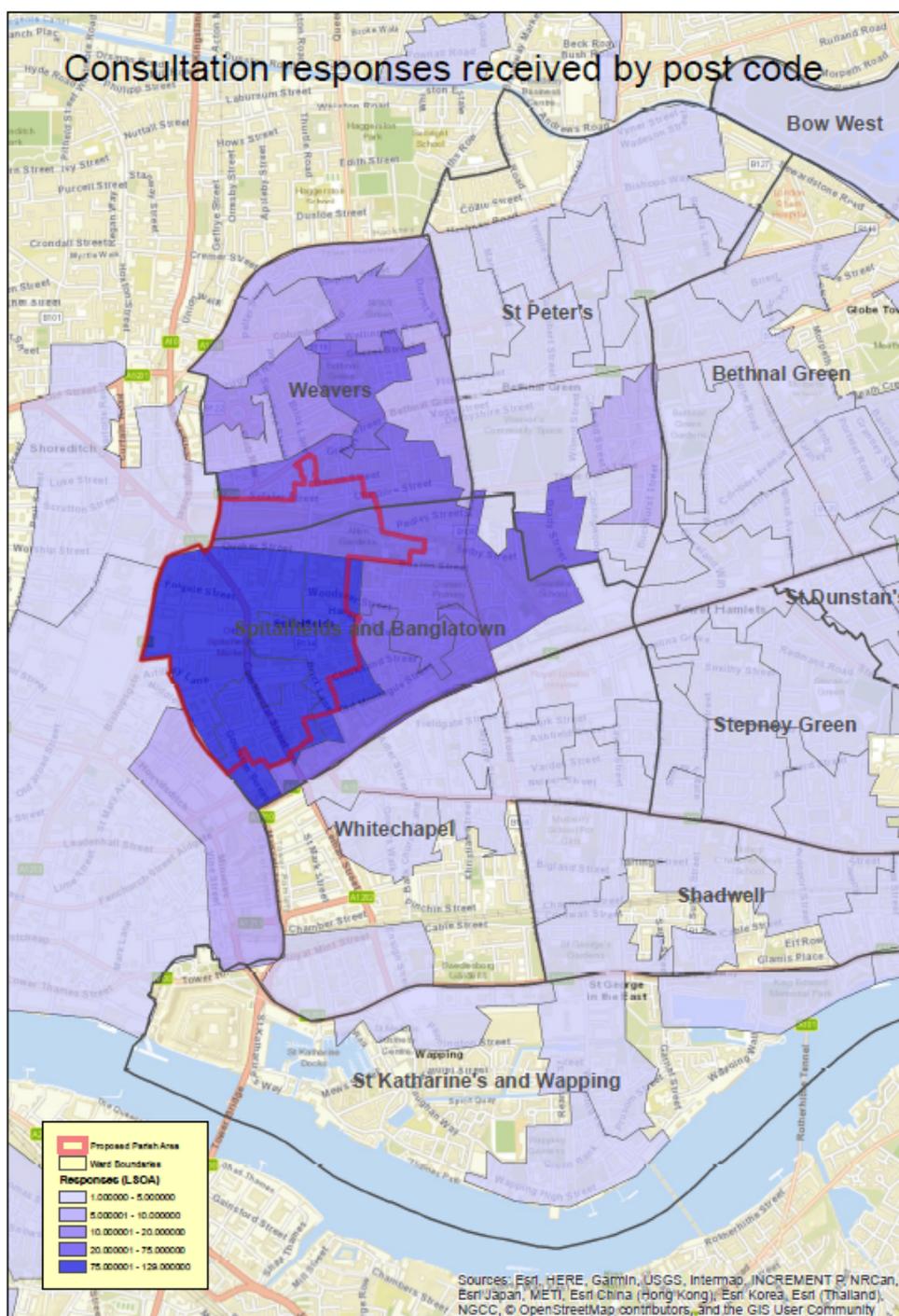
- Local businesses
- Local voluntary sector organisations and community groups
- Neighbouring local authorities (City of London Corporation, Hackney Council, Newham Council).

Other promotion

A5 posters were produced and distributed in council owned premises and other public spaces to promote the consultation.

Consultation Response

In total, the council receive 1028 responses to the consultation. Through data cleaning 136 responses were removed. As a result, 892 responses were considered of which, 673 responded as individuals, 40 responded on behalf of an organisation and 179 did not say in what capacity they were responding. Maps showing the distribution of responses by type of respondent and geographical area can be found in the maps in section below.



Analysis Methodology

There were 892 responses, 515 responses were submitted online, 19 were submitted by community researchers on council designed questionnaires and 350 paper questionnaires were handed in at the council reception, and eight responses were received in the form of a letter. N.b the 350 questionnaires handed in at council reception were not designed by the council but asked the same questions as the online questionnaire and were therefore deemed to be valid consultation responses. Only basic demographic information was included on these questionnaires.

Responses to the survey were cleaned to remove duplicate responses, where an individual has submitted more than one response to the consultation. Where duplicate responses were found, the most recent response was retained, and older versions were removed. This is because the most recent duplicate response is seen as providing the respondent's most recent views on the proposal.

All the open-ended questions in the consultation questionnaire were coded into themes to allow the responses to be quantified. This encompassed reading every response to these questions and creation of a code frame.

A breakdown of responses by survey method is presented below.

Analysis Methodology	Total	Living in proposed parish area	% of total received by method
Online	515	216	41.9%
Paper questionnaires handed in at Council Reception	350	132	37.7%
Paper questionnaires submitted by community researchers	19	11	57.9%
Responses by letter	8	3	37.5%
Total	892	362	40.6%

Next steps

The next phase of the Community Governance Review will be for the council to publish and consult on their draft recommendations. The findings from this phase 1 consultation will inform the recommendations.

The draft recommendations are scheduled for publication in March 2019 at which point there will be a further consultation period of twelve weeks.

The final recommendations will be prepared and agreed by the council in July 2019.

Executive Summary

Three quarters of respondents (75%) oppose the creation of a parish council. Opposition is uniform across all areas but particularly strong in Tower Hamlets wards other than Weaver and Spitalfields & Banglatown, with nine out of ten (90%) opposing the creation of a new parish council.

It is also noteworthy that 100% of the 358 responses handed in at the council reception oppose the creation of a parish council. The most likely explanation is that these were collected and submitted by campaigners against the proposals in the petition. The council is aware that there are groups campaigning actively both for and against the proposal to create a parish council.

The reasons given for this opposition vary greatly. Almost a quarter (24%) are worried that the creation of a parish council will divide the local community. Respondents also have financial concerns both in terms of having to pay more taxes and fees (18%) and in terms of dividing wealthy areas from more deprived areas (15%).

Of those supporting the proposal to create a parish council the main reasons given were wanting to have a voice in local decision making (25%), greater local democracy (23%) and a desire to address the needs of the area (18%).

The vast majority of respondents oppose the proposed boundaries (80%). This indicates that even amongst some who support the proposal in general, there are concerns with the proposed boundaries.

Again, the level of opposition varies by locations, with marginally more support for the boundaries, amongst those located in the area proposed by the petitioners (35%). In contrast, fewer than two out of ten respondents located in the extended area proposed by the Spitalfields & Banglatown Town Council Campaign Group offer their support (14%).

The reasons why respondents oppose these boundaries vary. Almost a quarter oppose the proposals in general and so oppose the boundaries (23%). Similarly, approximately one in five oppose the boundaries because they believe it will divide communities (23%).

About three out of five (59%) of respondents do not agree with naming the parish council 'Spitalfields Town Council'. Just over half of those who responded online disagree with the name (51%) compared with 78% of those who responded in other ways.

There was no consensus on the proposed electoral wards. About one in five (21%) agree with that there should at least three electoral wards, while 45% disagree.

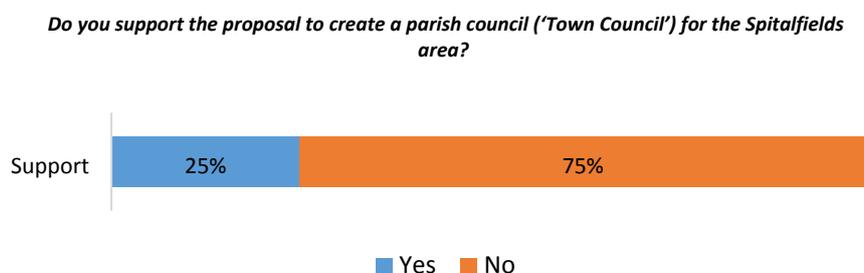
Appendix C provides a breakdown of responders by response method and geography.

Analysis

1. Overall support for creation of parish council

Q. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area?

Only a quarter (25%) of respondents who answered this question said that they agree with the proposal to create a parish council in the Spitalfields area. The majority of those that answered (75%) said they oppose the creation of a parish council.



Analysis by respondent type

The level of support for the proposal varies greatly between respondents situated in the proposed boundary for 'Spitalfields Town Council'. While a quarter of respondents to this question overall support the establishment of a parish council, almost four out of ten (39%) of residents living in the proposed area would like this to happen. This indicates that there might be slightly more support for this proposal within the proposed area, compared with people located outside the proposed boundary.

Only 67 of the respondents who answered this question are in the extended area proposed by the Spitalfields & Banglatown Town Council Campaign Group. Of these, only 15% support the creation of a parish council.

The level of support for a new parish council in Weaver and Spitalfields & Banglatown is slightly higher (30%) than the overall responses. In contrast, only 10% of Tower Hamlets residents living outside these two wards support the creation of a parish council.

Outside of Tower Hamlets, approximately one in five (21%) support the creation of a parish council.

Fewer than one in ten who responded via a paper survey (5%) support the creation of a parish council. The contrasts with 40% of those online.

Q. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area?

Analysis by area

There are significant differences in the way people responded, depending on their location. A higher proportion of respondents located in the area proposed by the petitioners support the creation of a parish council (39%), than respondents overall (25%).

	Yes	No
<i>No. of responses</i>	222	665
Total	25%	75%
Area proposed by the petitioners	39%	61%
Weavers (ward)	27%	73%
Spitalfields & Banglatown (ward)	31%	69%
Weavers and Spitalfields & Banglatown (wards combined)	30%	70%
Other wards in Tower Hamlets (excl. Weavers and Spitalfields & Banglatown)	10%	90%
Outside of Tower Hamlets	21%	79%

Analysis by methodology

There are significant differences in the level of support for the proposal based the response channel. All bar one paper response opposes the plans (100%). This contrasts strongly with online responses, where two in five (40%) support a new parish council.

	Yes	No
<i>No. of responses</i>	222	665
Total	25%	75%
Online (515)	40%	60%
Paper (377)	5%	95%

Q. Please give the reasons for your response.

Once respondents had said whether they support or oppose the creation of 'Spitalfields Town Council', respondents were asked to give the reasons for their answer in an open question. The section below explores these justifications. There were 887 responses to this question. The responses were divided between those who support and oppose the proposal as understandably their reasoning differs significantly.

'Yes'

Of those that gave their reasoning, 222 respondents support the creation of a parish council. Amongst these respondents, a quarter argue that they need to have a voice in local decision making (25%).

'Spitalfields is different to the rest of the borough. We need a council which could represent us and prioritise our interest.'

Similarly, more than one in five (23%) want greater levels of democracy and local democracy.

'More direct involvement and local say in the neighbourhood. More local democracy.'

Fewer, respondents (18%) feel that a parish council will address local needs.

'Tower Hamlets Council is in docklands, E14, The council does not represent us in anyway, they are too far away and aloof. We need proper representation on a local level away from bureaucrats.'

The table shows the top 10 open answer themes to this question.

Answer	Number of responses	% among those who responded to this question
Want/ need to have a voice/ be represented/ have a say	56	25%
Greater democracy/ local democracy/ local governing	50	23%
Local area needs / address local needs	41	18%
Get control of crime/ the streets/ services/ planning	34	15%
I agree/ I support proposal	26	12%
Spitalfields is a great/ unique/ special area	24	11%
It will help the area/ be good for the area	19	9%
Will be good/ nice a good idea (unspecific)	19	9%
Hold Tower Hamlets Council to account/ dislike Tower Hamlets Council	15	7%
Independence/ autonomy/ our own area	13	6%

Analysis by respondent type

Those that support the creation of a parish council have fairly uniform reasons for doing so. We cannot compare the justifications by respondent types as to few people responded on behalf of organisations to allow for reliable comparisons to be made. Similarly, no one who responded via a paper survey supported the proposal.

Analysis by area

The top reason given by respondents living in the area proposed by the petitioners is that the creation of a parish council will lead to greater levels of democracy (26%). A similar proportion of respondents argue that they need to have a voice (25%).

Area proposed by the petitioners only	Number of responses	% among those who responded to this question
<i>No. of responses</i>	140	
Greater democracy/ local democracy/ local governing	37	26%
Want/ need to have a voice/ be represented/ have a say	35	25%
Local area needs / address local needs	25	18%
Get control of crime/ the streets/ services/ planning	23	16%
I agree/ I support proposal	16	11%
Spitalfields is a great/ unique/ special area	16	11%
Will be good/ nice a good idea (unspecific)	15	11%

32 of the responses to this question are from responders who live in Weaver ward. Caution should be taken when analysing results among this group due to the small number of responses. The most common comments among this group were in favour of the parish council, saying they want to have a voice/need to be represented (11 comments), feel this will address local needs and help control services and local issues.

Weaver (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	32	
Want/ need to have a voice/ be represented/ have a say	11	34%
Get control of crime/ the streets/ services/ planning	7	22%
Local area needs / address local needs	6	19%
Accountability/ accountability is good	4	13%
Using money/ resources for local needs	2	6%

156 of the responses to this question from responders who are living in Spitalfields & Banglatown ward, who answered this question, the most common comments were in favour of the parish council. The top comments centered on having local representation (26%), addressing local needs (19%) and getting control of services and local issues (15%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	156	
Want/ need to have a voice/ be represented/ have a say	40	26%
Local area needs / address local needs	29	19%
Get control of crime/ the streets/ services/ planning	24	15%
Using money/ resources for local needs	8	5%
Accountability/ accountability is good	6	4%
Not representative	1	1%
Not good for the area	1	1%
Poor communication to Bengali residents / ignored	1	1%

The combined comments from those living in both wards can be seen in the table below.

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	188	
Want/ need to have a voice/ be represented/ have a say	51	27%
Local area needs / address local needs	35	19%
Get control of crime/ the streets/ services/ planning	31	16%
Using money/ resources for local needs	10	5%
Accountability/ accountability is good	10	5%
Not representative	1	1%
Not good for the area	1	1%
Poor communication to Bengali residents / ignored	1	1%

Only 19 respondents outside of Weaver and Spitalfields & Banglatown wards and 15 outside of Tower Hamlets borough answered this question. As a result, it is not possible to draw reliable conclusions about the views of these groups from the survey.

Tower Hamlets Excl. Weaver and Spitalfields & Banglatown	Number of responses	% among those who responded to this question
<i>No. of responses</i>	19	
Local area needs / address local needs	4	21%
Want/ need to have a voice/ be represented/ have a say	3	16%
Get control of crime/ the streets/ services/ planning	2	11%
Using money/ resources for local needs	2	11%
Accountability/ accountability is good	1	5%
Not representative	1	5%

Only 15 respondents outside Tower Hamlets borough answered this question. As a result, it is not possible to draw reliable conclusions about the views of this group from the survey.

Outside of Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	15	
Want/ need to have a voice/ be represented/ have a say	2	13%
Local area needs / address local needs	2	13%
Get control of crime/ the streets/ services/ planning	1	7%
Using money/ resources for local needs	1	7%

Analysis by methodology

Those who responded online also want more of a voice (25%) and greater local democracy (24%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	205	
Want/ need to have a voice/ be represented/ have a say	52	25%
Greater democracy/ local democracy/ local governing	49	24%
Local area needs / address local needs	40	20%
Get control of crime/ the streets/ services/ planning	34	17%
Spitalfields is a great/ unique/ special area	24	12%

Only 17 people who responded via paper, support a new parish council. As a result, it is not possible to draw reliable conclusions on the views of this group from the survey.

Paper	Number of responses	% among those who responded to this question
<i>No. of responses</i>	17	
Will be good/ nice a good idea (unspecific)	6	35%
It will help the area/ be good for the area	5	29%
Want/ need to have a voice/ be represented/ have a say	4	24%
I agree/ I support proposal	3	18%
Local area needs / address local needs	1	6%
Hold Tower Hamlets Council to account/ dislike Tower Hamlets Council	1	6%
A way to change/ a change for the better	1	6%

'No'

Of the 887 responses to this open question, 665 responses are from respondents who do not want a new parish council.

Almost a quarter of those who oppose a new parish council argue that it will divide communities (24%).

'It is divisive and smacks of the "them and us" attitude that causes social exclusion.'

Just under a fifth are worried about how finance implications of the proposal, such as higher taxes (18%).

'To run a parish council a new administration would have to be created and paid for by a new council tax precept. This will cost the people of Tower Hamlets more money, with no benefits.'

In a similar vein to other themes, 15% are concerned that the proposal creates further divides between wealthy and poorer residents.

'I don't think it's valid for a wealthy part of the borough to try and separate from its responsibilities to the rest of the borough'

Below is a breakdown of the top ten reasons of opposing the creation of a parish council.

Answer	Number of responses	% among those who responded to this question
It will divide communities	158	24%
Extra cost/ higher taxes/ fewer services	117	18%
Wealthy vs. poor / Poorer areas	101	15%
Do not support/ do not agree/ do not like	99	15%
Happy with existing council/ with Tower Hamlets Council	70	11%
Profit – personal Financial gain for some/ few	68	10%
No need for this	68	10%
More layers of bureaucracy/ government	57	9%
Bad idea (unspecific)	38	6%
Satisfied with the current system	38	6%

Analysis by respondent type

The reasoning behind respondents' opposition is also relatively uniform. However, online response tends to focus more on financial concerns, for instance they are significantly more likely to cite concerns that the proposals will divide wealthy areas from more deprived areas (30%) and argue that the creation of a new parish council is motivated by people pursuing personal financial gains (18%).

Analysis by area

Around one in five (21%) of respondents located in the area proposed by the petitioners expressed concern that a new parish council would lead to high taxes and conversely fewer services.

Area proposed by the petitioners only	Number of responses	% among those who responded to this question
<i>No. of responses</i>	211	
Extra cost/ higher taxes/ fewer services	44	21%
Divisive/ will divide communities	38	18%
Do not support/ do not agree/ do not like	26	12%
Happy with existing council/ with Tower Hamlets Council	26	12%
Wealthy vs. poor / Poorer areas	24	11%

86 of the respondents to this question live in Weaver ward. The most common comments among this groups centred on this being a divisive proposal (25%) and the difference between the economic outlook for those within the boundary compared with those outside (21%).

Weaver (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	86	
Divisive/ will divide communities	21	25%
Wealthy vs. poor / Poorer areas	18	21%
Extra cost/ higher taxes/ fewer services	14	16%
Do not support/ do not agree/ do not like	13	15%
Happy with existing council/ with Tower Hamlets Council	7	8%

Among those living in Spitalfields & Banglatown, the most common reasons to oppose the creation of a parish council, are that it will divide the community (22%) and perceived cost this will create (20%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	346	
Divisive/ will divide communities	76	22%
Extra cost/ higher taxes/ fewer services	67	20%
Do not support/ do not agree/ do not like	49	14%
Happy with existing council/ with Tower Hamlets Council	39	11%
Wealthy vs. poor / Poorer areas	37	11%

When looking at the combined comments from those living in both wards, the most common comments centre on this being a divisive proposal (23%) and costs (19%).

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	432	
Divisive/ will divide communities	97	23%
Extra cost/ higher taxes/ fewer services	81	19%
Do not support/ do not agree/ do not like	62	15%
Wealthy vs. poor / Poorer areas	55	13%
Happy with existing council/ with Tower Hamlets Council	46	11%

Among those living outside of Weaver and Spitalfields & Banglatown wards the most common reasons to oppose the creation of a parish council are that this will divide communities and cost.

Tower Hamlets Excl. Weaver and Spitalfields & Banglatown	Number of responses	% among those who responded to this question
No. of responses	176	
Divisive/ will divide communities	52	30%
Wealthy vs. poor / Poorer areas	33	19%
Extra cost/ higher taxes/ fewer services	28	16%
Do not support/ do not agree/ do not like	21	12%
Happy with existing council/ with Tower Hamlets Council	16	9%

Among those living outside of Tower Hamlets altogether, the most common comment given was general opposition (29%) to the parish council followed by the divide between wealthy and poorer areas (23%).

Outside of Tower Hamlets	Number of responses	% among those who responded to this question
No. of responses	57	
Do not support/ do not agree/ do not like	16	29%
Wealthy vs. poor / Poorer areas	13	23%
Divisive/ will divide communities	9	16%
Extra cost/ higher taxes/ fewer services	8	14%
Happy with existing council/ with Tower Hamlets Council	8	14%

Analysis by methodology

Online respondents are very concerned that the proposals will divide wealth and poorer neighbourhoods (30%). Linked with this, these respondents are concerned more generally that proposals will divide communities (26%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	308	
Wealthy vs. poor / Poorer areas	91	30%
Divisive/ will divide communities	80	26%
Extra cost/ higher taxes/ fewer services	72	23%
Profit – personal Financial gain for some/ few	56	18%
More layers of bureaucracy/ government	52	17%

In contrast to online responses, those who completed the paper question are more likely to simply express general disagreement with the proposal (23%) followed by concern that it will divide communities (22%).

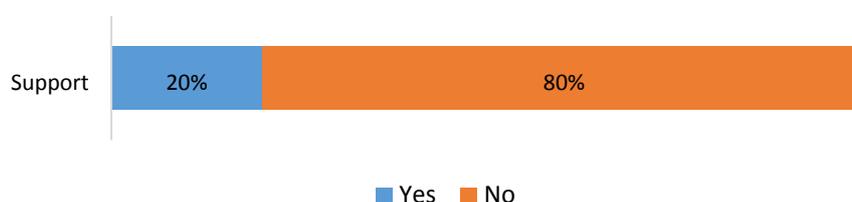
Paper	Number of responses	% among those who responded to this question
<i>No. of responses</i>	347	
Do not support/ do not agree/ do not like	80	23%
Divisive/ will divide communities	78	22%
Extra cost/ higher taxes/ fewer services	45	13%
Bad idea/ rubbish (unspecific)	30	9%
No need for this	30	9%
Happy with existing council/ with Tower Hamlets Council	28	8%

2. Overall support for proposed boundaries

Q. Do you support the proposed boundaries for the parish council ('Town Council')

Participants were asked to consider the proposed boundaries of the 'Spitalfields Town Council'. They were then asked where to support the proposed boundaries. Only one in five (20%) support the proposed boundaries, instead the vast majority (80%) oppose the proposal.

Do you support the proposed boundaries for the parish council ('Town Council')?



Analysis by respondent type

As with the first question, almost all paper responses opposed the proposed boundaries (100%). Understandably, respondents located in suggested extension to the boundaries are the least likely to support the proposed boundaries.

Q. Do you support the proposed boundaries for the parish council ('Town Council')??

Analysis by area

In a similar pattern to the earlier question asking whether respondents want a parish council, more respondents located in the area proposed by the petitioners are supportive of the proposed boundaries.

	Yes	No
<i>No. of responses</i>	176	710
Total	20%	80%
Proposed boundary (359)	35%	65%
Weaver (ward)	19%	81%
Spitalfields & Banglatown (ward)	26%	74%
Weaver and Spitalfields & Banglatown (wards combined)	25%	75%
Other Tower Hamlets wards	6%	94%
Outside Tower Hamlets	17%	83%

Analysis by methodology

As with earlier questions, almost all those who responded via a paper questionnaire oppose the new boundaries. In contrast, roughly a third (32%) of online responses support the proposed boundary.

	Yes	No
No. of responses	176	710
Total	20%	80%
Online (515)	32%	63%
Paper (371)	4%	96%

Q. Please give the reasons for your response.

Once respondents had said whether they support or oppose the proposed boundaries, in an open question they were asked to explain why. The section below explores these justifications. There were 886 responses to this question. The responses were divided between those who support and oppose the boundary, as understandably their reasoning differs significantly.

'Yes'

Of those that answered this question, 176 support the proposed boundaries.

Just under a third of supporters argue that the proposed boundaries define the area well (31%). The boundaries encompass an area with a distinctive and different.

'It would seem to be a coherent area, where there is already a sense of community.'

One in five supporters (20%) argue that it covers the area known as Spitalfields and so is appropriate.

'They are appropriate and cover the town-centre of Spitalfields.'

Almost one in ten supporters say that the boundaries will allow the parish council to offer better local governance of the area.

'The proposed area is big enough to warrant the governance of a parish council but includes only those areas that share specific planning and management issues.'

The table overleaf shows the top ten justifications for the supporting the proposed boundaries.

Answer	Number of responses	% among those who responded to this question
Defines area well/ covers core areas/ defines areas correctly/ appropriate boundaries/ areas/ accurate	55	31%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	35	20%
Areas that need better management/ policing/ care	16	9%
Support proposals	11	6%
I am living in these areas	11	6%
Looks good/ seems good	9	5%
Larger area/ include more areas	9	5%
Historic reasons/ historic streets/ areas	8	5%
Reasonable idea/ good idea/ sensible/ logical	7	4%
More representative	7	4%

Analysis by respondent type

As relatively small sample, the reasoning given for support of the boundaries is fairly uniform across all types of respondents. Additionally, too few people who responded as representatives of organisations, support the boundaries to allow comparisons between individuals and organisations. Finally, no one responding via paper surveys support the current boundaries and so comparisons cannot be made.

Analysis by area

When asked why they support the proposed boundaries, a third of those living in the area proposed by the petitioners said that it defines that area well (34%). Just under a quarter agreed with the boundaries because it covers the Spitalfields area (22%).

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	125	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	43	34%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	28	22%
Areas that need better management/ policing/ care	12	10%
I am living in these areas	9	7%
More representative	7	6%

Only 23 residents living Weaver ward commented on why they support the proposed boundary, and as a result it is not possible to make reliable conclusions about the views of this group.

Weaver (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	23	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	7	30%
Larger area/ include more areas	5	22%
Support proposals	4	17%
Looks good/ seems good	3	13%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	2	9%
Areas that need better management/ policing/ care	2	9%

Among those living in Spitalfields & Banglatown who support the proposed boundary, 130 commented on why they feel this way. The most common comments were that this defines the area appropriately (32%) and covers the area currently known as Spitalfields (24%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	130	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	41	32%
Covers the area known as Spitalfields/ covers the centre of Spitalfields	31	24%
Areas that need better management/ policing/ care	12	9%
I am living in these areas	10	8%

When the views of those living in Weavers and Spitalfields & Banglatown are combined the most common reasons for supporting the proposed boundary is that it defines the area appropriately (31%) and covers the Spitalfield & Banglatown area (22%).

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	153	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	48	31%
Covers the area known as Spitalfields/ covers the centre of Spitalfields	33	22%
Areas that need better management/ policing/ care	14	9%
I am living in these areas	11	7%
Looks good/ seems good	9	6%
Support proposals	9	6%

Only a small number of respondents living outside of the two wards commented here. As a result, we are not able to draw reliable conclusions about the views of this group.

Other Tower Hamlets wards	Number of responses	% among those who responded to this question
<i>No. of responses</i>	11	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	5	45%
Support proposals	2	18%

Similarly, there were too few responses from people living outside of Tower Hamlets borough to draw reliable conclusions about the views of this group.

Outside Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	11	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	2	18%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	2	18%
Reasonable idea/ good idea/ sensible/ logical	2	18%

Analysis by methodology

The top reason for online responses, the main reasons for supporting the boundaries remain that it defines the area well (31%) and covers the Spitalfields area (21%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	163	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	50	31%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	34	21%
Areas that need better management/ policing/ care	16	10%
I am living in these areas	11	7%
Support proposals	9	6%
Looks good/ seems good	9	6%
Larger area/ include more areas	9	6%

Only 12 people who responded by a paper support the proposed boundaries. As a result, it is not possible to draw reliable conclusions about the views of this group.

Paper	Number of responses	% among those who responded to this question
<i>No. of responses</i>	12	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	5	42%
Unique business hub/ area	2	17%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	1	8%
Support proposals	2	17%
Reasonable idea/ good idea/ sensible/ logical	1	8%
Good sizes/ not too big	1	8%
Divisive/ don't want to divide Tower Hamlets/ the community	1	8%
Wealthy vs poor/ gentrification	1	8%

'No'

Of those that justified their answer, 710 oppose the new boundaries. Their concerns mirror the issues raised when asked whether people support the proposal overall.

Respondents top concern, with almost a quarter (23%) arguing that the boundaries will literally be divisive and divide the local community.

'Creates a further ghetto of desirable accommodation and businesses, destroying the local sense of cohesion.'

A similar number of people (23%) simple just do not support this option.

'I don't agree with the proposal anyway, so any border is going to be unacceptable. i.e. there are no borders that would make me change my mind.'

Around 16% are concerned that the boundaries will divide the wealthier and more economically deprived.

'These proposed boundaries divide the wealthier and poorer parts of Spitalfields creating further division in the local community.'

The table overleaf shows the top ten justifications for not supporting the boundaries.

Answer	Number of responses	% among those who responded to this question
Divisive/ don't want to divide Tower Hamlets/ the community	159	23%
Do not support the option/ don't agree/ do not do this/ No	157	23%
Wealthy vs poor/ gentrification	107	16%
Don't like boundaries	55	8%
Larger area/ include more areas	55	8%
Not needed/ no need for this	54	8%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	52	8%
Bad idea	29	4%
Happy as it is/ Happy to be one borough	28	4%
Happy with Tower Hamlets Council/ once council	27	4%

Analysis by respondent type

There were few differences in the reasons given for opposing the boundaries by different groups of respondents. People who responded online tended to be more concerned about dividing the wealthier areas from areas of deprivations (26%), whereas paper responses tend to focus on the division of the area more generally.

Q. Do you support the proposed boundaries for the parish council ('Town Council')

Analysis by area

When asked why they do not support the proposed borders around three out ten (28%) just simply do not support the proposal overall. Roughly one in five (22%) feel that the borders will divide the community.

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	213	
Do not support the option/ don't agree/ do not do this/ No	59	28%
Divisive/ don't want to divide Tower Hamlets/ the community	46	22%
Wealthy vs poor/ gentrification	26	12%
Not needed/ no need for this	19	9%
Don't like boundaries	16	8%
Larger area/ include more areas	18	8%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	18	8%

Among those living in Weaver ward, the most common comments from those who oppose the proposed boundary express general opposition (18%) and that this will gentrify the area (16%).

Weaver (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	94	
Do not support the option/ don't agree/ do not do this/ No	17	18%
Wealthy vs poor/ gentrification	15	16%
Divisive/ don't want to divide Tower Hamlets/ the community	13	14%
Don't like boundaries	12	13%

Results among those living in Spitalfields & Banglatown are similar to those living in Weaver, with comments centring on general opposition to the parish council (26%) and that this will divide the community (23%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	355	
Do not support the option/ don't agree/ do not do this/ No	92	26%
Divisive/ don't want to divide Tower Hamlets/ the community	83	23%
Wealthy vs poor/ gentrification	46	13%
Larger area/ include more areas	38	11%
Not needed/ no need for this	30	8%

When the views of residents living in both Weaver and Spitalfields & Banglatown are combined almost a quarter (24%) express general opposition and more than one in five are worried that proposal will divide the community (21%).

Weaver and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	449	
Do not support the option/ don't agree/ do not do this/ No	109	24%
Divisive/ don't want to divide Tower Hamlets/ the community	96	21%
Wealthy vs poor/ gentrification	61	14%
Larger area/ include more areas	46	10%
Not needed/ no need for this	38	8%

Amongst those that living in other wards, almost a quarter (24%) believe that the proposed boundaries will divide the community. There are some that are concerned that boundaries will accentuate gentrification (17%).

Other Tower Hamlets wards (excl. Weaver and Spitalfields & Banglatown)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	181	
Divisive/ don't want to divide Tower Hamlets/ the community	43	24%
Do not support the option/ don't agree/ do not do this/ No	35	19%
Wealthy vs poor/ gentrification	31	17%
Don't like boundaries	16	9%
Not needed/ no need for this	15	8%

Over a third of those who responded to the survey, oppose the boundaries and don't live in the borough, are worried that the boundaries will divide the community (36%). Over a quarter are concerned that the boundaries will further increase the rate of gentrification (27%).

Outside Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	56	
Divisive/ don't want to divide Tower Hamlets/ the community	20	36%
Wealthy vs poor/ gentrification	15	27%
Do not support the option/ don't agree/ do not do this/ No	13	23%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	8	14%
Don't like boundaries	7	13%

Analysis by methodology

As with other groups, the main concern for respondents online is that the proposals will divide the community (28%). There is also a significant level of concern that these divisions will divide people based on their wealth (26%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	352	
Divisive/ don't want to divide Tower Hamlets/ the community	98	28%
Wealthy vs poor/ gentrification	93	26%
Larger area/ include more areas	50	14%
Don't like boundaries	43	12%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	36	10%

Around two in five responses via paper focus on general opposition to the creation of a parish council (38%). Almost one in five are concerned that the proposed boundaries will create divisions in the community (18%)

Paper	Number of responses	% among those who responded to this question
<i>No. of responses</i>	334	
Do not support the option/ don't agree/ do not do this/ No	127	38%
Divisive/ don't want to divide Tower Hamlets/ the community	61	18%
Bad idea	26	8%
Not needed/ no need for this	22	7%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	16	5%

3. Name of parish council

Q. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?

Respondents were asked what they think of the proposed name for the parish council - Spitalfields Town Council.

Overall, 29% of those who answered this question said they agree or are content with the proposed name for the parish council. However, three in five (61%) disagree or are not content with this name. The top ten most common comments on this question are detailed below.

Response	Number of responses	% among those who responded to this question	% of all respondents
<i>Base</i>	861	861	892
Net : Agree with name	249	29%	28%
Net: Disagree with name	527	61%	59%
No/No way	142	16%	16%
Disagree/ I do not agree/ do not support	80	9%	9%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	66	8%	7%
Bad idea/ not a good idea/ do not like the idea	51	6%	6%
Good name/ fantastic name	50	6%	6%
Disagree with the creation of a Parish Council	47	5%	5%
Agree/ I agree/ Agree with the name	47	5%	5%
It will destroy the heritage of Spitalfields and Banglatown	34	4%	4%
Spitalfields is a well-known name for the area	25	3%	3%
Not representative/ unfair	22	3%	2%
Prefer other names (Spitalfields Council/ Spitalfields & Brick Lane/ Spitalfields & Banglatown Council/ Spitalfields & Weavers Town Council)	21	2%	2%

Analysis by respondent type

Analysis by Area

Among those living within the proposed boundary area, just over two in five (43%) agree or are positive about the proposed name for the parish council. Half (50%) disagree or a negative about the name.

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	345	
Net : Agree with name	148	43%
Net: Disagree with name	171	50%
Agree/ I agree/ Agree with the name	37	11%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	38	11%
Good name/ fantastic name	30	9%
Spitalfields is a well known name for the area	19	6%
No/ No way (No more specific)	46	13%
Disagree/ I do not agree/ do not support	27	8%
Disagree with the creation of a Parish Council	20	6%
Bad idea/ not a good idea/ do not like the idea	17	5%
It will destroy the heritage of Spitalfields and Banglatown	13	4%

Among those living in Weaver ward, a third agree with the propose name (34%), with three in five disagreeing (59%).

Weaver (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	115	
Net : Agree with name	39	34%
Net: Disagree with name	68	59%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	15	13%
Good name/ fantastic name	12	10%
Disagree/ I do not agree/ do not support	10	9%
No/ No way (No more specific)	14	12%
Prefer other names (White Spitalfields/ Spitalfields Council/ Spitalfields & Brick Lane/ Spitalfields & Banglatown Council/ Spitalfields & Weavers Town Council	6	5%

Similarly, 34% of those living in Spitalfields & Banglatown agree with the name while 57% oppose.

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	491	
Net : Agree with name	168	34%
Net: Disagree with name	282	57%
No/ No way (No more specific)	78	16%
Disagree/ I do not agree/ do not support	47	10%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	44	9%
Agree/ I agree/ Agree with the name	40	8%
Bad idea/ not a good idea/ do not like the idea	29	6%

When the views of Weavers and Spitalfields & Banglatown residents are combined, approximately a third (34%) support the name, while 58% oppose the name.

Weaver and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	606	
Net : Agree with name	207	34%
Net: Disagree with name	350	58%
No/ No way (No more specific)	92	15%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	59	10%
Disagree/ I do not agree/ do not support	57	9%
Agree/ I agree/ Agree with the name	41	7%
Good name/ fantastic name	41	7%

Agreement with the proposed name of the parish council is even lower among those living outside of the two wards– with around one in five agreeing (15%).

Other Tower Hamlets wards (excl. Weaver and Spitalfields & Banglatown)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	188	
Net : Agree with name	28	15%
Net: Disagree with name	130	69%
No/ No way (No more specific)	36	19%
Disagree/ I do not agree/ do not support	18	10%
Bad idea/ not a good idea/ do not like the idea	16	9%

Similarly, around one in five people living outside the borough (21%) agree that the parish council should be called 'Spitalfields Town Council'.

Outside of Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	67	
Net : Agree with name	14	21%
Net: Disagree with name	47	70%
No/ No way (No more specific)	14	21%
Disagree with the creation of a Parish Council	11	16%
Disagree/ I do not agree/ do not support	5	7%
Agree/ I agree/ Agree with the name	4	6%
Bad idea/ not a good idea/ do not like the idea	4	6%

Analysis by Methodology

Just over two in five of those who responded online agree or are positive about the proposed name of the parish council (43%). Around half disagree or are not supportive of the name (51%).

Online	Number of responses online	% of responses online
<i>No. of responses</i>	514	
Net : Agree with name	223	43%
Net: Disagree with name	264	51%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	58	11%
Disagree/ I do not agree/ do not support	57	11%
Good name/ fantastic name	47	9%
Agree/ I agree/ Agree with the name	46	9%
Disagree with the creation of a Parish Council	43	8%

Among those who responded via paper survey, only 7% agree with the proposed name, 76% disagree or do not support this. The most common comments from this group are all negative.

Paper	Number of responses via paper	% of responses via paper
<i>No. of responses</i>	347	
Net : Agree with name	26	7%
Net: Disagree with name	263	76%
No/ No way	131	38%
Bad idea/ not a good idea/ do not like the idea	34	10%
Disagree/ I do not agree/ do not support	23	7%

4. Proposed electoral wards

Q. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?

Respondents were asked whether they think the new parish council should be split into at least three electoral wards.

Overall, 21% of those who answered this question said they agree or are positive about this proposal. Over two in five however, disagree or are negative about this proposal. The top ten most common comments on this question are detailed below.

Response	Number of responses	% among those who responded to these questions	% of all respondents
<i>Base</i>	861	861	892
Net: Agree with proposal/positive response	188	22%	21%
Net: Disagree with proposal/negative response	402	46%	45%
Disagree/ I do not agree/ do not support	101	12%	11%
Agree/ I agree	73	8%	8%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	46	5%	5%
Waste of resources/ waste of money	45	5%	5%
Disagree with the creation of a Parish Council	43	5%	5%
Wards too small for number of councillors/too many councillors for areas/ people would be underrepresented/ not enough people will live in them	34	4%	4%
Divisive/ would cause divisions	32	4%	4%
Bad idea/ not a good idea/ do not like the idea	31	4%	3%
No need/ unnecessary	26	3%	3%
Keep it as it is/ Don't change	24	3%	3%

Analysis by respondent type

Analysis by Area

Results for respondents living within the proposed boundary area, around a third (34%) agree or are content with the proposal to have at least three electoral wards, and two in five (39%) disagree or are not content with this.

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	343	
Net : Agree with proposal/positive response	118	34%
Net: Disagree with proposal/negative response	133	39%
Disagree/ I do not agree/ do not support	51	15%
Agree/ I agree/ Agree with the name	50	15%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	32	9%
It would make each ward fairly represented/ more democracy	21	6%
Divisive/ would cause divisions	17	5%

Among those living in Weaver ward, one in five agree (21%) with the proposed electoral wards for the parish council.

Weaver (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	115	
Net : Agree with proposal/positive response	24	21%
Net: Disagree with proposal/negative response	53	46%
Waste of resources/ waste of money	10	9%
Don't know	9	8%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	8	7%
Disagree/ I do not agree/ do not support	8	7%
No Need/ unnecessary	8	7%

Just under three out of ten (27%) agree with the proposed electoral wards while more than two in five disagree (43%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	490	
Net : Agree with proposal/positive response	132	27%
Net: Disagree with proposal/negative response	212	43%
Disagree/ I do not agree/ do not support	72	15%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	33	7%
Divisive/ would cause divisions	24	5%
Bad idea/ not a good idea/ do not like the idea	20	5%
Wards too small for number of councillors/ Too many councillors for areas/ people would be underrepresented/ not enough people will live in them/ low density of people	19	4%
Don't know	19	4%

When the views of residents living in both Weavers and Spitalfields and Banglatown are combined, just over a quarter support the proposal (26%) and while 44% disagree with the proposed electoral wards.

Weavers and Spitalfield & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	605	
Net : Agree with proposal/positive response	156	26%
Net: Disagree with proposal/negative response	265	44%
Disagree/ I do not agree/ do not support	80	13%
Agree/ I agree/ Agree with the name	64	11%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	41	7%
Don't know	28	5%

Amongst those living in other wards, only 11% agree with the electoral ward divisions whereas over half oppose (56%).

Other Tower Hamlets wards (excl. Weaver and Spitalfields & Banglatown)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	189	
Net : Agree with proposal/positive response	20	11%
Net: Disagree with proposal/negative response	105	56%
Waste of resources/ waste of money	20	11%
Disagree/ I do not agree/ do not support	18	10%
No Need/ unnecessary	10	5%
Wards too small for number of councillors/ Too many councillors for areas/ people would be underrepresented/ not enough people will live in them/ low density of people	9	5%

Outside Tower Hamlets, only 18% agree with the electoral wards. Whereas almost half disagree with the proposed electoral wards (48%).

Outside Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	67	
Net : Agree with proposal/positive response	12	18%
Net: Disagree with proposal/negative response	32	48%
Disagree with the creation of a Parish Council	14	21%
Agree/ I agree/ Agree with the name	4	6%
Disagree/ I do not agree/ do not support	3	4%
No/ No way (No more specific)	3	4%
Other answers	3	4%

Analysis by Methodology

Just over a third (34%) of those who responded online agree or are positive about the proposal to have at least three electoral wards. However, half disagree or are not supportive of this.

Online	Number of responses online	% of responses online
<i>No. of responses</i>	514	
Net : Agree with proposal/positive response	173	34%
Net: Disagree with proposal/negative response	255	50%
Agree/ I agree/ Agree with the name	72	14%
Disagree/ I do not agree/ do not support	66	13%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	41	8%
Disagree with the creation of a Parish Council	39	8%

Among those who responded via paper survey, only 4% agree with the proposal to have at least three electoral wards. Two in five disagree or are negative about this (42%). The most common comments from this group are all negative.

Paper	Number of responses via paper	% of responses via paper
<i>No. of responses</i>	347	
Net : Agree with proposal/positive response	15	4%
Net: Disagree with proposal/negative response	147	42%
Disagree/ I do not agree/ do not support	35	10%
Waste of resources/ waste of money	22	6%
Divisive/ would cause divisions	18	5%
Bad idea/ not a good idea/ do not like the idea	16	5%

Appendix A

Survey

1a. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area? *

- Yes
- No

1b. Please give the reasons for your response.

2a. Do you support the proposed boundaries for the parish council ('Town Council')? *

- Yes
- No

2b. Please give the reasons for your response.

3. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?

4. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?

So we can validate the outcome of the consultation, please provide us with the following information. We will not share your personal details with other parties and will only use it for the purposes of this consultation. For further information on how we handle your data and privacy read our privacy notice.

5. Name

6. Address *

7. Postcode *

8. Are you responding as a *

- As an individual

- On behalf of an organisation or group

9. Do you:

- Live
- Work
- Study
- Have a business in the area _____

10. How old are you?

- 0-15
- 16-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+
- Prefer not to say

11. What is your ethnic origin?

- White: British
- White: Irish
- White: Gypsy/Roma or Traveller
- White: Any other background
- Black or Black British: African
- Black or Black British: Caribbean
- Black or Black British: Somali
- Black or Black British: Any other background
- Asian or Asian British: Bangladeshi
- Asian or Asian British: Indian
- Asian or Asian British: Pakistani
- Asian or Asian British: Any other background
- Mixed/Dual Heritage: White & Black African
- Mixed/Dual Heritage: White & Asian
- Mixed/Dual Heritage: White & Black Caribbean
- Mixed/Dual Heritage: Any other background
- Other Ethnic Groups: Vietnamese
- Other Ethnic Groups: Chinese
- Other Ethnic Groups/ Any Other Group
- Prefer not to say
- Other _____

12. Which of the following describes how you think of yourself?

- Male
- Female
- Trans Intersex
- Prefer not to say

13. Is your gender identity the same as the sex you were assigned to at birth?

- Yes
- No
- Prefer not to say

14. What is your sexual orientation?

- Bisexual
- Homosexual (Lesbian/Gay)
- Heterosexual (Straight)
- Prefer not to say
- Other _____

15. What is your religion or belief system?

- No Religion
- Agnostic
- Muslim
- Christian
- Jewish
- Buddhist
- Sikh
- Hindu
- Humanist
- Prefer not to say
- Other _____

16. What is your relationship status?

- Civil partnership
- Married
- Single
- Co-habiting
- Prefer not to say

17. Do you consider yourself to have a disability according to the terms given in the Equality Act 2010?

- Yes
- No
- Prefer not to say

Appendix B

Equalities Data

Equalities data of responders is provided against the protected characteristics. Data relates to responders to the online consultation, where consent to publish was sought. Data is show for all responders to the online consultation and for those responders who indicated they live in the proposed parish area. Equalities data gathered from the Census 2011 is also provided for comparison purposes.

Age

Survey Responders by Age	All Responders		Responders from proposed parish area	
	Count	%	Count	%
0 to 15	2	0.4%	1	0.5%
16 to 24	30	5.8%	11	5.1%
25 to 34	104	20.2%	35	16.2%
35 to 44	110	21.4%	39	18.1%
45 to 54	92	17.9%	47	21.8%
55 to 64	81	15.7%	35	16.2%
65+	47	9.1%	26	12.0%
blank	1	0.2%	0	0.0%
Prefer not to say	48	9.3%	22	10.2%
Grand Total	515	100.0%	216	100.0%

Census Data by Age (KS102EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
0-15	19.7%	14.7%	14.7%	11.6%
16-24	16.8%	21.2%	21.2%	18.5%
25-44	43.4%	45.5%	45.5%	52.3%
45-64	13.9%	13.4%	13.4%	13.3%
65+	6.1%	5.2%	5.2%	4.4%
Total	100%	100%	100%	100%

Disability

Survey Responders by Disability	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Blank	12	2.3%	3	1.4%
No	393	76.3%	173	80.1%
Prefer not to say	86	16.7%	34	15.7%
Yes	24	4.7%	6	2.8%
Grand Total	515	100.0%	216	100.0%

Census Data by General Health (QS302EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
All categories: General health	254,096	12,578	12,885	5,732
Very good health	50.6%	51.6%	49.5%	53.7%
Good health	32.7%	31.3%	32.6%	32.2%
Fair health	10.7%	10.2%	11.1%	8.9%
Bad health	4.4%	4.8%	5.0%	3.9%
Very bad health	1.6%	2.0%	1.8%	1.3%
Total	100.0%	100.0%	100.0%	100.0%

Gender Reassignment

Survey Responders by Gender Reassignment	All Responders		Responders from proposed parish area	
	Count	%	Count	%
no	2	0.4%	1	0.5%
Prefer not to say	84	16.3%	35	16.2%
yes	418	81.2%	174	80.6%
Blank	11	2.1%	6	2.8%
Grand Total	515	100.0%	216	100.0%

Marriage & Civil Partnership

Survey Responders by Living Arrangements	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Blank	17	3.3%	7	3.2%
Civil partnership	5	1.0%	3	1.4%
Co-habiting	36	7.0%	14	6.5%
Married	161	31.3%	70	32.4%
Prefer not to say	132	25.6%	56	25.9%

Single	164	31.8%	66	30.6%
Grand Total	515	100.0%	216	100.0%

Census Data by Living Arrangements (QS108EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
All categories: Living arrangements	200,214	9,891	10,605	4,650
Living in a couple: Married	28.3%	25.7%	22.2%	21.7%
Living in a couple: Cohabiting (opposite-sex)	10.3%	9.5%	10.7%	13.4%
Living in a couple: In a registered same-sex civil partnership or cohabiting (same-sex)	2.0%	1.9%	2.6%	2.9%
Not living in a couple: Single (never married or never registered a same-sex civil partnership)	44.7%	49.7%	49.3%	50.3%
Not living in a couple: Married or in a registered same-sex civil partnership	3.5%	3.9%	2.9%	3.3%
Not living in a couple: Separated (but still legally married or still legally in a same-sex civil partnership)	2.7%	2.0%	2.7%	1.8%
Not living in a couple: Divorced or formerly in a same-sex civil partnership which is now legally dissolved	4.9%	3.9%	5.3%	4.0%
Not living in a couple: Widowed or surviving partner from a same-sex civil partnership	3.6%	3.4%	4.2%	4.7%
Total	100.0%	100.0%	100.0%	102.1%

Race

Survey Responders by Ethnicity	All Responders		Responders from proposed parish area	
	Count	%	Count	%
A variety	1	0.2%	1	0.5%
Asian or Asian British: Any other background	7	1.4%	4	1.9%
Asian or Asian British: Bangladeshi	85	16.5%	32	14.8%
Asian or Asian British: Indian	7	1.4%	3	1.4%
Asian or Asian British: Pakistani	3	0.6%	1	0.5%
Black or Black British: African	3	0.6%	1	0.5%
Black or Black British: Caribbean	4	0.8%	1	0.5%
Blank	6	1.2%	4	1.9%
British	1	0.2%	0	0.0%
British arab	1	0.2%	0	0.0%
Middle Eastern	1	0.2%	0	0.0%
Mixed/Dual Heritage: Any other background	5	1.0%	2	0.9%

Survey Responders by Ethnicity	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Mixed/Dual Heritage: White & Asian	7	1.4%	2	0.9%
Mixed/Dual Heritage: White & Black African	1	0.2%	0	0.0%
Mixed/Dual Heritage: White & Black Caribbean	1	0.2%	0	0.0%
Native American of Choctaw Nation	1	0.2%	0	0.0%
Other Ethnic Groups/ Any Other Group	3	0.6%	3	1.4%
Other Ethnic Groups: Chinese	3	0.6%	1	0.5%
Prefer not to say	88	17.1%	35	16.2%
White: Any other background	64	12.4%	35	16.2%
White: British	207	40.2%	88	40.7%
White: Irish	16	3.1%	3	1.4%
Grand Total	515	100.0%	216	100.0%

Survey Responders by Ethnicity (compressed categories)	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Black	7	1.4%	2	0.9%
Blank	6	1.2%	4	1.9%
Bangladeshi	85	16.5%	32	14.8%
Mixed	14	2.7%	4	1.9%
Prefer not to say	88	17.1%	35	16.2%
Other White	80	15.5%	38	17.6%
All Other	28	5.4%	13	6.0%
White: British	207	40.2%	88	40.7%
Grand Total	515	100.0%	216	100.0%

Census Data by Ethnicity (KS201EW)	All LBTH	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
Black	7.3%	3.3%	4.6%	30.1%
Bangladeshi	32.0%	28.6%	19.1%	20.2%
Mixed	4.1%	2.2%	3.0%	3.4%
Other White	12.4%	11.1%	9.1%	26.5%
All other	13.0%	37.4%	40.4%	3.8%
White British	31.2%	17.5%	23.7%	16.0%
Total	100%	100%	100%	100%

Religion or Belief

Survey Responders by Religion	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Agnostic	17	3.3%	8	3.7%
Athiest	1	0.2%	0	0.0%
Blank	16	3.1%	5	2.3%
Buddhist	2	0.4%	0	0.0%
Catholic	1	0.2%	0	0.0%
Christian	77	15.0%	38	17.6%
Hindu	4	0.8%	1	0.5%
Humanist	6	1.2%	2	0.9%
Jewish	10	1.9%	4	1.9%
Muslim	87	16.9%	33	15.3%
My beliefs are not systematic.	1	0.2%	1	0.5%
No Religion	156	30.3%	64	29.6%
Pagan	2	0.4%	1	0.5%
Prefer not to say	128	24.9%	55	25.5%
Society of Friends (Quakers)	3	0.6%	2	0.9%
Sikh	3	0.6%	2	0.9%
SPIRITUALIST	1	0.2%	0	0.0%
Total	515	100.0%	216	100.0%

Census Data by Religion (QS601EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
All categories: Religion	254,096	12,578	12,885	5,732
Christian	27.1%	18.4%	24.7%	22.9%
Buddhist	1.1%	0.6%	1.0%	0.9%
Hindu	1.7%	1.2%	0.5%	1.2%
Jewish	0.5%	0.6%	0.8%	0.8%
Muslim (Islam)	34.5%	41.5%	30.1%	28.0%
Sikh	0.3%	0.3%	0.2%	0.2%
Other religion: Total	0.3%	0.3%	0.4%	0.4%
No religion: Total	19.1%	21.1%	25.2%	26.8%
Religion not stated	15.4%	16.0%	17.1%	18.7%
Total	100.0%	100.0%	100.0%	100.0%

Sex

Survey Responders by Sex	All Responders		Responders from proposed parish area	
	Count	%	Count	%
blank	7	1.4%	3	1.4%
Female	153	29.7%	57	26.4%
Intersex	1	0.2%	1	0.5%
Male	282	54.8%	125	57.9%
Prefer not to say	71	13.8%	30	13.9%
Trans	1	0.2%	0	0
Grand Total	515	100.0%	216	100%

Census Data by Sex (QS104EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
Male	51.50%	53.90%	51.50%	100.00%
Female	48.50%	46.10%	48.50%	55.00%
Total	100.00%	100.00%	100.00%	45.00%

Sexual Orientation

Survey Responders by Sexual Orientation	All Responders		Responders from proposed parish area	
	Count	%	Count	%
A variety	1	0.2%	1	0.5%
Bisexual	19	3.7%	10	4.6%
Blank	17	3.3%	6	2.8%
Heterosexual (Straight)	296	57.5%	117	54.2%
Homosexual (Lesbian/Gay)	32	6.2%	14	6.5%
Prefer not to say	150	29.1%	68	31.5%
Grand Total	515	100.0%	216	100.0%

Appendix C

Table of responses

Support for creation of parish council

All responders	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	310	60.20%	205	39.80%	515
Paper questionnaires handed in at reception	0	0.00%	3	15.80%	16	84.20%	19
Paper questionnaires submitted by community researchers	5	1.40%	345	98.60%	0	0.00%	350
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8
Total	5	0.6%	665	74.6%	222	24.9%	892

Responders living in the parish council area proposed in the first stage consultation	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	84	38.90%	132	61.10%	216
Paper questionnaires handed in at reception	0	0.00%	3	27.30%	8	72.70%	11
Paper questionnaires submitted by community researchers	4	3.00%	128	97.00%	0	0.00%	132
Responses by letter	0	0.00%	3	100.00%	0	0.00%	3
Total	4	1.1%	218	60.2%	140	38.7%	362

Responders living in the Weavers Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	54	65.90%	28	34.10%	82
Paper questionnaires handed in at reception	0	0.00%	2	50.00%	2	50.00%	4
Paper questionnaires submitted by community researchers	0	0.00%	24	100.00%	0	0.00%	24
Responses by letter	0	0.00%	1	50.00%	1	50.00%	2
Total	0	0.0%	81	72.3%	31	27.7%	112

Responders living in the Spitalfields & Banglatown Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	147	49.50%	150	50.50%	297
Paper questionnaires handed in at reception	0	0.00%	2	15.40%	11	84.60%	13
Paper questionnaires submitted by community researchers	5	2.50%	199	97.50%	0	0.00%	204
Responses by letter	0	0.00%	6	100.00%	0	0.00%	6
Total	5	1.0%	354	68.1%	161	31.0%	520

Responders living in Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	288	59.10%	199	40.90%	487
Paper questionnaires handed in at reception	0	0.00%	3	16.70%	15	83.30%	18
Paper questionnaires submitted by community researchers	5	1.50%	338	98.50%	0	0.00%	343
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8
Total	5	0.6%	636	74.3%	215	25.1%	856

Responders living outside Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	22	78.60%	6	21.40%	28
Paper questionnaires handed in at reception	0	0.00%	0	0.00%	1	100.00%	1
Paper questionnaires submitted by community researchers	0	0.00%	7	100.00%	0	0.00%	7
Responses by letter	0		0		0		0
Total	0	0.0%	29	80.6%	7	19.4%	36

Support for proposed boundaries

All responders	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	352	68.30%	163	31.70%	515
Paper questionnaires handed in at reception	0	0.00%	7	36.80%	12	63.20%	19
Paper questionnaires submitted by community researchers	6	1.70%	344	98.30%	0	0.00%	350
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8

Total	6	0.7%	710	79.6%	176	19.7%	892
Responders living in the parish council area proposed in the first stage consultation	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	97	44.91%	119	55.09%	216
Paper questionnaires handed in at reception	0	0.00%	5	45.45%	6	54.55%	11
Paper questionnaires submitted by community researchers	4	3.03%	128	96.97%	0	0.00%	132
Responses by letter	0	0.00%	3	100.00%	0	0.00%	3
Total	4	1.1%	233	64.4%	125	34.5%	362

Responders living in the Weavers Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	62	75.60%	20	24.40%	82
Paper questionnaires handed in at reception	0	0.00%	2	50.00%	2	50.00%	4
Paper questionnaires submitted by community researchers	0	0.00%	24	100.00%	0	0.00%	24
Responses by letter	0	0.00%	1	50.00%	1	50.00%	2
Total	0	0.0%	89	79.5%	23	20.5%	112

Responders living in the Spitalfields & Banglatown Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	172	57.90%	125	42.10%	297
Paper questionnaires handed in at reception	0	0.00%	5	38.50%	8	61.50%	13
Paper questionnaires submitted by community researchers	5	2.50%	199	97.50%	0	0.00%	204
Responses by letter	0	0.00%	6	100.00%	0	0.00%	6
Total	5	1.0%	382	73.5%	133	25.6%	520

Responders living in Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	329	67.60%	158	32.40%	487
Paper questionnaires handed in at reception	0	0.00%	7	38.90%	11	61.10%	18
Paper questionnaires submitted by community researchers	6	1.70%	337	98.30%	0	0.00%	343
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8
Total	6	0.7%	680	79.4%	170	19.9%	856

Responders living outside Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	23	82.10%	5	17.90%	28
Paper questionnaires handed in at reception	0	0.00%	0	0.00%	1	100.00%	1
Paper questionnaires submitted by community researchers	0	0.00%	7	100.00%	0	0.00%	7
Responses by letter	0	0.00%	0	0.00%	0	0.00%	0
Total	0	0.0%	30	83.3%	6	16.7%	36

Equality Analysis (EA)

Financial Year
2018/19

Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose
(Please note – for the purpose of this doc, ‘proposal’ refers to a policy, function, strategy or project)

**See Appendix
A**

Current decision
rating



Background

This Equality Analysis is being prepared to consider equality impacts relating to community governance review triggered by a petition from local residents to set up a parish(‘town’) council within the Tower Hamlets council wards of Spitalfields & Banglatown and Weavers. A parish council is a democratically elected, additional and legally independent tier of local government with its own councillors, which can provide a range of local services within a defined area. A parish council operates at a local level below the principal council, in this case Tower Hamlets Council.

The council is required to consult local government electors in the area under review, and others who appear to have an interest in the review. When undertaking a review they must have regard to the need to ensure that community governance reflects the identities and interests of the community in the area under review, and the need to ensure that community governance in that area is effective and convenient.

In the development of its proposals the council has a legal duty to engage people with protected characteristics under the Equality Act 2010.

Phase 1 of the public consultation in the community governance review opened on 8 October 2018 and ran for 12 weeks until 31 December 2018. The council chose an initial consultation period of 12 weeks to enable a broad range of views to be gathered and to gauge levels of support for proposals in the petition. The consultation programme covered online, social media, print and face-to-face channels in order to encourage a broad range of responses that represented the diverse population of the borough.

The second stage, putting forward the council’s draft recommendations after considering findings from phase 1, will begin 4 March 2019 and run for a further 12 weeks until 27 May 2019. The review must be complete by 22 July 2019.

Review objectives

The objectives of the review set out in the terms of reference are as follows:

1. To fulfil the council’s obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.

4. To take into account any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Conclusion - To be completed at the end of the Equality Analysis process

A final equality analysis will be published after the close of the phase 2 consultation on the council's draft recommendations to inform the council's final recommendations for publication in July 2019.

Name:

(signed off by)

Date signed off:

(approved)

Service area: Governance

Team name:

Strategy, policy & performance

Service manager:

Afazul Hoque

Name and role of the officer completing the EA:

Jannette John

Katy McGinty

Section 2 – Evidence (Consideration of Data and Information)

What initial evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

Information available and which has been considered is:

- Census 2011 data
- Borough Profile 2018 data
- London Borough of Tower Hamlets Council Tax data
- Community governance review – consultation survey analysis
- Producing modelled estimates of the size of the lesbian, gay and bisexual (LGB) population of England report published by Public Health England

Section 3 – Assessing the Impacts on the 9 Groups

Please refer to the guidance notes below and evidence how you're proposal impact upon the nine Protected Characteristics in the table on page 3?

For the nine protected characteristics detailed in the table below please consider:-

- **What is the equality profile of service users or beneficiaries that will or are likely to be affected?**

Use the Council's approved diversity monitoring categories and provide data by target group of users or beneficiaries to determine whether the service user profile reflects the local population or relevant target group or if there is over or under representation of these groups

- **What qualitative or quantitative data do we have?**

List all examples of quantitative and qualitative data available

(include information where appropriate from other directorates, Census 2001 etc)

- *Data trends – how does current practice ensure equality*

- **Equalities profile of staff?**

Indicate profile by target groups and assess relevance to policy aims and objectives e.g. Workforce to Reflect the Community. Identify staff responsible for delivering the service including where they are not directly employed by the council.

- **Barriers?**

What are the potential or known barriers to participation for the different equality target groups? e.g. -communication, access, locality etc.

- **Recent consultation exercises carried out?**

Detail consultation with relevant interest groups, other public bodies, voluntary organisations, community groups, trade unions, focus groups and other groups, surveys and questionnaires undertaken etc. Focus in particular on the findings of views expressed by the equality target groups. Such consultation exercises should be appropriate and proportionate and may range from assembling focus groups to a one to one meeting.

- **Additional factors which may influence disproportionate or adverse impact?**

Management Arrangements - How is the Service managed, are there any management arrangements which may have a disproportionate impact on the equality target groups

- **The Process of Service Delivery?**

In particular look at the arrangements for the service being provided including opening times, custom and practice, awareness of the service to local people, communication

Please also consider how the proposal will impact upon the 3 One Tower Hamlets objectives:-

- Reduce inequalities
- Ensure strong community cohesion
- Strengthen community leadership.

Please Note -

Reports/stats/data can be added as Appendix

Target Groups	Impact – Positive or Adverse What impact will the proposal have on specific groups of service users or staff?	Reason(s) <ul style="list-style-type: none"> • Please add a narrative to justify your claims around impacts and, • Please describe the analysis and interpretation of evidence to support your conclusion as this will inform decision making Please also how the proposal will promote the three One Tower Hamlets objectives? <ul style="list-style-type: none"> -Reducing inequalities -Ensuring strong community cohesion -Strengthening community leadership
Race		<p>Tower Hamlets is ranked as the 16th most ethnically diverse local authority in England in terms of the mix of different ethnic group populations. The Spitafields/Banglatown and Weavers wards are reflective of this diversity. The Census 2011 identified that 17.5% of residents in the Spitafields/Banglatown Ward identify as White British, 11.1% as Other White, 2.2% Mixed, 28.6% Bangladeshi, 3.3% Black and 37.4% as other. The ethnic makeup of Weavers Ward residents is similar with 23.7% White British, 9.1% other White, 2.2% Mixed, 19.1% Bangladesh, 4.6% Black and 40.4% as other.</p> <p>Census 2011 data identified that residents in the area of which the first stage consultation is based on includes 30.1% of residents who identify as White British, 20.2% as Other White, 3.4% as Mixed, 26.5% as Bangladeshi, 3.8% as Black and 16% as 'other'.</p> <p>This data therefore illustrates that the largest ethnic group in the proposed area are residents who identify as White British (30.1%) followed closely by Bangladeshi residents (26.5%). This differs slightly to the overall population of Tower Hamlets identified in the Borough Profile 2017/18 where Bangladeshi residents were found to make up 32% of the total population which is the largest Bangladeshi population in England.</p> <p>Prior to the phase 1 consultation we identified residents from under-represented groups that could be potentially adversely impacted by this proposal. In order to mitigate any negative impacts on those from an ethnic minority background several actions were undertaken to engage with various groups. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise

		<p>awareness of the proposal and consultation taking place;</p> <ul style="list-style-type: none"> • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups. • Fliers were produced in both English and Bangladeshi and were available at various locations in the area. • Posters were produced and distributed to locations in and around the area. • Local residents some of whom were from ethnic minority backgrounds were employed as community researchers to engage on a face to face basis encouraging people from ethnic minority backgrounds to participate in the consultation. To make this process effective the researchers were able to communicate with residents in a variety of languages. • Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>The results of the online survey were as follows. Ethnicity data was given for 515 individuals to the online survey. 487 (94.5%) of responders were from within the Tower Hamlets Borough and 379 (40.7%) reside within the Spitafields & Banglatown or Weavers wards. For online survey responses there is a significant over representation of White British responders (38.9% of total responders compared with 31.2% borough-wide). There is a significant under representation of Bangladeshi responders to the online survey (14.8% of total responders compared with 32% borough-wide).</p> <p>It is recommended that consultation activity in phase 2 should encourage responses through both paper and online channels. It is further recommended that at least one static displays of consultation information and material is made available for local residents to view within the area. It is suggested that a number of information giving events are held in the area to ensure that people have the opportunity to consider proposals. needs to continue with community leaders from ethnic minority backgrounds to encourage participation in the consultation. Consideration should be given to providing information in Bengali and other community languages.</p>
Disability		<p>Census 2011 data identified that 4.1% of residents in the Spitafields/Banglatown Ward identify as long term sick or disabled, this is similar to the Weavers Ward where the number is 4.6% of residents. 3.2% of residents identify as long term sick or disabled in the proposed area which is slightly lower than the wards.</p>

		<p>Prior to the consultation we identified residents from under-represented groups that would be potentially adversely impacted by this proposal. In order to ensure residents who are less able were aware of the consultation and to mitigate any negative impacts several actions were undertaken to engage with disability groups. These actions included the following:</p> <ul style="list-style-type: none"> • The council funds a disability advocacy group that has a wide reaching network and its own steering group that is made up of people with disabilities. A meeting was held with the steering group encouraging them to participate and share the information about the consultation. • Mixed methods for engagement included online, face to face, and in writing • Residents were offered support in completing a questionnaire if they wished. <p>It is recommended that the following actions are taken in phase 2.</p> <ul style="list-style-type: none"> • Further outreach to a broader range of disability groups including REAL (local voices project), and AccessAble to help promote the consultation and encourage participation by their membership base. • Consultation materials are produced in a format that is accessible to a broader range of people with disabilities.
Gender		<p>Census 2011 data identifies that there are similar numbers of male and female residents in both the Wards with 53.9% male and 46.1% female residents in the Spitfields/Banglatown ward and 51.9% male and 48.1% females residents in the Weavers Ward. This is consistent with Tower Hamlets as a whole as identified in the Borough Profile 2017/18 where male residents were found to slightly outnumber female residents in Tower Hamlets by around 12,900.</p> <p>Census 2011 data identified that residents in the area of which the consultation is based on includes 55% residents who identify as male and 45% of residents who identify as female.</p> <p>Prior to the consultation we identified residents from under-represented groups that would be potentially adversely impacted by this proposal. Actions were undertaken to engage with these groups, which includes the following:</p> <ul style="list-style-type: none"> • Leaflets were handed out at Mariam Centre which is a womans only mosque in order to encourage more woman to take part in the consultation. • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place;

- Letters were written to all residents listed on the Council Tax Register as living in the area;
- Letters/emails were sent to all faith community and voluntary organisations/community groups.
- Fliers were produced in both English and Bangladeshi and were available at various locations in the area.
- Fliers and posters were produced and distributed to locations in and around the area.
- Local residents (both female and male) were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation. These researchers were tasked to specifically target women in order to increase participation.
- Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

For the purpose of this analyses the results of the online survey will be considered. In total 515 valid responses were received to the online survey. 487 (94.5%) of responders were from within the Tower Hamlets Borough and 379 (73.5%) reside within the Spitafields & Banglatown or Weavers wards.

The gender of the respondents to the online survey is set out below:

Responder Gender	Number	%
Female	153	29.7%
Intersex	1	0.2%
Male	282	54.8%
Prefer not to say	71	13.8%
Trans	1	0.2%
(blank)	7	1.4%
Total	515	100.0%

The majority of respondents were male (54.8%) followed by respondents who were female (29.7%). The number of female respondents is lower than the number of residents who identify as female in the area so in phase 2 further engagement needs to occur with this cohort.

		<p>During consultation outreach community researchers identified that a barrier to engaging with women and specifically those from ethnic minority background was language and English being predominantly a second language.</p> <p>It is recommended that in order to overcome this barrier in phase two of the consultation the following steps will be undertaken:</p> <ul style="list-style-type: none"> • Female community leaders who can speak Bengali to attend community events for translations purposes in order to encourage participation by women. • Further outreach to womens groups to encourage attendees to participate in the consultation. • Further outreach to schools to engage with mothers and encourage participation.
Gender Reassignment		<p>There is no readily available data to help inform us of this protected characteristic. We do however believe that the necessary steps were taken to ensure that information would be made available to people with this protected characteristic as part of the consultation process as outlined below.</p> <p>Prior to the consultation we identified residents from under-represented groups that would be potentially adversely impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents). • Fliers were produced in both English and Bangladeshi and were available at various locations in the area. • Fliers and posters were produced and distributed to locations in and around the area. • Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation. • Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>There is very little information relating to gender reassignment from survey respondents however in phase two of the consultation, in addition to the above the following actions will be undertaken to engage</p>

		<p>with residents who may be undergoing gender reassignment:</p> <ul style="list-style-type: none"> • There will be further outreach to LGBTQ groups including ELOP to help promote the consultation and encourage participation by their user base.
Sexual Orientation		<p><i>Producing modelled estimates of the size of the lesbian, gay and bisexual (LGB) population of England</i> report published by Public Health England in January 2017 identified that 8.7% of respondents of the GP Patient Survey 2015 residing in Tower Hamlets identified as lesbian, gay, bisexual or 'other', This was the third highest in Greater London. This information indicates that Tower Hamlets has the third highest population of LGBT residents in London although we do not have a further breakdown by ward.</p> <p>Prior to the consultation we identified residents from under-represented groups that would be potentially adversely impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents). • Fliers were produced in both English and Bangladeshi and were available at various locations in the area. • Fliers and posters were produced and distributed to locations in and around the area. • Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation. • Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>There is very limited information relating to the sexual orientation of survey respondents however in phase two of the consultation it is recommended that</p> <ul style="list-style-type: none"> • Further outreach to LGBTQ groups including ELOP to help promote the consultation and encourage participation by their user base; and • We will utilise the LBTH LGBT Staff Forum 'Tower PRIDE' to help cascade information to staff

		<p>who are residents in the area.</p> <ul style="list-style-type: none"> Targeted information via social media and other channels is considered
Religion or Belief		<p>Tower Hamlets has the highest proportion of Muslim residents in the country with the Borough Profile identifying that 38% of residents identify as Muslim. This number for London is 13% and England 5%. Christianity is the second highest religion/belief in the Borough with 30% of residents identifying as Christian which is lower than both the rates in London and England which are 49% and 59% respectively. Tower Hamlets has a significantly higher proportion of residents who did not state their religion on the census form when compared to London and the rest of England</p> <p>Census information tells that in Spitalfields & Banglatown ward the proportion of residents who identified themselves as Christian was 18.4 per cent – lower than the borough average of 27.1 per cent. At 41.5 per cent of the population, the proportion of Muslim residents was higher than the borough average. 2,660 residents in the ward explicitly stated that they had no religion, this equated to 21.1 per cent of the ward population, compared to the borough average of 19.1 per cent. There were just over 2,000 residents in the ward who did not state their religion on the census form – accounting for 16 per cent of the ward’s population, higher than the borough average.</p> <p>The proportion of residents who identified themselves as Christian was 24.7 per cent. At just over 30 per cent of the population, the proportion of Muslim residents was lower than the borough average. 3,251 residents in the Weavers ward explicitly stated that they had no religion, this equated to 25.2 per cent of the ward population, one of the highest proportions in the borough.</p> <p>Prior to the consultation we identified residents from under-represented groups that would be potentially adversely impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> We wrote to all faith communities including mosques and churches in the area encouraging them to cascade the information about the consultation and how to engage with their members. Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; Letters were written to all residents listed on the Council Tax Register as living in the area; Letters/emails were sent to all faith community and voluntary organisations/community groups Fliers were produced in both English and Bangladeshi and were available at various locations in the area. Fliers and posters were produced and distributed to locations in and around the area. Local residents were employed as community researchers to engage on a face to face basis

		<p>encouraging people to participate in the consultation. Researchers were instructed to stand outside of places of worship to target those residents and encourage them to participate in the consultation.</p> <ul style="list-style-type: none"> • Pull up banners were printed and displayed around the borough including at places at worship to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>For the purpose of this analyses the results of the online survey will be considered. In total 515 valid responses were received to the online survey. 487 (94.5%) of responders were from within the Tower Hamlets Borough and 379 (73.5%) reside within the Spitafields & Banglatown or Weavers wards.</p> <p>. Survey responses indicate that 17.6% of respondents indentify as Christian with 15.3% of respondents identifiing as Muslim. This number of Muslim respondents is significantly lower than the general population of the Spitafileds/Banglatown and Weavers ward residents which is 41.5% and 30% respectively. – a lower proportion than the population. In addition, 25.5% of responders stated that they preferred not to say, and 29.6% stated that they had no religion.</p> <p>In addition to the above it is recommended that further outreach should be undertaken to engage with residents from the Mulsim faith who are under represented as consultation responders.</p>
Age		<p>The Borough Profile 2017/18 identified that Tower Hamlets has the 4th youngest population in the UK with almost half of residents (46%) being aged between 20 – 39. This is consistent with Census 2011 data which identified that the majority of residents in Spitafields/Banglatown and Weavers Wards are under the age of 44 with these numbers being 81.4% and 81.4% respectively.</p> <p>Prior to the consultation we identified residents from under-represented groups that would be potentially adversely impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents). • Fliers were produced in both English and Bangladeshi and were available at various locations in the area.

- Fliers and posters were produced and distributed to locations in and around the area.
- Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation. Researchers were instructed to locate themselves around schools and youth facilities to capture different age groups.
- Pull up banners were printed and displayed around the borough including at places at worship to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

Age Profile – Survey responders	0-15	16-24	25-44	45-64	65+	Prefer not to say / blank	Total
ALL Responders	2 (0.4%)	30 (5.8%)	211 (40.9%)	173 (33.5%)	47 9.1(%)	48 (9.5%)	515

For the purpose of this analyses the results of the online survey will be considered. The majority of survey respondents (40.9%) were aged 25 – 44. This age group accounts for 52% of the areas population so response rates are lower than what would be expected. Similarly while residents aged 16-24 make up 16.8% of the borough wide population this age group only makes up 5.8% of survey respondents.

In contrast, there is an over representation of residents who are 45-64 who responded to the survey. These residents make up 13.3% of the boroughs population however accounted for 33.5% of survey respondents.

This results of the survey illustrates that more engagement with those aged 16 – 24 and 25 – 44 needs to occur in phase two of the consultation. It is recommended that consideration is given to:

- outreach to schools, colleges and universities along with youth clubs and community centres to raise awareness of the consultation and encourage participation by this age group.
- To target those aged 25 – 44 at least one information giving event to be held out of normal working hours to encourage this age group to attend and participate in the consultation.

- Placement of information in workplaces
- We will target facilities that this age group are likely to frequent such as pubs/bars, restaurants, markets and leisure centres.

Marriage and Civil Partnerships.

Census 2011 data for the living arrangements of residents living in Spitafields/Banglatown and Weavers wards is outlined below.

Census Data by Living Arrangements (QS108EW)	ALL	Spitafields and Banglatown	Weavers	Proposed Parish Council Area
Living in a couple: Married	28.3%	25.7%	22.2%	21.7%
Living in a couple: Cohabiting (opposite-sex)	10.3%	9.5%	10.7%	13.4%
Living in a couple: In a registered same-sex civil partnership or cohabiting (same-sex)	2.0%	1.9%	2.6%	2.9%
Not living in a couple: Single (never married or never registered a same-sex civil partnership)	44.7%	49.7%	49.3%	50.3%
Not living in a couple: Married or in a registered same-sex civil partnership	3.5%	3.9%	2.9%	3.3%
Not living in a couple: Separated (but still legally married or still legally in a same-sex civil partnership)	2.7%	2.0%	2.7%	1.8%
Not living in a couple: Divorced or formerly in a same-sex civil partnership which is now legally dissolved	4.9%	3.9%	5.3%	4.0%
Not living in a couple: Widowed or surviving partner from a same-sex civil partnership	3.6%	3.4%	4.2%	4.7%

For the purpose of this analyses the results of the online survey will be considered. In total 515 valid

responses were received to the online survey. 487 (94.5%) of responders were from within the Tower Hamlets Borough and 379 (73.5%) reside within the Spitafields & Banglatown or Weavers wards. As outlined below 31.8% of survey responders identified themselves as single with 31.3% identifying as married and 25.6% preferring not to day.

Survey Responders by Living Arrangements	All Responders	
	Count	%
Blank	17	3.3%
Civil partnership	5	1.0%
Co-habiting	36	7.0%
Married	161	31.3%
Prefer not to say	132	25.6%
Single	164	31.8%
Grand Total	515	100.0%

The steps we can make to ensure that information would be made available to this protected characteristic as part of the consultation process as outlined below:

- Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place;
- Letters were written to all residents listed on the Council Tax Register as living in the area;
- Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents).
- Fliers were produced in both English and Bangladeshi and were available at various locations in the area.
- Fliers and posters were produced and distributed to locations in and around the area.
- Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation.
- Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

Pregnancy and Maternity

There is no readily available data to help inform us of this protected characteristic. We do however believe that the necessary steps were taken to ensure that information would be made available to this protected characteristic as part of the consultation process as outlined below.

Prior to the consultation we identified residents from under-represented groups that would be potentially adversely impacted by this proposal. These actions included the following:

- Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place;
- Letters were written to all residents listed on the Council Tax Register as living in the area;
- Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents).
- Fliers were produced in both English and Bangladeshi and were available at various locations in the area.
- Fliers and posters were produced and distributed to locations in and around the area.
- Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation.
- Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

There is no specific information relating to whether survey respondents are pregnant or have maternity status however in phase two of the consultation, the above actions will again be undertaken to engage with residents who may be pregnant or on maternity leave:. Further consideration should be given to outreach to GP clinics, hospitals, health centres, antenatal classes etc in order to increase the awareness about the consultation and encourage participation by those who are pregnant or on maternity leave.

Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence or view that suggests that different equality or other protected groups (inc' staff) could be adversely and/or disproportionately impacted by the proposal?

Yes? No? X

If yes, please detail below how evidence influenced and formed the proposal? For example, why parts of the proposal were added / removed?

Whilst there is not any clear evidence that the proposal to create a parish would disproportionately impact people with a protected characteristic it is important that the principal council (Tower Hamlets) makes every effort to ensure that the views of people with a protected characteristic are taken into account in terms of consultation on the proposals. For these reasons a number of recommendations are made above on the conduct of phase 2 of the community governance review consultation

(Please note – a key part of the EA process is to show that we have made reasonable and informed attempts to mitigate any negative impacts. An EA is a service improvement tool and as such you may wish to consider a number of alternative options or mitigation in terms of the proposal.)

Where you believe the proposal discriminates but not unlawfully, you must set out below your objective justification for continuing with the proposal, without mitigating action.

Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

Yes? No? At this stage the proposal to create a parish council has not been adopted. In terms of the phase 2 consultation, data on protected characteristics will be collected. As in phase 1 responses will be monitored by the CGR steering group and further action taken if required.

How will the monitoring systems further assess the impact on the equality target groups?

See above

Does the policy/function comply with equalities legislation?
(Please consider the [OTH objectives](#) and [Public Sector Equality Duty](#) criteria)

Yes? A community governance review is a process governed by statute. No?

If there are gaps in information or areas for further improvement, please list them below:

How will the results of this Equality Analysis feed into the performance planning process?

Section 6 - Action Plan

As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Example				
1. Better collection of feedback, consultation and data sources	1. Create and use feedback forms. Consult other providers and experts	1. Forms ready for January 2010 Start consultations Jan 2010	1.NR & PB	
2. Non-discriminatory behaviour	2. Regular awareness at staff meetings. Train staff in specialist courses	2. Raise awareness at one staff meeting a month. At least 2 specialist courses to be run per year for staff.	2. NR	

Page 132

Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Ensure that people are able to respond to consultation through a wide range of channels	Design and delivery of consultation information. Consultation events, static displays, outreach.	Monthly review by CGR steering group	Steve Morton / Kerry Middleton	
Production of consultation information	Universal and targeted information including material suitable for people	Review at start of consultation period and half way point	Kerry Middleton	

	whose first language is not English and people with sensory impairment			
Collect and report data on protected characteristics of respondents	Design and administration of response monitoring	Monthly review by CGR steering group	Vicky Allen	

Appendix A

(Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Suspend – Further Work Required	Red 
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy.	Further (specialist) advice should be taken	Red Amber 
As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	Proceed pending agreement of mitigating action	Amber 
As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	Proceed with implementation	Green: 

Non-Executive Report of the: General Purposes Committee Tuesday, 26 February 2019	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Open (Unrestricted)
Constitution Review Part B	

Originating Officer(s)	Matthew Mannion
Wards affected	(All Wards);

Executive Summary

As set out in reports to the previous two General Purposes Committee meetings, officers are working through a refresh of the Council’s Constitution.

This report presents a draft copy of the new Part B of the constitution for consideration by the Committee. The draft will be amended following any comments from the Committee (and elsewhere) and then combined with later Parts to form a fully refreshed constitution to be presented to Council.

Recommendations:

The General Purposes Committee is recommended to:

1. Review and comment on the draft Part B of the new constitution.

1. REASONS FOR THE DECISIONS

- 1.1 This report follows on from the report to General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.

2. ALTERNATIVE OPTIONS

- 2.1 This report is seeking the views and comments of the General Purposes Committee. Members are free to suggest alternative content and/or styles.

3. DETAILS OF THE REPORT

- 3.1 This report follows on from the report to General Purposes Committee on 29 October 2018 and the initial reasons for the review are set out there.

- 3.2 Part B of the new Constitution is called ‘Responsibility for Functions and Decision Making Procedures’ and covers all the main rules and procedures around decision making at the Council.
- 3.3 Amongst other information it sets out; Terms of Reference and Functions of Council, Cabinet and Committees; Corporate Schemes of Delegation and the role of Chief Officers; detailed procedure rules for Council, Cabinet and Overview and Scrutiny.
- 3.4 Part B is a replacement for the existing Parts 3 and 4 and it provides the same sets of information (although the arrangement has been updated).
- 3.5 The draft new Part B is set out in Appendix 1 to this report. Due to the significant changes in some parts, it is not generally possible to show changes as ‘track changes’, sections where there have been significant changes have instead been highlighted in yellow highlighter.
- 3.6 In summary, the following table set out how each of the Sections within Part B have been dealt with during this review:

Section	Title	Notes
17	<i>Responsibility for Council Functions</i>	The Council Functions referred to are those functions which cannot be the responsibility of the Executive. The existing constitution lists the full table of functions at this point. This takes up around 40 pages. The updated version provides a brief summary here and refers to Part D if the reader wishes to view the whole list of functions.
18	<i>Local Choice Council Functions</i>	A similar section to the one above except that the Council can choose whether these functions are Executive or Non-Executive Functions. Again the details have been moved to Part D with a summary explanation retained here.
19	<i>Responsibility for Executive Functions</i>	Similar to the above but referring to Executive Functions. A summary is again provided although as the table is only half a page it has also been retained here.
20 - 23	<i>Terms of Reference</i>	The terms of reference for the various Council Committees, Joint Committees, Executive and other bodies have been reviewed. These have been split into four groups as set out in the titles to make them easier to navigate. In the existing constitution there was significant variation in size and content of the terms of reference. In the new version, a standard Terms of Reference Template is being deployed setting out the basic required information for each Committee or body. Where a

		<p>body requires longer procedure rules these have been moved (mainly to Part D).</p> <p>Again the intention is to make the constitution easier to navigate and to move across the Part D detailed information only required by specific groups of officers/Members. In the existing constitution the sets of terms of reference take up around 100 pages. The updated version is currently standing at about 50 pages.</p> <p>This work requires the input of a number of Committees, boards and officers and is still ongoing.</p>
24 - 26	<i>Corporate Scheme of Delegation and the role of Chief and Statutory Officers</i>	These three sections replace the current Sections 3.5 to 3.12. To provide a comparison, the existing sections are set out in Appendix 2 to this report.
27	<i>Council Procedure Rules</i>	This Section has been retained from the existing Constitution. However a number of possible tweaks have been put forward for the Committee to discuss.
28	<i>Access to Information Rules</i>	These have been retained from the current Constitution but are being reviewed to ensure they are up to date with any legislative changes.
29	<i>Budget and Policy Framework Rules</i>	These have been retained from the current Constitution.
30	<i>Executive Procedure Rules</i>	These are currently unchanged from the current Constitution. However, it is suggested that the detailed decision making process information is moved to Part D in the same way as with meeting procedure information above.
31	<i>Overview and Scrutiny Procedure Rules</i>	These are undergoing review by the Overview and Scrutiny Committee and will be updated upon completion of that review. A couple of potential changes are though noted.
Appendix	<i>Petition Scheme</i>	Proposed amendments to the petition scheme. (Appendix 3 to this report)

Conclusion

- 3.18 The above set out how the review is progressing of the new Part B. The views of the General Purposes Committee are welcomed both in terms of specific changes as well as the general thrust of the review.
- 3.19 The review is not yet complete but it has so far resulted in a Part B which is approximately 160 pages compared to 250 in the current constitution. Note that some of that is accounted for by moving content to Part D but it does

highlight the effectiveness of creating a main constitution that is shorter and easier to read.

- 3.20 Parts A and B of the revised constitution are intended to be the public facing constitution. They currently run to less than 200 pages compared to over 300 in the current Constitution.

4. EQUALITIES IMPLICATIONS

- 4.1 The Constitution sets out how the Council operates and how decisions are taken. By ensuring properly transparent decision making the Constitution ensures that residents are able understand how decisions are taken and to participate in decision making as set out.
- 4.2 The changes set out are designed to improve the efficiency, transparency, accountability and general good governance of the Council.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 It is good practice to review the Constitution regularly, it also meets with a recommendation of the recent Corporate Peer Review which highlighted the need to ensure the Council removed 'bad bureaucracy whilst retaining good governance'.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report provides drafts copy of the new Part B to refresh the Council's constitution for consideration by the Committee.
- 6.2 There are no financial implications emanating from this report.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 9P of the Local Government Act 2000 (as amended) requires the Council to prepare and keep up to date a constitution.
- 7.2 The constitution must contain the elements identified specified by the Secretary of State in the Constitution Direction issued in December 2000.

- 7.3 The constitution must be published and be available for inspection by members of the public.
-

Linked Reports, Appendices and Background Documents

Linked Report

- Reports to the General Purposes Committee on 29 October and 11 December 2018.

Appendices

- Appendix 1 – Draft new Part B of the Constitution
- Appendix 2 – Parts 3.5 to 3.12 of the Current Constitution
- Appendix 3 – Petition Scheme with Proposed Amendments

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

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Part B - Responsibility for Functions and Decision-Making Procedures

Contents

PART B - RESPONSIBILITY FOR FUNCTIONS AND DECISION-MAKING PROCEDURES	1
17. Responsibility for Council Functions	2
18. Responsibility for Council Functions – Local Choice – Local Act Functions and Other Local Choice Functions	3
19. Responsibility for Executive Functions	4
20. Terms of Reference - Council and Committees	7
21. Terms of Reference – Other Bodies and Panels	33
22. Terms of Reference – Joint Committees	51
23. Terms of Reference – The Executive	60
24. Corporate Scheme of Delegation – The Chief Executive and Corporate Directors - Delegations	63
25. Functions of the Chief Executive and Corporate Directors	68
26. Statutory Officers	79
27. Council Procedure Rules	80
28. Access to Information Procedure Rules	102
29. Budget and Policy Framework Procedure	119
30. Executive Procedure Rules	128
31. Overview and Scrutiny Procedure Rules	142

17. Responsibility for Council Functions

1. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
2. The functions set out in this section derive from specific legislation and cannot be the responsibility of the Executive. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 20.
3. The 'Responsibility for Council Functions' Section XX in Part D of the Constitution sets out the Council's agreed delegation of powers.
4. These functions derive from specific legislation. When changes to legislation require it, the Monitoring Officer will update the Council Functions' Section necessary.

18. Responsibility for Council Functions – Local Choice – Local Act Functions and Other Local Choice Functions

1. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
2. This Section includes functions which the Council can choose to set as Executive or Non-Executive Functions. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 20.
3. The 'Responsibility for Council Functions – Local Choice – Local Act Functions and Other Local Choice Functions' Section XX in Part D of the Constitution sets out the Council's agreed delegation of powers.
4. Any changes to whether these are Executive or Non-Executive functions must be agreed by Council.

19 Responsibility for Executive Functions

General

1. The Executive is responsible for all functions of the authority that are not reserved to the Council by the law or by this Constitution.

Executive Functions – Local Choice – Local Act Functions

2. **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. 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>

4. 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 his/ her absence

Responsibility for Executive Functions

5. All executive functions of the Council 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.
6. 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 paragraphs 3 and 4 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.
7. If the Mayor amends the Executive Scheme of Delegation the Mayor must provide the Monitoring Officer with an updated scheme within five working days.

8. 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.

20. Terms of Reference - Council and Committees

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

1. The Council has established a number of Committees, Sub-Committees, Boards and Panels with delegation powers and/or responsibility for various functions of Council. Summary terms of reference are included below setting out the powers of each body. Where useful, more detailed procedures and processes are set out in Part D of the Constitution.
2. The Council has established the following bodies:
 3. Council
 4. Audit Committee
 5. Appointments Sub-Committee
 6. Development Committee
 7. Employee Appeals Sub-Committee
 8. General Purposes Committee
 9. Grants Scrutiny Sub-Committee
 10. Health Scrutiny Sub-Committee
 11. Housing Scrutiny Sub-Committee
 12. Licensing Committee
 13. Licensing Sub-Committee
 14. Overview and Scrutiny
 15. Pensions Committee
 16. Strategic Development Committee
 17. Standards Advisory Committee

NB In the absence of any express statutory prohibition to the contrary, all Council bodies listed from 4 onwards 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.

2. Council

<p>Summary Description: The Council is responsible for all Non-Executive functions and for approving the budget and policy framework.</p> <p>The Council is responsible for a range of functions that it alone may carry out. These are listed below. The Council also provides a forum for questioning and debate with the Executive including the consideration of petitions as set out in the Council Procedure Rules.</p>	
<p>Membership: All elected Members of the Authority and the Executive Mayor.</p>	
Functions	Delegation of Functions
<p>1. Constitutional Functions</p> <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>
<p>2. Committee Functions</p> <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>
<p>3. Power to promote or oppose local or personal Bills</p> <p>(a) Pursuant to Section 239 of the Local Government Act 1972</p>	<p>None</p>
<p>4. Members' Allowance Scheme</p> <p>(a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme</p>	<p>None</p>
<p>Quorum: 12 voting Members of Council</p>	
<p>Additional Information is contained in:</p> <ul style="list-style-type: none"> • Constitution Part B Section 27 Council Procedure Rules • Constitution Part B Section 29 Budget and Policy Framework Procedure 	

4. Audit Committee

Summary Description: The Audit Committee is responsible for considering the Council's arrangements for internal control, governance and financial management and recommending any actions accordingly.	
Membership: 8 Councillors (each political group may appoint up to 3 substitutes). 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 or record of payments and receipts (as the case may be)	None
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: 3 Members of the Committee	

5. Appointments Sub-Committee

Summary Description: Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine senior officer appointments.	
Membership: Membership will be selected afresh for each appointment process and will consist of (i) Four Members selected by the Leader of the Labour Group, at least one of whom must be the Mayor or member of the Executive and (ii) One Member selected by the Leader of the Conservative Group.	
Functions	Delegation of Functions
1. To determine Chief Officer and Deputy Chief Officer appointments.	None
Quorum: Any three Members of the Sub-Committee	

6. Development Committee

<p>Summary Description: To determine applications for planning/listed/conservation area consent which have triggered over 20 representations (for or against) and/or that meet certain criteria with regards to size amongst other issues. Note that certain applications exceed the remit of the Development Committee and these are considered by the Strategic Development Committee.</p>	
<p>Membership: 7 Councillors</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>1. Planning Applications</p> <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</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>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 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. (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>Note - It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</p>	
<p>Quorum: 3 Members of the Committee</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C (Planning Code of Conduct) 	

7. Employee Appeals Sub-Committee

Summary Description: An Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine appeals by employees under human resources procedures requiring a member level decision such as appeals against dismissal.	
Membership: A panel of three members will be appointed on an ad-hoc basis for each employee appeal from a pool of all Members and Substitutes of the General Purposes Committee.	
Functions	Delegation of Functions
1. To determine appeals by employees requiring a Member level decision.	None
Quorum: Any three Members of the Sub-Committee	

8 General Purposes Committee

Summary Description: The Committee is responsible for a range of non-executive functions including matters such as; electoral matters, personnel issues and byelaws, that have not been delegated to other Committees.	
Membership: 9 Councillors	
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	-
<ol style="list-style-type: none"> 1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including: <ol style="list-style-type: none"> (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
<ol style="list-style-type: 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 Monitoring Officer is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution
<ol style="list-style-type: none"> 3. To recommend to Council the introduction, amendment or revocation of byelaws 	None
<ol style="list-style-type: none"> 4. Appointment and revocation of local authority school governors 	None
<ol style="list-style-type: none"> 5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent 	The Monitoring Officer is authorised to make

with the proportionality rules	or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution
6. To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer	
7. To determine major policy on the terms and conditions on which staff hold office within allocated resources	
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	
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	The Monitoring Officer and the Divisional Director, Human Resources are authorised to appoint members to Appointment Sub-Committees in line with the Sub-Committee procedures set out in Section XX .
10. To make recommendations to Full Council on the appointment of the Head of Paid Service	
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 Monitoring Officer is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution.
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: (a) Education awards appeals; (b) Appeals by governing bodies;	

<p>(c) Appeals by employees under human resources procedures requiring a Member level decision; and</p> <p>13. Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval</p>	
<p>14. 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>	<p>The Monitoring Officer is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution.</p> <p>The Divisional Director of Human Resources is authorised to appoint Members to Employee Appeals Sub-Committees in line with the Sub-Committee's procedures set out in Section XX.</p>
<p>15. 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>None</p>
<p>16. 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 B Section 24 of this Constitution</p>	<p>None</p>
<p>Quorum: 3 Members of the Committee</p>	

9. Grants Scrutiny Sub-Committee

<p>Summary Description: The Grants Scrutiny Sub-Committee of the Overview and Scrutiny Committee has been established in order to ensure Member input into the development and delivery of the Council's grants process.</p>	
<p>Membership: The Sub-Committee shall consist of 6 Members of Council. The Chair shall be appointed by the Overview and Scrutiny Committee.</p> <p>The Sub-Committee may appoint two (non-voting) co-optees with relevant experience to support its work.</p>	
Functions	Delegation of Functions
<p>1. The Grants Scrutiny Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to grants matters.</p>	None
<p>2. The Grants Scrutiny Sub-Committee will have a broad range of responsibilities. This will include scrutinising adherence to grant eligibility, appraisal, and monitoring arrangements.</p>	None
<p>3. Other areas of responsibility for the Grants Scrutiny Sub-Committee include but are not restricted to the following:</p> <ul style="list-style-type: none"> • monitoring and reviewing all grant programmes across the Council; • maintaining an overview of performance and value for money for all London Borough of Tower Hamlets grant funding; • support an appropriate, fair and transparent commissioning and appraisal process is followed when allocating any grant funding; • 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 • receive grant programme performance, monitoring reports and agreeing appropriate action to be taken in respect of projects which are under-performing. 	None
<p>Quorum: 3 Members</p>	
<p>Additional Information: Is contained in:</p> <ul style="list-style-type: none"> • Constitution Part A Section 9 (Overview and Scrutiny Committee and Scrutiny Sub-Committees / Panels) 	

- Constitution Part B Section 31 (Overview and Scrutiny Rules)
- Constitution Part D Section XX (Grants Scrutiny Sub-Committee Procedure Rules)

10. Health Scrutiny Sub-Committee

<p>Summary Description: The Health Scrutiny Sub-Committee of the Overview and Scrutiny Committee has been established to undertake the Council's responsibilities in respect of Scrutinising local health services. This takes in services provided by the Council as well as those provided by the Council's partners.</p>	
<p>Membership: The Sub-Committee shall consist of 6 Members of Council. The Chair shall be appointed by the Overview and Scrutiny Committee.</p> <p>The Sub-Committee may appoint two (non-voting) co-optees with relevant experience to support its work.</p>	
Functions	Delegation of Functions
<p>1. To discharge the Council's Scrutiny functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Including to:</p> <ul style="list-style-type: none"> • 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; • Respond to consultation exercises undertaken by an NHS body; and • Question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services. 	None
<p>Quorum: Three voting Members</p>	
<p>Additional Information: Is contained in:</p> <ul style="list-style-type: none"> • Constitution Part A Section 9 (Overview and Scrutiny Committee and Scrutiny Sub-Committees / Panels) • Constitution Part B Section 31 (Overview and Scrutiny Procedure Rules) • Constitution Part D Section XX (Health Scrutiny Sub-Committee Procedure Rules)?? 	

11. Housing Scrutiny Sub-Committee

<p>Summary Description: The Housing Scrutiny Sub-Committee of the Overview and Scrutiny Committee will undertake overview and scrutiny pertaining to housing matters.</p>	
<p>Membership: The Sub-Committee shall consist of 6 Members of Council. The Chair shall be appointed by the Overview and Scrutiny Committee.</p> <p>The Sub-Committee may appoint two (non-voting) co-optees with relevant experience to support its work.</p>	
Functions	Delegation of Functions
(d) Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's housing functions;	None
(e) Advising the Mayor or Cabinet of key issues/questions arising in relation to housing reports due to be considered by the Mayor or Cabinet;	None
(f) Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of housing functions;	None
(g) Delivering (3) 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;	None
(h) 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;	None
(i) 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	None
(j) The sub-committee will report annually to the Overview and Scrutiny Committee on its work.	None
<p>Quorum: Three voting Members.</p>	
<p>Additional Information: Is contained in:</p> <ul style="list-style-type: none"> • Constitution Part A Section 9 (Overview and Scrutiny Committee and Scrutiny Sub-Committees / Panels) • Constitution Part B Section 31 (Overview and Scrutiny Procedure Rules) • Constitution Part D Section XX (Grants Scrutiny Sub-Committee Procedure Rules) 	

12 Licensing Committee

<p>Summary Description: The Committee is responsible for discharging the licensing functions of the council including determining Licensing policy/procedure (excluding the Council's statement of policy) as well as licensing fees and charges.</p> <p>The Licensing Committees will appoint a Sub-Committee to undertake the determination of many functions such as the review and approval of alcohol license applications.</p>	
<p>Membership: 15 Members of the Council. No substitute members may be appointed for this committee.</p>	
Functions	Delegation of Functions
<p>1. 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</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) has the authority to consider and determine any applications for licenses not specifically reserved to the Licensing Committee by these terms of reference [Note to check – including all licenses where no objections received?]</p>
<p>2. 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</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) 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</p>
<p>3. To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005</p>	<p>None</p>

<p>4. To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</p>	<p>None</p>
<p>5. 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</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) 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</p>
<p>6. 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</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) 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</p>
<p>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</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) 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</p>
<p>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.</p>	<p>The Corporate Director, Place (or any officer authorised by him/her) has the authority to determine fees for premises licences in respect of gambling</p>
<p>Quorum: 3 Members of the Committee</p>	

Additional Information:

- Constitution Part C, Section XX (Licensing Code of Conduct)
- Procedure Rules Part D Section XX ?

13 Licensing Sub-Committee

<p>Summary Description: This sub-committee of the Licensing Committee meets to determine a number of licensing matters such as to grant, review or vary a license submitted under the Licensing Act 2003.</p>	
<p>Membership: The membership for each individual meeting is made up of any three Member of the Licensing Committee.</p>	
<p>Functions The Sub Committee(s) shall consider applications submitted in accordance with the requirements of the Licensing Act 2003, including:</p>	<p>Delegation of Functions</p>
<p>1. Determination of applications for a premises licence where representations have been made (Section 18(3) of the Licensing Act 2003)</p>	
<p>2. Determination of applications for provisional statements where representations have been made (Section 31(3) of the Licensing Act 2003)</p>	
<p>3. Determination of applications to vary a premises licence where representations have been made (Section 35(3) of the Licensing Act 2003)</p>	
<p>4. Determination of applications to vary a premises licence to specify an individual as premises supervisor following police objection (Section 39(3) of the Licensing Act 2003)</p>	
<p>5. Determination of applications for transfer of a premises licence following police objection (Section 44(5) of the Licensing Act 2003)</p>	
<p>6. Consideration of police objection made to interim authority notice (Section 48(3) of the Licensing Act 2003)</p>	
<p>7. Determination of applications for a review of a premises licence (Section 52(2) of the Licensing Act 2003)</p>	
<p>8. Determination of interim steps pending summary review (Section 53A(2)(a) or 53B Licensing Act 2003)</p>	
<p>9. Determination of applications for club premises certificate where representations have been made (Section 72(3) of the Licensing Act 2003)</p>	
<p>10. Determination of applications to vary a club premises certificate where representations have been made (Section 85(3) of the Licensing Act 2003)</p>	
<p>11. Determination of applications for review of a club premises certificate (Section 88(3) of the Licensing</p>	

Act 2003)	
12. Determination of counter notice following objection to a temporary event notice (Section 105(2) of the Licensing Act 2003)	
13. Determination of applications for grant of a personal licence following police objection (Section 120(7) of the Licensing Act 2003)	
14. Determination of personal licence where convictions come to light after the grant or renewal of the personal licence (Section 124(4) of the Licensing Act 2003)	
15. Determination of the review of a premises licence following a closure order (Section 167(5) of the Licensing Act 2003)	
Quorum: 3 Members of the Sub-Committee	
Additional Information:	
<ul style="list-style-type: none"> • Constitution Part C, Section XX (Licensing Code of Conduct) • Licensing procedure rules Part D Section XX? 	

14. Overview and Scrutiny

Summary Description: The Local Government Act 2000 established this function for every council, with the key roles of:

- Scrutinising decisions before or after they are made or implemented
- Proposing new policies and commenting on draft policies, and
- Ensuring customer satisfaction and value for money.

The aim is to make the decision-making process more transparent, accountable and inclusive, and improve services for people by being responsive to their needs.

Membership: 9 Councillors and 6 co-opted members (consisting of: - a Church of England and a Roman Catholic representative; 3 Parent Governor representatives under paragraph 7 of Schedule A1 to the Local Government Act 2000; and a Muslim faith representative).

[Co-opted Members may speak but not vote except in relation to Education matters only when they may also vote]

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: 3 voting Members of the Committee	

Additional Information: Is contained in:

- Constitution Part A Section 9 (Overview and Scrutiny Committee and Scrutiny Sub-Committees / Panels)
- Constitution Part B Section 31 (Overview and Scrutiny Procedure Rules)
- Constitution Part D Section XX (Overview and Scrutiny Committee Procedure Rules)

15. Pensions Committee

Summary Description: 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.	
Membership: 7 Councillors; plus 1 representative of the Admitted Bodies and 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: 3 Members of the Committee	
Additional Information:	
<ul style="list-style-type: none"> • Constitution Part D, Section XX (Pensions Committee Meeting Procedure Rules) 	

16. Strategic Development Committee

<p>Summary Description: To determine major planning matters, within and exceeding the remit of the Development Committee in terms of size and scale amongst other issues.</p>	
<p>Membership: 8 Councillors.</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<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) 	<p>None</p>
<p>Note: It shall be for the Corporate Director, Place to determine whether a matter meets any of the above</p>	

criteria	
Quorum: 3 Members of the Committee	
Additional Information: Constitution Part C Section XX (Planning Code of Conduct)	

17. Standards Advisory Committee

Membership: 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member - each political group may appoint up to 3 substitutes),

Plus up to 5 independent co-opted members.

The Co-opted member(s) will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisors Committee shall be chaired by a Co-opted member.

Summary Description: The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the 'Functions' below.

Functions	Delegation of Functions
<ol style="list-style-type: none"> 1. Promoting and maintaining high standards of conduct by the Mayor, elected members and co-opted members of the Council. 2. Advising the Council on the adoption or revision of the Code of Conduct for Members. 3. Monitoring the operation of the Code of Conduct for Members. 4. To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of alleged breach of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes. 5. Advising, training or arranging to train members and co-opted members on matters relating to ethics and probity and the Code of Conduct. 6. To determine complaints alleging a breach of the Code of Conduct for Members in accordance with the arrangements agreed by full Council and to convene sub-committees (comprising 2 independent co-opted members 	None

<p>and 1 elected member) in accordance with those arrangements.</p> <ol style="list-style-type: none"> 7. 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. 8. To establish other sub-committees as appropriate. 9. To advise on allegations of member breaches of the other codes and protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer. 10. Advising on local protocols for both officer and member governance; 11. To monitor and review member procedures for registering interests and declaring gifts and hospitality; 12. To consider any other matter relating to governance, probity and ethics referred to the Committee by the Monitoring Officer. 	
<p>Quorum: A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members) • Constitution Part C, Section XX (The Code of Conduct for Members) 	

21. Terms of Reference – Other Bodies and Panels

1. The Council also operates a number of other bodies and panels to take decisions or offer scrutiny or guidance in a number of specific areas. These are often set up under specific legislation. Brief Terms of Reference are presented below, whilst full procedures for certain bodies are set out in Part D of the Constitution.
 2. Adoption Panel*
 3. Children’s Social Care Complaint Review Panel
 4. Fostering Panel
 5. Freedom of the Borough Ad-Hoc Panel
 6. Pensions Board*
 7. Private Fostering Panel*
 8. Safeguarding Adults Board*
 9. Safeguarding Children Board*
 10. School Admissions Forum*
 11. Secure Accommodation Panel
 12. Standing Advisory Council on Religious Education (SACRE)
 13. Tower Hamlets Health and Wellbeing Board

* Indicates that further information is available in a supporting document to the constitution.

14. The Chief Executive and/or the Mayor 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 Monitoring Officer.

2. Adoption Panel

<p>Summary Description: To advise the appropriate decision maker in respect of a number of functions of the adoption agency work of the Council including around appointing and removing adopters and agreeing 'matches' of adopters with children.</p>	
<p>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"</p> <p>It must include:-</p> <ul style="list-style-type: none"> (a) One or more social workers who have at least three years relevant post-qualifying experience. (b) The medical adviser to the adoption agency 	
Responsibilities	Delegation of Functions
<p>The panel is responsible for the following in relation to recommendations to the Tower Hamlets Agency Decision Maker:</p> <ul style="list-style-type: none"> (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 	None

<p>matter or case as appropriate.</p> <p>In addition the panel has the following duties and functions:</p> <p>(a) A quality assurance function reporting back to the agency every six 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.</p> <p>(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.</p> <p>(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.</p> <p>(d) Exploring the support offered to adopters and post- and pre-placement children and making recommendations accordingly</p>	
<p>Quorum: From the central list the agency must appoint:-</p> <p>(a) A person to chair the panel, who is independent of the agency, (b) One or two people as vice-chairs, who may act as chair if necessary</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section XX (Adoption Panel Meeting Procedure Rules) 	

3. Children's Social Care Complaint Review Panel

<p>Summary Description: 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.</p>	
<p>Membership: The Panel consists of three 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>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>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 	<p>None</p>

authority.	
Quorum: All three independent members of the panel	

4. Fostering Panel

Summary Description:

The Fostering Panel undertakes the following work generated by the Recruitment and Assessment Team, the Fostering Development Team, the Permanency and Adoption Support Team and the Kinship Care Team:

- Approvals of new short term, long term, short break, remand, teenage and when needed of connected persons;
- Annual foster home reviews;
- Specific Issue reports with regard to existing foster carers, including termination of approvals;
- Matches between long term foster carers and children looked after;
- A connected person who is approved as a foster carer is often referred to as a family and friends carer. Subject to the successful completion of the assessment or checks set out in regulation 24(2), the connected person may be approved as a local authority foster carer for a period not exceeding 16 weeks. Regulation 25 of the 2010 regulations sets out the circumstances in which, exceptionally, the period of temporary approval may be extended for a further 8 weeks. This period has been set to allow a sufficient time for the full approval process to be undertaken, including any criminal record checks required;
- Variations and exemptions with regard to foster carers' approval criteria.

Membership: There is no requirement for the panel to have a fixed membership, although the ability of the panel to function cohesively and with a level of consistency must be taken into account. There is no limit on the number of people who may be included on the list. Membership should include:

- Panel Chair
- Vice-Chair
- Relevant officers
- Elected Member(s)
- Others as set out in the procedures document.

Functions	Delegation of Functions
<p>The panel has the following areas of responsibility:</p> <ul style="list-style-type: none"> • To consider each application for approval and recommend whether or not the person is suitable to act as a foster carer and the terms of approval. 	

<ul style="list-style-type: none"> • To recommend whether a foster carer’s terms of approval remain appropriate. Annual foster home reviews and specific issues reports following allegations can be signed off by the chair but need to be presented to the panel in the following circumstances: <ul style="list-style-type: none"> ○ First review and every following third review ○ Following allegations or child protection concerns, whether this is proven or unsubstantiated ○ If a significant change of approval or termination of approval is requested ○ On any other occasion if requested by the panel or the fostering service • To consider matches between long term foster carers and looked after children • To give advice at an early stage of the fostering assessment, if there are questions with regard to whether the applicant would ultimately be approved • To hear appeals from applicants whom the fostering team has turned down • To make a recommendation in relation to the deregistration of any foster carer and hear representations made by the carer, which are received within 28 days • To monitor the range and type of foster carers available to Tower Hamlets in relation to the profile of children needing foster carers (Standard 13.6) • To consider management information about the outcome of foster home reviews (Standard 30) • To oversee the conduct of assessments and monitor the quality of reports (Standard 13) • To give advice and make recommendations on any other matter or case that the fostering service feels is appropriate to refer to the panel 	
<p>Quorum: At least 5 members including the Chair or Vice-Chair. At least one Tower Hamlets social worker and at least two independent members must be present.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section XX (Fostering Panel Meeting Procedure Rules) 	

5. Freedom of the Borough Ad Hoc Panel

Summary Description: The Council is empowered by section 249(5) of the Local Government Act 1972 to admit as Honorary Freemen/Freewomen of the borough 'persons of distinction and persons who have in the opinion of the Council, rendered eminent services to the borough'.

The Freedom of the Borough Ad Hoc Panel will consider any proposals relating to the granting of the Freedom of the Borough including any nominations for that award and make recommendations accordingly for consideration by Full Council.

Membership: Members of the 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 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: 3 voting Members of the Panel

6. Pensions Board

Summary Description: The Board was created under the Public Service Pensions Act 2013 to assist the Administering Authority (Tower Hamlets Council) in its role as a scheme manager of the scheme.

Membership: The Board shall consist of 6 voting members, as follows:
 3 Member Representatives; and
 3 Employer Representatives.

There shall be an equal number of Member and Employer Representatives.

There shall also be 1 other representative who is not entitled to vote (to be appointed as Chair).

Functions	Delegation of Functions
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<p>1. The purpose of the Board is to assist¹ the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:</p> <p>(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;</p> <p>(b) to ensure the effective and efficient governance and administration of the Scheme.</p> <p>More details are set out in the Pensions Board Meeting Procedure Rules</p>	<p>None</p>
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Quorum: 1. A meeting is only quorate when at least one person of each member and employer representatives are present plus an independent chair or 50% of both member and employer representatives are present.

2. A meeting that becomes inquorate may continue but any decisions will be non-binding.

Additional Information:

- Constitution Part D, Section XX (Pensions Board Meeting Procedure Rules)

¹ Please see **paragraph 3.28 of the Guidance for more** information on what assisting the Administering Authority means

7. The Private Fostering Panel

Summary Description: To consider private fostering arrangements and related issues.	
Membership: The Panel can have up to ten Members including the Chair, Vice-Chair, medical representative, education representative, independent member, and agency member. Advisors to the Panel can also be appointed.	
Functions	Delegation of Functions
1. 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;	None
2. 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;	None
3. To give advice and make recommendations on any other matter or case that Tower Hamlets Private Fostering Service feels appropriate to recommend to it.	None
4. The private fostering panel will provide a quality assurance function in relation to the assessment process – in particular: <ul style="list-style-type: none"> • To monitor and review the work of the assessor; • To provide feedback; • To identify problems and concerns; • 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), 	None
Quorum: Three voting members including a panel member not employed by the Children’s Directorate and also either the Chair or Vice Chair.	
Additional Information: <ul style="list-style-type: none"> • Constitution Part D, Section XX (Private Fostering Panel Meeting Procedure Rules) 	

8. Safeguarding Adults Board

<p>Summary Description: 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.</p>	
<p>Membership: To comply with the Care Act 2004, there must be representation from the Local Authority, Local Clinical Commissioning Group and the Police. Exact current membership set out in the Board's Procedures.</p>	
<p>Functions: The SAB has three duties under the Care Act 2004.</p>	<p>Delegation of Functions</p>
<p>1. 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.</p>	<p>None</p>
<p>2. 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.</p>	<p>None</p>
<p>3. It must conduct any Safeguarding Adults Review in accordance with Section 44 of the Act.</p>	<p>None</p>
<p>Quorum: Is not based on numbers but on an adequate balance of representation. Including ensuring the meeting is compliant with the Care Act. The Safeguarding Adults Board/LD Strategy Manager and The Adult Safeguarding /MCA Manager must also be in attendance.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section XX (Safeguarding Adults Board Meeting Procedure Rules) 	

9. Tower Hamlets Safeguarding Children Board

<p>Summary Description: 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.</p>	
<p>Membership: The Membership is reviewed on an annual basis and will be published separately. [or added to meeting procedure rules?]</p>	
<p>Functions: The broad scope of the LSCB is to address:</p>	<p>Delegation of Functions</p>
<p>1. 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</p>	<p>None</p>
<p>2. Proactive work that aims to target particular groups</p>	<p>None</p>
<p>3. Responsive work to protect children who are suffering, or likely to suffer, significant harm</p>	<p>None</p>
<p>Quorum: N/A</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution, Part D (Safeguarding Children’s Board Meeting Procedure Rules) 	

10. School Admissions Forum

<p>Summary Description: 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 those listed below:</p>	
<p>Membership: The core membership of twenty representatives are nominated by various groups. Full details in the Forum's Procedures.</p>	
Functions	Delegation of Functions
1. Considering existing and proposed admissions arrangements;	
2. Promoting local agreement on admission issues;	
3. Considering improvements to admissions processes;	
4. Reviewing admissions guidance for parents;	
5. Promoting agreement on arrangements for dealing with in-year admissions including arrangements for vulnerable and looked after children;	
6. Publishing advice representing the agreed views of the Forum, this is distributed to the governors of all schools which are their own admission authorities;	
7. 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.	
<p>Quorum: 7 core members.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section XX (School Admissions Forum Meeting Procedure Rules) 	

11. Secure Accommodation Panel

Summary Description: The Purpose of a Secure Accommodation Review is to consider whether the criteria for keeping a child in secure accommodation continue to apply, on the day of the review, if such a placement continues to be necessary and whether or not any other form of accommodation would be appropriate.	
Membership: At least 3 persons, at least one 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	

[Note – add meeting procedure rules?]

12. Standing Advisory Council on Religious Education (SACRE)

<p>Summary Description: 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.</p>	
<p>Membership: Representatives from Groups A to D</p> <p>Group A: 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. [1 African Caribbean Pentecostal Churches; 1 Buddhist; 1 Free Church; 1 Hindu; 1 Jewish; 6 Muslim; 3 Roman Catholic; 1 Sikh; and 1 Society of Friends]</p> <p>Group B: 6 representatives from The Church of England</p> <p>Group C: 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: 5 representatives from the Local Authority [3 elected Members; and 2 officers] 1 co-opted representative of the British Humanist Association (non-voting)</p>	
Functions	Delegation of Functions
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
5. To advise on matters relating to training for teachers in religious education and collective worship	None
<p>Quorum: A total of eight persons from groups A to D as follows:-</p> <ol style="list-style-type: none"> 1. 2 representatives from Group A – representing 2 different denominations 2. 1 person from Group B 3. 2 representatives from Group C – representing different associations 4. 1 person from Group D together with any other 2 members 	

13. Tower Hamlets Health and Wellbeing Board

Summary Description: 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.

Membership: The membership of the Board is as follows:

Chair

- Cabinet Member for Health and Adult Services (LBTH)

Vice Chair

- Representative of NHS Tower Hamlets Clinical Commissioning Group (CCG)

Elected Representatives of LBTH

- 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

Local Authority Officers - LBTH

- Director, Public Health
- Corporate Director, Children's
- Corporate Director, Health, Adults and Community

Plus Membership from Healthwatch and the NHS.

Co-opted (non-voting) Members include:

- Corporate Director, Communities of Place
- The Young Mayor (LBTH)

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

- 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

Full Membership including all appointments external to Tower Hamlets Council

are listed in the Board's procedures in the Supporting Document to this constitution.

Functions	Delegation of 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.	
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.	

22. Terms of Reference – Joint Committees

1. As set out in more detail in Section 12, the Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions in any of the participating authorities, or advise the Council on any matter. Such arrangements may involve the appointment of a joint Committee with these other local authorities and/or their Executives.
2. The Mayor or Executive may only appoint Executive Members to a joint Committee except where:
 - (i) the joint committee is discharging a function in relation to five or more relevant authorities; or
 - (ii) the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee.
3. Terms of Reference for the Council's Joint Committees are set out below.
4. Grants Committee
5. Inner North East London Joint Health Overview and Scrutiny Committee
6. Joint Committee of the Six Growth Boroughs
7. London Council's Committee (known as the Leader's Committee)
8. London Housing Consortium
9. Pensions CIV Sectoral Committee
10. Transport and Environment Committee

4. 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

5. 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.

6. 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 12 Members, comprising two Members nominated by the Executive from each of the 6 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 1 Member from each of the 6 boroughs

7. 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.

8. 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 the 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.

9. Pensions CIV Sectoral Committee

Membership: Each London Local Authority participating in the arrangements shall appoint a representative to the Committee being either the Leader of the authority or the elected mayor as appropriate or a deputy appointed for these purposes.

Summary Description: 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”).

Functions	Delegation of Functions
5. As set out in the Committee procedures (Constitution Part D Section XX)	
Quorum: As set out in the Standing Orders of London Councils	

10. 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 1 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

23. Terms of Reference – The Executive

1 Cabinet

Summary Description: The Cabinet is forum for the Mayor, in consultation with the Cabinet Members, to take decisions related to	
Membership: The Mayor and at least 2 and not more than 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: 3 Members of the Cabinet	
Additional Information:	
<ul style="list-style-type: none"> • Constitution Section Executive Procedure Rules 30 	

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: 3 Members of the Board	

3.4.3 Grants Determination Sub-Committee

Membership: The Mayor plus 3 other Executive Councillors as appointed by the Mayor – <u>the remaining Members of the Executive are substitute Members.</u> 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 [Note – review 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: 3 Members of the Committee	

24. Corporate Scheme of Delegation – The Chief Executive and Corporate Directors - Delegations

1. The Council may appoint such officers as it considers appropriate for the discharge of its functions. Currently the Council has appointed as its Corporate Leadership Team the following officers:-
 - Chief Executive
 - Corporate Director Governance
 - Corporate Director Resources
 - Corporate Director Place
 - Corporate Director Health, Adults and Community
 - Corporate Director Children's Services

2. The Council delegates to the Chief Executive and Corporate Directors authority to make decisions relating to any:

Executive function of the Council carried out by services under their management in accordance with the Mayor's Executive Scheme of Delegation other than key decisions, and those which are the responsibility of the Mayor, unless specifically delegated to be taken by the Mayor in Cabinet, a Cabinet Sub Committee or an Officer and

Any Council function carried out by services under their management other than those reserved in the terms of reference of the Council to the Council or to any Council Committee or Sub-Committee unless the Council or that Committee or Sub-Committee specifically delegates it to another officer of the authority.

3. The Chief Executive and the Corporate Directors may exercise any functions of the Council or the Executive which have been delegated to any other officer and may delegate decisions or functions to one or more officers in any of the Council's Directorates, except when prohibited to do so by this Constitution or by law.

4. 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.

5. The Council's Scheme of Delegation to Officers is contained in sections 3.5, 3.6 and 3.7 and documents supplementary to this Constitution as follows

Section 3.6 - Statutory Officers

Section 3.7 - the functions and responsibilities of the Chief Executive and the Corporate Directors;

Appendix 1 - the Council's Corporate Operating Procedures and which cover a general range of functions that apply to all the Council's Directorates; and

Appendix 2 – the Proper Officer appointments.

6. Corporate Directors may delegate decisions or functions for which they are responsible to one or more officers within their directorate provided that they maintain a Directorate Officer Scheme of Delegation which is notified to the Monitoring Officer.
7. The Corporate and Officer Schemes of Delegation are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation. They delegate all the powers and duties necessary for the discharge of the Council's functions and not specifically reserved to the Mayor or the Mayor in Cabinet, the Council or a Committee or Sub-Committee of Council to the Officers. The delegations include:

- All functions powers and duties of the Authority, whether under any specific legislation identified in the scheme or not.
- All powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972 and including management of the human and material resources made available for the service areas unless specifically reserved to Council, a Committee or Sub-Committee of the Council or to the Mayor, the Mayor in Cabinet or a Cabinet Sub-Committee .

An Officer may decline to exercise delegated powers and instead report to the Mayor, the Mayor in Cabinet, a Cabinet Sub-Committee or to the appropriate Council Committee/Sub-Committee.

8. The Corporate and Officer Schemes of Delegations do not delegate:
 - Any matter reserved to the Council by law or by Council's Constitution.
 - Any matter which is a function which cannot by law be discharged by an officer.
 - Any matter which is specifically excluded from delegation by this Scheme or by resolution of Council, a Committee or a Sub-Committee (in the case of a Council function), or the Mayor, Mayor in Cabinet or cabinet sub-Committee(in the case of an executive function)
 - Any matter where an Officer has declined to exercise delegated powers and instead reports to the Mayor, Executive or appropriate Committee
9. Delegated powers must always be exercised in accordance with
 - The Council's Budget and Policy Framework.
 - The Council's approved Budget.
 - The relevant Procedure Rules set out in this Constitution.

- Policies, plans and programmes that have been approved by or on behalf of the Council.
- Any instructions given by the Chief Executive.

Officers exercising delegated powers should also have regard to :

- Any legal advice given by the Corporate Director Governance.
- Any financial advice given by the Corporate Director Resources.
- Any appropriate technical or other advice given by a suitably qualified Council officer.
- Any statutory codes of conduct or statutory guidance, and any other codes and protocols as may be approved by the Council or the Mayor and Executive.
- any previous decision of the Council on any relevant policies or procedures.
- All other parts of this Constitution.

10. Delegated powers must be exercised within the revenue and capital budgets for the relevant service as approved by Council, subject to any variation thereof permitted by the Council's Financial and Contract Procedure Rules, and, if appropriate, in accordance with the provisions of Article 13 (decision making) in this Constitution.

11.

- a) Although, within this Constitution officers do not take "key decisions" as defined in Chapter 3 of this Constitution any decision which results in the local authority incurring expenditure which is, or the making of savings which are, although below the threshold for a key decision are significant having regard to the local authority's budget for the service or function to which the decision relates; or
- b) Are significant in terms of its effects on communities living or working in an area comprising one ward or electoral division in the area of the authority must be published in accordance with the Executive Procedure Rules in Part 2 of this Constitution.

12. In exercising any delegated function, the following principles apply:

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

Corporate Directors and Divisional Directors may further delegate their powers to officers within their Directorate or withdraw powers provided that

- a) such action is in writing, is subsequently included in the Directorate's Officer Scheme of Delegation and the Monitoring Officer is notified in writing.
- b) any such delegation, while being as near to the point of service delivery as possible, is only to officers within their Directorate that hold the appropriate level of responsibility

13. The Corporate and Directorate Schemes of Delegations 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.
14. Where it is considered 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, the decision maker shall consult with the Corporate Director Governance and/or the Corporate Director Resources as appropriate, who shall, if necessary, refer the matter to the Mayor, the Mayor in Cabinet or the appropriate Council Committee/Sub-Committee.
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 Council, the Mayor, the Mayor in Cabinet or relevant Council Committee as appropriate with the agreement of the appropriate Corporate Director. The criteria that officers may have to consider when determining whether to exercise a function could include-
 - Whether the decision may incur a significant social, economic reputational 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 generate substantial public interest.
16. If at any time, the Authority acquires a new duty, power or function, in the absence of any Member decision with regard to delegation, the Chief Executive and the Corporate Director with responsibility for the relevant service shall be deemed to have full delegated authority to discharge the duty, power or function on the authority's behalf unless it is expressly reserved to the Council, a Council Committee or Sub-Committee or the Mayor/Mayor in Cabinet either by law or in this Constitution.
17. Any function or power which may be discharged by a Corporate Director, may also be discharged by any person(s) formally "acting-up" into that post or an "interim" post holders or who is deputising (whether on a full, part time or on an ad hoc basis) for that post or occupies a successor post following any reorganisation, restructure or similar process.
18. The Mayor, Mayor in Cabinet, a Cabinet Sub-Committee or a Council Committee/Sub-Committee may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive of their intention to do so.
19. References in the Corporate and/or Officer Schemes of Delegations 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.

25. Functions of the Chief Executive and Corporate

Directors

1. The Chief Executive

The Chief Executive is appointed as Head of Paid Service under s 4 of the Local Government and Housing Act 1989 to carry out the Council's statutory obligations to report to the Council as appropriate with regard to the way in which the overall discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed under that Act. This post is responsible for the corporate and overall strategic management of the Council as a whole and is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the Council. Its overriding responsibility is to the Council and not to the Mayor, any party political group, or other grouping of Members. It must report to and provide information for the Executive, the full Council, the Overview and Scrutiny Committee and other Committees. The Political neutrality of the office holder must be respected at all times.

- (a) **Working with the Mayor.** The Chief Executive works closely with the Mayor to assist in the development of the Mayor's strategic policy and to ensure that such is then put into practice and, in that regard, will:
- (i) **Strategic direction.** Ensure that the Mayor and Council's priorities and goals can be implemented in a timely, efficient and innovative way through focused strategies, projects and programmes.
 - (ii) **Policy advice.** Act as the principal policy adviser to the Mayor and Members and will secure the best professional advice on all relevant matters in respect of the Council's functions and services.
 - (iii) **Partnerships (internal).** Develop a professional partnership with the Mayor and Members to ensure that the Council's vision, goals and core values are made reality and to provide a clear sense of direction, optimism and purpose and marshal the resources of the whole organisation to this end.
 - (iv) **Partnerships (external).** Assist the Mayor in partnership working by taking the lead in developing effective partnerships at management level with other public

agencies, private companies and local community organisations to achieve better public services and improved results for local people.

(b) Emergency or Extreme Urgency

- (i) The Chief Executive may exercise any executive function in cases of emergency or extreme urgency whether or not reserved to the Mayor and following the exercise of such power will provide a written report to the Mayor setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.
- (ii) The Chief Executive may exercise any non-executive function in cases of emergency or extreme urgency whether or not reserved to the Council and following the exercise of such power will provide a written report to the Council setting out the decision taken and the reasons for it, including the reasons for emergency or extreme urgency.

(c) Ensuring overall correctness of decision making.

The Chief Executive is also responsible for ensuring that all decisions made by the Mayor and the reasons for them are made public and will ensure that Council Members are aware of decisions made by the Mayor and of those made by officers who have delegated executive responsibility.

If the Chief Executive considers that any proposal, decision or omission raises a significant concern it must be reported in writing to the Mayor in relation to an executive function or to the Council in relation to a non-executive function. Such a report will have the effect of immediately stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or the Mayor/Mayor in Cabinet as appropriate.

As soon as practicable after either the Council or the Mayor/Mayor in Cabinet has considered this report, it shall prepare and publish a report that will include;

- (i) what action it has taken in response to the report
- (ii) what action it proposes to take in response to the report and when it proposes to take that action;
- (iii) the reasons for taking that action, or the reason for not taking any action.

The exercise of this function needs to be considered in conjunction with the Monitoring Officer ensuring lawfulness and fairness of decision making and the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making.

- (d) **Management Structure.** The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
- (e) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

2. Functions of the Corporate Director, Governance

The Corporate Director, Governance is appointed under the provisions of s 5 of the Local Government and Housing Act 1989 to be the Council's Monitoring Officer and to carry out the Council's statutory functions under that Act in respect of matters of legality, conduct, and probity. The Monitoring Officer may not be the Head of Paid Service or the Chief Finance Officer, but will liaise as appropriate with the Head of Paid Service in the discharge of their functions.

- (a) **Maintaining and monitoring the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that each Member of the authority has access to a copy of this Constitution upon delivery of that individual's declaration of acceptance of office on the Member first being elected to the Council. The Monitoring Officer will ensure that the Constitution is published on the Council's website, that copies are available for inspection at Council offices, libraries and other appropriate locations and that the Constitution can be purchased by members of the local press and the public on payment of a reasonable fee.

The Monitoring Officer will monitor and review the operation of the Constitution and may make recommendations to ensure that the aims and principles of the Constitution are given full effect. A key role is to be aware of the strengths and weaknesses of the Constitution and to make recommendations for ways in which it could be amended in order better to achieve the purpose of the Constitution. In undertaking this role the Monitoring Officer may:

- (i) Observe meetings of different parts of the Member and officer structure.
 - (ii) Undertake an audit trail of a sample of decisions.
 - (iii) Record and analyse issues raised with her/him by Members, officers, the public and other relevant stakeholders.
 - (iv) Compare practices in this authority with those in other comparable authorities or national examples of best practice.
- (c) **Changes to the Constitution.**

The Monitoring Officer

- (i) can approve all non-material changes to the Constitution including those that reflect decisions taken by the Council or changes in legislation or to correct matters of fact; and
 - (ii) can recommend to General Purposes Committee and /or Council for approval material changes to the Constitution.
- (d) Interpreting the Constitution.** The Monitoring Officer will advise as to the construction or application of the Constitution.
- (e) Ensuring lawfulness and fairness of decision making.** If The Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness; or if any decision or omission has given rise to maladministration, , after consulting with the Head of the Paid Service and Chief Finance Officer, they will report in writing to the Mayor in relation to an executive function or to Council in relation to a non-executive function. Such a report will have the effect of immediately stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or by the Mayor/Mayor in Cabinet as appropriate.

As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the Monitoring Officer's report, it shall prepare and publish a report that will include:

- (i) what action it has taken in response to the report;
 - (ii) what action it proposes to take in response to the report and when it proposes to take that action;
 - (iii) the reasons for taking that action, or the reasons for not taking any action.
(The exercise of this function needs to be considered in conjunction with the function of the Chief Executive to ensure lawfulness and fairness of decision making and the function of the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making).
- (f) Supporting the Standards (Advisory) Committee.** The Monitoring Officer is responsible for promoting and maintaining high standards of ethical conduct throughout the Council and will provide support to the Standards (Advisory) Committee , in particular by
- (g) Receiving reports.** receiving and having regard to recommendations from the Standards (Advisory) Committee regarding Member conduct.
- (h) Conducting investigations.** Where an investigation is required in accordance with the agreed arrangements for dealing with an alleged breach of the Code of Conduct by a Member, conducting or arranging for that investigation to be carried out and making reports or recommendations in respect of them to the Standards (Advisory) Committee or its Sub-Committee as appropriate.
- (i) Register of Interests.** Establishing and maintaining a Register of Interests of Members and Co-opted Members of the Council.

- (j) Advising whether Executive decisions are within the budget and policy framework.** Advising whether decisions of the Mayor/Mayor in Cabinet are in accordance with the budget and policy framework.
- (k) Providing advice.** Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to the Mayor, all Councillors and officers.
- (l) Determining Dispensations.** Determining applications for dispensations from the Code of Conduct where the number of Members otherwise precluded from taking part in a decision would impede the conduct of business or interfere with the political balance of the decision making body and also determining applications for dispensations made by individual Members. The Monitoring Officer will report at least annually to the Standards (Advisory) Committee on any dispensations granted.
- (m) The Governance** portfolio currently includes: Legal Services; Democratic Services; Executive Support; the Mayor's Office; Strategy Policy and Performance; Communications; Elections; and Registrars. These functions can be varied at any time by the Chief Executive who may also allocate to the role additional functions and responsibilities. The Corporate Director Governance:
 - (i) Is authorised to make or amend an appointment to a position on a Committee, Sub-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 him/her after 5.00pm on any day will take effect no earlier than 9.00am on the next working day.
 - (ii) 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 such action is considered to be necessary to protect the Council's interests and may designate nominated officers to carry out this function on their behalf.
 - (iii) Consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Mayor, Committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where formal representation is considered to be proper, including the incurring of such fees in respect thereof as may be appropriate.
 - (iv) Is authorised to sign any document that is necessary to any legal procedure or proceedings on behalf of the Council, or to authorise another to sign, unless any enactment otherwise authorises or requires, or the Council has given specific authority to some other person.
 - (v) Is authorised to sign contracts (and similar documents where intended to have legal binding effect) on behalf of the Council, either in their own name or on behalf of the Council, where any required authority or approval of the Mayor/Mayor in Cabinet, a Committee or a Sub-Committee has been obtained, or

where such authority has been delegated to another officer of the Council and that officer has requested the Corporate Director Governance to do so.

- (vi) Will keep the Common Seal of the Council in a safe place. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which should be sealed. The affixing of the Common Seal will be attested by the Corporate Director Governance or any other duly authorised person .
 - (vii) May authorise officers to appear on behalf of the Council in proceedings in the magistrate' courts, pursuant to section 223 of the Local Government Act 1972.
 - (viii) May authorise officers to appear on behalf of the Council in any proceedings in the county court in relation to the recovery of possession of a house belonging to the Council or the recovery of any rent, mesne profits, damages or other sum claimed in respect of the occupation by any person of such a house, pursuant to section 60 of the County Courts Act 1984.
 - (ix) The Corporate Director, 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, 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.
- (n) Restrictions on post.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

Functions of the Corporate Director Resources

The Corporate Director Resources has the statutory responsibilities defined in s 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988 as the Council's Chief Finance Officer to ensure the proper administration of the financial affairs of the Authority including:

Ensuring the proper administration of the Council's financial affairs.

Setting and monitoring compliance with financial management standards.

Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.

Providing financial information (in conjunction with Senior Managers).

Ensuring that the annual statement of accounts is prepared in accordance with appropriate financial standards and within the statutory deadlines.

Preparing the revenue budget and capital programme relating to the General Fund and the Housing Revenue Account

In Addition the role of the Corporate Director Resources is:

- (a) Ensuring lawfulness and financial prudence of decision-making.** If the Chief Finance Officer considers that any proposal, decision or course of action which would involve the Council incurring unlawful expenditure; or is unlawful and is likely to cause a loss or deficiency; or if the Council is about to enter an item of account unlawfully then after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report in writing to the Mayor in relation to an executive function or to Council in relation to a non-executive function, and to the Council's external auditor. Such a report will have the effect of immediately stopping the proposal or decision being implemented until such time as the report has been considered. The report must be considered within 21 days at a meeting of either Council or the Mayor as appropriate.

As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the report, it shall prepare and publish a report that will include:

- (i) what action it has taken in response to the report;
- (ii) what action it proposes to take in response to the report and when it proposes to take that action;
- (iii) the reasons for taking that action, or the reasons for not taking any action.

The exercise of this function needs to be considered in conjunction with the function of the Monitoring Officer to ensure lawfulness and fairness of decision making and the function of the Chief Executive to ensure lawfulness and financial prudence of decision-making.

- (b) Administration of financial affairs.** The Chief Finance Officer has responsibility for the proper administration of the financial affairs of the Council including:
- Determining the accounting procedures and records for the authority.
 - Maintaining a continuous review of the Financial Regulations and issuing updates as necessary.
 - Reporting breaches of the Financial Regulations to the Audit Committee
- The Chief Finance Officer will also
- (c) Contribute to corporate management.** In particular through the provision of professional financial advice.
- (d) Provide advice** On the scope of powers and authority to take decisions, financial impropriety, probity (and budget and policy framework issues) to the Mayor and all Councillors and will support and advise the Mayor and Councillors and officers in their respective roles.
- (e) Give financial information** provide financial information to the media, members of the public and the community.
- (f) The Resources** portfolio currently includes: Finance, Procurement and Audit; HR and Transformation; IT; Revenues and Benefits; and Customer Services. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

3. Functions of the Corporate Director Health, Adults and Community

The Corporate Director Health, Adults and Community is the Statutory Director of Adult Social care under s 6 of the Local Authority Social Services Act 1970 as amended by s18 of the Children Act 2004 and is responsible for the delivery of those local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, and the public health functions contained in the Health and Social Care Act 2012.

The Corporate Director Health Adults and Community is responsible for implementing and ensuring compliance with any statutory guidance issued by the Department of Health or other Government department and is currently required to:-

Assess local needs and ensure availability and delivery of a full range of local authority services;

- Give professional leadership, including workforce planning;
- Lead the implementation of standards;
- Manage cultural change;
- Promote local access and ownership and drive partnership working;
- Deliver an integrated whole systems approach to supporting communities; and
- Promote social inclusion and wellbeing.

The Health, Adults and Community portfolio currently includes Adult Social Care; Community Safety; Public Health (and the Director, Public Health reports to him/her); and Health and Integrated Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

4. Functions of the Corporate Director Children's Services

The Corporate Director Children's Services is the Council's Statutory Director of Children's services under s 18(7) of the Children Act 2004 with statutory duties to discharge the education and children's social services functions of the local authority including those detailed as follows:

- (a) education functions conferred on or exercisable by the Council;
- (b) functions conferred on or exercisable by the Council which are social services functions so far as those functions relate to children;

- (c) the functions conferred on the authority under [sections 23C](#) to [24D](#) of the Children Act 1989 (so far as not falling within paragraph (b));
- (d) the functions conferred on the authority under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004;
- (e) any functions exercisable by the Council under [section 75](#) of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children;
- (f) the functions conferred on the Council under [Part 1](#) of the Childcare Act 2006; and
- (g) any function conferred on the authority under [section 2](#) of the Childcare Act 2016.

The Children's Services portfolio currently includes Children's Social Care; Education and Partnership, Sports, Leisure and Culture; and Youth and Children's Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

5. Functions of the Corporate Director Place

ThePlace portfolio currently includes responsibility for discharging all the Council's duties, powers and functions in the following areas:-

Property and Major Programmes; Growth and Economic Development; Housing and Regeneration; Planning and Building Control; Public Realm (including Highways, Trading Standards and Environmental Health) and Tower Hamlets Homes and the award of contracts for capital projects. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

The Corporate Director Place is also:

- (a) Determining applications for Licences.**
- (b) Authorised to consider and determine any applications for licenses not specifically reserved to the Licensing Committee under the Constitution and all applications for licences where no objections have been received.
- (c) Acquisitions and Disposals at full market value.**
- (d) Required to issue guidelines on best practice for the disposal of land based assets and to approve the purchase or sale of land if it has been declared surplus by the Mayor/Mayor in Cabinet and if authority to do so has been delegated to him/her.
- (e) Acquisitions and Disposals at below market value.**
- (f) Authorised to recommend to the Mayor/Mayor in Cabinet for acceptance, disposals which are proposed to be less than the unrestricted market value as defined by the General Disposal Consent (England) 2003 and/or where State Aid issues may arise. The report shall make the level of undervalue explicit and the report will need to set out the well-being benefits to be derived and provide a statement that the wellbeing "value" matches or exceeds the value foregone.

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 of the Secretary of State may be sought as necessary, unless the sale falls within the General Housing Consents 2013 issued pursuant to powers contained in sections 32, 33 and 34 Housing Act 1985, 133 of the Housing Act 1988, which permit certain disposals to occur without the need to secure express consent.

(c) Is authorised to accept a late offer for land/property, with the prior agreement of the Corporate Director Governance, if to do so, would ensure that the Council secures best consideration, provided other bids have not been opened.

(d) Compulsory Disposals.

(e) Is Authorised to approve 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 relevant statutory procedures.

26. Statutory Officers

1. The Council is required to appoint a number of officers to undertake specific duties by statute. These are known as 'Statutory Officers'. In addition the Council has a number of important duties which it designates to certain officers. These are called 'proper officer' roles.
2. The Council has designated the following statutory officer positions to the Chief Executive and Corporate Directors of the Council.
3. 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 Governance, and in the absence of both, the Corporate Director Resources, shall nominate an Officer to act in their stead.

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, 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, Health, Adults and Community
Section 18 Children Act 2004	Director of Children's Services	Corporate Director, Children's

4. The Council has also allocated to officers a number of statutory / proper officer roles which are set out in Part D Section XX of this Constitution.

27. Council Procedure Rules

CONTENTS

Rule	Subject
1	Annual Meeting of Council
2	Budget Meeting(s)
3	Ordinary Meetings
4	Extraordinary Meetings
5	Time, Place, Postponements and Cancellations of Meetings
6	Notice of and Summons to Meetings
7	Chair of Meeting
8	Quorum
9	Duration of Meeting
10	Questions by Councillors
11	Motions on Notice
12	Motions and Amendments – Without Notice
13	Rules of Debate
14	Procedural Motions
15	Previous Decisions and Motions
16	Voting
17	Petitions
18	Standards Advisory Committee Reports
19	Exclusion of the Public
20	Councillors' Conduct
21	Disturbance by Public
22	Filming and Recording

23	Suspension and Amendment of Council Procedure Rules
24	Specific Exemptions applying to other meetings/Committees and Sub-Committees
Appendix	
1	Petition Scheme

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business. In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if either the Speaker or the Deputy Speaker are not present;
- (b) elect the Speaker of the Council;
- (c) elect the Deputy Speaker of the Council;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting which will then be signed by the Speaker;
- (f) receive any announcements from the Speaker of the Council and/or the Chief Executive;
- (g) note any appointment of Cabinet Councillors and/or the Deputy Mayor made by the Mayor;
- (h) appoint at least 1 Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (i) agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j) approve a programme of Ordinary Meetings of the Council for the year (if not already agreed). In an election year the schedule of meetings may be reviewed

at the Annual Meeting if it has already been agreed at Council prior to the first meeting in May;

- (k) the Mayor shall report on any appointments of outside bodies;
- (l) the Mayor shall report on circumstances where the Special Urgency provisions have been used during the year preceding the Annual Meeting;
- (m) receive a report on any changes made to the Council's Constitution since the last Annual Meeting; and
- (n) consider any business set out in the notice convening the meeting including the Annual State of the Borough Debate at 1.3.

1.2 Selection of Councillors on Committees

At the Annual Meeting, the Council will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political proportionality rules;
- (d) receive nominations of Councillors to serve on each Committee; and
- (e) appoint to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive;
- (f) Elect Chairs to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive.

but this is without prejudice to the right of the Council at any time to establish or dissolve any non-Executive Committee or to review its size and terms of reference.

1.3 The Mayor will lead an `Annual State of Borough` debate to provide an opportunity for a discussion on policy matters and issues affecting the Council and the Borough; the following procedure shall apply:

- (a) The debate will last for up to 1 hour;
- (b) The debate will begin with a 15 minute introduction by the Mayor;
- (c) The remaining 45 minutes will be divided proportionally (to the nearest minute) between the political groups on the council (this is subject to a rule that the opposition group(s) must have a minimum of 5 minutes speaking time). It will be for each group to determine how much time each of their speakers will be designated have subject to a minimum speech length of two minutes. There is no maximum speech length providing that group's overall time limit is not breached;

- (d) Lists of speakers must be provided to the Monitoring Officer before the start of the meeting;
- (e) The 45 Minute Debate will end with the Mayor or the Mayor's appointee;
- (f) The Mayor and the Group Leaders of the other political groups may speak twice should they wish. All other Councillors may speak only once;
- (g) There will be no motions, reports or votes on the debate.

2 BUDGET MEETING(S)

- 2.1** A meeting will take place on a date decided by Council or the Chief Executive. The purpose of this meeting will be to determine the Council's budget and set the Council Tax for the following financial year. The Budget Meeting will be conducted in accordance with the provisions of this rule.
- 2.2** The order of business at the Budget Meeting will be as follows:-
- (a) As per Rules 1.1(a), (d) and (f);
 - (b) to receive any petitions which only relate to the Council's budget or to the setting of the Council Tax in line with the procedures set out in the Council's Petition scheme;
 - (c) to consider the report from the Mayor and Executive upon the Council's budget and setting of the Council Tax for the following year and any associated business; and
 - (d) any other business which by statute or in the opinion of the Chief Executive after consultation with the Speaker of the Council requires to be transacted at the meeting;
- 2.3** Rules 10 and 11 of these Rules shall not apply to the Budget Meeting.
- 2.4** Motions proposing amendments to the proposals shall be submitted in writing to the Monitoring Officer by no later than 9.30 a.m. on the working day prior to the Budget Meeting to enable the preparation of the advice of the Chief Finance Officer and any amendments shall be circulated to the Mayor and Councillors, with any officer comments, at least 24 hours, before the meeting.
- 2.5** Other than amendments notified in advance as above, the advice of the Monitoring Officer, Section 151 Officer and Chief Executive must be sought should Council wish to debate any further substantial amendment without notice.
- 2.6** The Speaker will remind the Councillors at the start of the meeting of the importance, where possible, of all amendments being moved at the beginning

of the debate or as soon as the need for the amendment is identified; and before moving to the 'right of reply' and voting stage of the meeting, the Speaker will give a final invitation for any further amendments. No new amendment may be proposed once the call for the vote has commenced.

- 2.7** When moving the budget proposals of the Mayor and Executive, the Mayor and/or another Executive Councillor may speak for up to 10 minutes.
- 2.8** Once the proposals of the Executive have been moved and seconded the other Political Group Leaders (or their nominee) shall then be invited to speak for up to 5 minutes. The order of speaking shall be commensurate with the number of Councillors in each group from the Leader of the largest group to the Leader of the smallest group. Where groups are of equal size, the order of speaking shall be at the Speaker of the Council's discretion.
- 2.9** During the course of their speeches Group Leaders (or their nominees) shall move any amendments they have notified prior to the deadline.
- 2.10** Once each Group Leader (or their nominee) has been invited to speak the Speaker of the Council shall invite any other Councillor who has notified an amendment prior to the deadline to speak for up to 3 minutes and during the course of their speech that Councillor shall move his/her amendment.
- 2.11** The Council will then debate the matters before it for consideration. The order of speakers shall be at the discretion of the Speaker of the Council. Subject to Rules 2.12 and 2.13 below, a Councillor may speak only once during the debate and in the course of his/her speech may address the proposals of the Executive and/or any amendment(s) that may be moved. All speeches shall be limited to a maximum of 3 minutes.
- 2.12** At the discretion of the Speaker of the Council a Group Leader (or their nominee) who has previously spoken in accordance with Rule 2.8 of these Procedure Rules may speak again during the general debate and any such further speech by a Group Leader (or their nominee) or any other Councillor shall be in accordance with the time limits and procedural requirements of Rule 13 of these Rules.
- 2.13** At the conclusion of the general debate the Mayor or on his behalf any other Executive Councillor who may have moved the proposals of the Executive may exercise a right of reply for up to 3 minutes.
- 2.14** The Council will then vote on any amendments that have been moved and seconded and not withdrawn, in the order in which they were moved. Each amendment shall be disposed of in turn and in its entirety.
- 2.15** Following the voting on all amendments Council shall make its determination. Pursuant to the Budget and Policy Framework Procedure Rules if the Council adopts the proposals of the Executive without amendment the decision shall become effective immediately.

- 2.16** If Council wishes to make any objection or amendment to the Executive's proposals, it shall require the Mayor and Executive to re-consider in the light of those objections or amendments.
- 2.17** At the Budget Meeting Rules 12.1(k)(iii) (Motion without notice to suspend a Procedure Rule) and 23 (Suspension and amendment of Council Procedure Rules) of these Procedure Rules shall not apply.

3. ORDINARY MEETINGS

- 3.1** Ordinary meetings of the Council will take place in accordance with the programme below:

Introductions, Minutes, Declarations, Announcements:

- (a) As per Rules 1.1(a), (d), (e) and (f);

Mayor's Report

- (b) receive the Mayor's report, who may speak for up to 6 minutes on the item;
- (c) the Speaker shall invite the other Political Group leaders to respond for up to 2 minutes each;
- (d) the Speaker shall invite the Mayor to respond to the other Political Group leaders for up to 2 minutes.

Public Petitions

- (e) this is limited to up to 4 Petitions and the Petition Scheme Procedures apply;
- (f) the relevant Councillor shall report the Council's response to Petitions received;
- (g) all other petitions that have been submitted will be noted and the Speaker will announce where the Petitions will be sent for a detailed response;

Administration Motion Debate

- (h) consider an Administration Motion in accordance with Rules 11 and 13;

Opposition Motion Debate

- (i) consider a Motion from an Opposition Group in accordance with Rules 11 and 13;

Reports

- (j) receive reports from the Executive and the Council's Committees requiring a decision and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;
- (k) to receive other reports as required; and

Questions by Councillors on Notice

- (l) to receive questions from Councillors; and

Motions

- (m) consider motions as set out in Rule 11.

4. EXTRAORDINARY MEETINGS

- 4.1 Those listed below may request the Chief Executive to call extraordinary Council or Committee meetings in addition to ordinary meetings:

- (a) Council by resolution;
- (b) The Speaker;
- (c) The Monitoring Officer; or
- (d) Any 5 Councillors of Council or a relevant Committee if they have signed a requisition that has been presented to the Speaker of the Council and s/he has refused to call a meeting or has failed to call a meeting within 7 days of such.

- 4.2 When requested, the Monitoring Officer will in consultation with the Chief Executive shall call a meeting of the Council or Committee unless the Chief Executive is of the opinion that holding such a meeting would not be an efficient use of resources and the subject matter of the business can conveniently wait until the next Ordinary Meeting of the Council or Committee.

- 4.3 Only the business specified in the resolution, request or requisition which led to the calling of the Extraordinary Meeting can be conducted at this meeting.

5. TIME, PLACE, POSTPONEMENT AND CANCELLATIONS OF MEETINGS

- 5.1 All Council meetings will commence at 7.00pm and take place at the Town Hall unless the Speaker or the Chair of the relevant Committee/Sub-Committee decides otherwise. This will be in consultation with the Monitoring Officer.

- 5.2 The Monitoring Officer in consultation with the Chief Executive is authorised to either cancel or postpone a meeting of Council or any meeting of Cabinet or a Committee/Sub-Committee if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation/postponement.

- 5.3 The Monitoring Officer is authorised to vary the time, date and place of any meeting where there is good justification in consultation with the Chief Executive, the Speaker, the Mayor, Chair of the Committee/Sub-Committee and other Political Group Leaders as appropriate.

6. NOTICE OF AND SUMMONS TO MEETINGS

- 6.1** The Monitoring Officer will give notice to the public of the time and place of any meeting of Council, Cabinet or Committee/Sub-Committee in accordance with the Access to Information Procedure Rules at Part 4.2 of the Constitution.
- 6.2** At least 5 clear working days before a meeting not including the day the notice is given and the day of the meeting, the Monitoring Officer will send a summons to the Mayor and Councillors giving the date, time and place of the meeting, specify the business to be transacted, and will be accompanied by any available reports . If necessary addendum reports to the reports on the agenda will be permitted within the preceding five days to the meeting or at the meeting subject to the report setting out 'reasons for urgency'.

7. CHAIR OF MEETING

- 7.1** Participation in a Cabinet, Committee, Panel or other formal meeting by a Councillor or other person who is not an appointed Councillor or substitute Councillor of the meeting shall be at the discretion of the person chairing the meeting.

8. QUORUM

- 8.1** Subject to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Councillors or 3 voting Councillors, whichever is the greater.
- 8.2** Subject to any exceptions in Rule 25 if a quorum is not reached at the scheduled start time for a meeting, the Chair shall have the discretion to extend the start time by up to 10 minutes. If a quorum is not achieved at the scheduled start time, or after any extension, then the 15 minutes after the appointed start time of the meeting, the meeting will stand adjourned.
- 8.3** During any meeting if the Chair counts the number of Councillors present and declares there is not a quorum, then the meeting will adjourn immediately. Remaining business will be considered at a time, date and place fixed by the Speaker, Chair or Monitoring Officer. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

- 9.1** Subject to any exceptions in Rule 26, all Council Meetings will end after a period of 3 hours but an extension may be agreed by resolution to extend the meeting for an additional period of up to 30 minutes.
- 9.2** If the business of a Council meeting has not been concluded after it has convened for 3 hours or 3½ hours (if the extension in rule 9.1 is applied), when the Councillor speaking has concluded their speech, the Chair will draw the attention of the meeting to this rule. If a matter is being debated, the debate shall immediately be concluded as if the motion, 'That the question be now put' had been moved and carried.
- 9.3** Any matters, (other than motions on notice) on the agenda that have not been dealt with by the end of the meeting shall be deemed formally moved and seconded together with amendments notified in writing to the Monitoring Officer by noon on the day of the meeting. They will be put to the meeting without any further discussion. A recorded vote under rule 16.4 will be taken, if called for and the requirements of that rule are met, on matters dealt with under this guillotine. During the process in this rule the only other matters which may be raised are points of order. When all matters have been dealt with, the Chair will declare the meeting closed. Any motions on notice under Rule 12 not dealt with before the guillotine is applied shall be deemed to have fallen with the exception of the motions for 'Administration and Opposition Motion Debates' which will be voted on along with any amendments received by noon on the day of the meeting.

10. QUESTIONS BY COUNCILLORS

- 10.1** A Councillor may ask the Mayor or the Chair of a Committee/Sub-Committee questions without notice about an item in a report of the Executive or of that Committee/Sub-Committee when it is being considered.
- 10.2** Subject to rule 10.4, at an Ordinary meeting of Council a Councillor may ask the Speaker or the Mayor, a question about any matter in relation to which the Council has powers or duties or which affects the Borough. Questions can also be put to the Chair of any Committee/Sub-Committee in relation to any matters that is within the Committee/Sub-Committee's remit.
- 10.3** Questions at an Extraordinary Council meeting must relate to a matter on that agenda only.
- 10.4** Questions relating to Executive functions and decisions taken by the Mayor will be put to and should be answered by the person responsible for those decisions, namely the Mayor, unless he delegates such a decision to a Councillor who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.

- 10.4** A Councillor may only ask a question under Rule 10.2 above if either:
- (a) notice in writing of the question has been given by noon at least 9 clear working days before the meeting not including the day that notice is given and the day of the meeting to the Monitoring Officer; or
 - (b) the question relates to an urgent matter; they have the consent of the Councillor to whom the question is to be put; and the content of the question is given to The Monitoring Officer by noon on the day of the meeting; or
 - (c) at an Extraordinary Council meeting notice in writing has been given by noon at least 2 clear working days before the meeting to The Monitoring Officer.
- 10.5** The Monitoring Officer may reject a question if it:
- (a) is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - (b) is defamatory, frivolous or offensive; is substantially the same as a question which has been put at a meeting of Council in the past 6 months;
 - (c) requires the disclosure of confidential or exempt information; and/or
 - (d) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
- 10.6** If a question is rejected, the Councillor who submitted it will be notified in writing before the meeting and given an explanation for the rejection.
- 10.7** An answer may take the form of:
- (a) a written answer circulated to the questioner;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given in writing, a direct oral answer.
- 10.8** A Councillor asking a question under Rule 10.2 may ask one supplementary question without notice, but the supplementary question must arise directly out of the original question or reply. The Speaker may reject a supplementary question on any of the grounds in Rule 10.5 above or if the question takes the form of a speech.
- 10.9** The provisions of 10.2 above also apply to questions about the business of a joint authority of which the Council is a partner or questions about the activities of a company or external organisation to which the Council nominates and in

these cases the question is put to the Councillor who has been appointed as the Council's representative.

- 10.10** Questions are limited to 1 per Councillor per meeting, plus 1 supplementary question unless the Councillor has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. A question that requires an answer in respect of 2 or more points (a multi-question) is not deemed to be 1 question.
- 10.11** Written responses will be published after the meeting. Where a question is put at the meeting, a time limit of 1 minute shall be applied to the question and to the oral response. Supplementary questions and responses will also be time-limited to 1 minute each.
- 10.12** Subject to time available at the Meeting, there will be a maximum time-limit of 30 minutes on Councillors' questions with no extension of time, and questions not dealt with in this time will be dealt with by written responses and which are to be provided within 28 days of the Meeting. Unless the Speaker decides otherwise, the order of Councillors' questions shall alternate between the administration and one of the other Political Groups, with the questions from other Political Groups drawn in turn, starting with the largest Group. The Speaker shall have discretion, within the 30 minutes allocated for Questions, to vary the printed order of questions to allow an 'ungrouped' Councillor to put his/her question or to ensure that at least 1 Councillor from each Political Group has the opportunity to put a question. Questions will be placed on the agenda in the order in which they are received.
- 10.13** Councillors will confine their contributions to questions and answers and must not make statements or attempt to debate. The Speaker will decide whether a Councillor is contravening this rule and if so will stop the Councillor concerned and move on to the next question if necessary. The Speaker's ruling is final.

11. MOTIONS – ON NOTICE

- 11.1** Except for motions which can be moved without notice under Rules 12 and 14, written notice of every motion, signed by the Member of Council Councillor proposing the motion and a seconder, must be delivered to the Monitoring Officer no later than noon 7 clear working days before the meeting not including the day of delivery of the notice and the day of the meeting. The notice shall specify the Council meeting for which it is submitted. For any meeting, no Member of Council may propose more than 1 motion by way of written notice.
- 11.2** A Member of Council who wishes to move the suspension of this Rule to enable a motion to be debated where prior notice has not been given as above must state the reason for urgency before the proposal to suspend this Rule is put to the meeting. If the Speaker does not accept the reason for urgency then the Motion will not be accepted

11.3 Motions will be included on the agenda in order with the Administration Motion for debate first, followed by the Opposition Motion for debate. Any remaining motions shall be placed on the agenda to alternate between the administration and the other Political Groups, with the Opposition Group motions starting with the largest Political Group not to have that meeting's Opposition Motion Debate slot. It is for the Mayor/Administration Leader to select the Administration Motion for Debate. It is for the Leader of the relevant Opposition Group to select the Opposition Motion for debate.

11.3 A motion must be about a matter for which the Council has a responsibility or which affect the area. The Monitoring Officer may reject a motion if it:

(a) is not about a matter for which the local authority has a responsibility either directly or with its partners;

(b) Does not contain a clear action or resolution which is within the power of the Authority to pursue.

(c) is defamatory, frivolous or offensive or otherwise unsuitable;

(d) is substantially the same as a motion which has been put at a meeting of the Council in the past 6 months and does not meet the requirements of Rule 13.2;

(e) requires the disclosure of confidential or exempt information or a case which is currently under judicial scrutiny; and/or

(f) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.

(g) The motion must be clear and to the point, based on the standard motion template and no more than 600 words. In any case, any content in excess of that text limit will be deleted when published.

(h) During a pre-election period, further restrictions will apply on any motion seen as politically focussed.

11.4 If a motion is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection. The Speaker of the Council may also, on the advice of the Chief Executive, refuse any motion which contravenes these requirements.

11.5 At each ordinary meeting of Council there will be specific time set aside for one Administration and one Opposition Motion debate. The following rules will apply:

(a) The debates will be on the first administration and opposition motions set out in the Motions report included in the agenda.

(b) Motions tabled without notice may not take the place of either of these motions.

- (c) Notice in writing of any amendment must be given to the Monitoring Officer by noon the day before the meeting.
- (d) The opposition motion debate will alternate in sequence between the opposition groups starting at the first ordinary meeting following the local elections with the largest opposition group and then going in sequence until the next local elections. Should there be changes to the number of political groups this sequence will be adjusted as necessary.
- (e) Both the administration and opposition motion debates will be for a maximum of 30 minutes each.
- (f) Standard procedures for a motion debate will apply to the debate itself (including on length of speeches and tabling amendments).
- (g) If the guillotine falls during or before the debate the motions and any amendments already tabled will be voted on along with any other amendments received by noon on the day before the meeting.

12. MOTIONS AND AMENDMENTS – WITHOUT NOTICE

12.1 Subject to Rule 11.2 the following motions and amendments may be moved without notice provided they do not contravene the requirements of Rule 11.3 above. Once such a motion or amendment has been moved, seconded and has been accepted by the Speaker it shall unless the Speaker decides otherwise be put and voted on without debate:-

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda in circumstances where the Speaker is satisfied that there are exceptional circumstances to permit such change. In addition, the Councillor seeking to change the order must address such exceptional circumstances;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) to extend the meeting under Rule 9;
- (n) to suspend a Procedure Rule to which Rule 23 applies;
- (o) to exclude the public in accordance with the Access to Information Procedure Rules;
- (p) not to hear a Councillor further because of misconduct (as set out in rule 22.2);
- (q) to require a Councillor to leave the meeting for continued improper behaviour (as set out in rule 22.3); and
- (r) to give the consent of Council where its consent is required by this Constitution.

13. RULES OF DEBATE

- 13.1** No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 13.2** Unless notice of the motion has already been given in writing, the Speaker shall require any motion or amendment to a motion to be presented with enough copies for circulation to all Councillors. The Speaker can request the motion be handed to her/him so that it can be read out to Members of Council before it is discussed.
- 13.3** When seconding a motion or amendment, a Member of Council may reserve her/his speech until later in the debate.
- 13.4** No speech may exceed 3 minutes without the consent of the Speaker except for the proposer of any motion who shall be allowed up to 4 minutes.
- 13.5** Subject to these procedure rules, the order of speakers shall be determined by the Speaker. The Member of Council who wishes to speak shall indicate and shall wait until called by the Speaker. In determining the order of speakers the Speaker may take into consideration whether previous speakers have supported or opposed the motion under debate; the particular concerns of any ward councillors; and/or any notification by a political group of Members of Council of their group who wish to speak on the matter.
- 13.6** An amendment to a motion must be relevant to the motion and may:-
- (a) refer the motion to an appropriate body or individual for consideration or re-consideration;
 - (b) leave out words;
 - (c) leave out words and insert or add others; and/or
 - (d) insert or add words;

as long as the effect is not to completely re-write or negate the motion.

- 13.7** If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 13.8** After an amendment has been carried, the Speaker may choose to read out the amended motion before putting it to the vote.
- 13.9** A Member of Council may alter a motion of which s/he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion. This amendment can be at the suggestion of another Member of Council at the meeting and is often referred to as a 'friendly amendment'.
- 13.10** A Member of Council may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 13.11** Only alterations which could be made as an amendment may be made under this rule.
- 13.12** A Member of Council may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. Consent will be signified without discussion. No Member of Council may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- 13.13** The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.
- 13.14** If an amendment is moved, the mover of the original motion also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.
- 13.15** Where there is a debate on a report at Council. The Member who introduces the report shall have a right of reply in the same manner as if a motion was being debated.

14 PROCEDURAL MOTIONS

- 14.1** When a motion is under debate, no other motion may be moved except the following:
- (a) to withdraw the motion
 - (b) to amend the motion;
 - (c) to proceed to the next business;
 - (d) that the question be now put;

- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue for a further 30 minutes;
- (h) to exclude the press and public; and
- (i) that a Member of Council be not further heard or to exclude the Member of Council from the meeting.

14.2 At the end of a speech by another Member of Council , a Member of Council may move without comment the following motions:

1. to proceed to next business;
2. that the question be now put;
3. to adjourn a debate; or
4. to adjourn a meeting.

14.3 If a motion to proceed to next business is seconded and the Speaker thinks the item under discussion has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

14.4 If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed, s/he will give the mover of the original motion a right of reply before putting her/his motion to the vote.

14.5 If the Speaker considers that the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, s/he will adjourn the debate or adjourn the meeting without giving the mover of the original motion the right of reply.

14.6 A Member of Council may raise a point of order at any time and the Speaker will hear them immediately. A point of order may only relate to the alleged breach of these Council Procedure Rules or the law. The Member of Council must indicate the rule or law which must be specified at the outset and the way in which the Member of Council considers it has been broken. The ruling of the Speaker on the matter is final.

14.7 A Member of Council may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member of Council which may appear to have been misunderstood in the present debate. The ruling of the Speaker on the admissibility of a personal explanation is final.

15. PREVIOUS DECISIONS AND MOTIONS

- 15.1** A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past 6 months cannot be moved unless the notice of motion is signed by at least twenty **Councillors**.
- 15.2** A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least twenty **Councillors**.
- 15.3** Once a motion or amendment to which this Rule applies has been dealt with, no **Councillor** can propose a similar motion or amendment within the next four months.

16. VOTING

- 16.1** The Mayor and all Councillors are entitled to vote unless exempted.
- 16.2** Unless this Constitution (or the law) provides otherwise, any matter will be decided by simple majority of the Mayor and Councillors present.
- 16.3** If there are equal numbers of votes for and against, the Speaker will have a second or casting vote. There will be no restriction on how the Speaker chooses to exercise a casting vote.
- 16.4** Unless a recorded vote is demanded the Speaker will take the vote by a show of hands, or any other of voting method that has been introduced. If there is no dissent this can be by simple affirmation of the meeting. A recorded vote must be requested before a vote is taken.
- 16.5** If 20 **Councillors** present at the meeting request it the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 16.6** In relation to any debate at a Budget Council Meeting on the authority's budget and level of the Council Tax to be levied for each financial year, a recorded vote shall take place on any amendment that is put to the vote during that debate and on the substantive motion. Such votes to be undertaken in accordance with Procedure Rule 16.4.
- 16.7** Where any **Councillor** requests it immediately after a vote, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.
- 16.8** If more nominations are made than there are positions available, the meeting will vote in turn on each nomination separately, in the order in which they were nominated, until the vacant position(s) are filled. Before any vote is taken the

Speaker of the Council or person presiding shall establish that each candidate nominated, if present, is willing to stand.

17. PETITIONS

17.1 The Council has adopted a Petition Scheme and which is attached at Appendix 1. All Petitions are considered in accordance with that Scheme.

18. STANDARDS ADVISORY COMMITTEE REPORTS

18.1 The Chair of the Standards Advisory Committee and the Independent Person shall both be entitled to address Council on any report referred to them by the Standards Advisory Committee.

19. EXCLUSION OF THE PUBLIC

19.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4.2 of this Constitution or Rule 24 (disturbance by the public).

20. COUNCILLORS' CONDUCT

20.1 When the Speaker of the Council stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

20.2 If a Councillor persistently disregards the ruling of the Speaker, or behaves inappropriately, offensively, or is deliberately obstructing business, the Councillor will be provided with a warning by the Speaker. If the Councillor continues to behave in any such manner, the Speaker, in consultation with the Chief Executive and the Monitoring Officer, has the authority to order the Councillor in question to leave the meeting.

21. DISTURBANCE BY PUBLIC

21.1 If a member of the Public interrupts proceedings or is otherwise causing an annoyance, the Speaker of the Council will warn the person concerned and, if the interruption continues, will order the person's leave the Council Chamber. This includes behaviour during filming or otherwise recording the Meeting.

21.2 If there is a general disturbance in any part of the Council Chamber open to the public the Speaker of the Council shall order that part to be cleared.

22. FILMING AND RECORDING

22.1 Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings

provided that this does not disturb the business of the meeting. If a person wishes to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Speaker or Chair is aware and those attending the meeting can be made aware of any filming taking place

22.2 Filming is to be limited to the formal meeting area and not extend to those in the public seating area.

22.3 The filming etc. must be done in such a way that does not cause a breach of health and safety or cause an annoyance. There may also be occasions where those filming may be asked not to film particular individuals where it is considered that there is good reason not to do so and which could allow the meeting to remain open to the press and public. The Speaker/Chair will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the meeting.

23 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Except where these rules provide otherwise, any of the Council Procedure Rules to which this Rule applies may be suspended for all or part of the business of a meeting at which suspension is moved by a motion.

23.2 Such a motion cannot be moved without notice unless at least ½ of the voting Councillors of the meeting are present.

23.3 This Rule applies to the Rules 10 to 13 and 17.

24 SPECIFIC EXEMPTIONS APPLYING TO OTHER MEETINGS/COMMITTEES AND SUB-COMMITTEES

24.1 General

(a) The person presiding at a meeting of any Committee or Sub-Committee may exercise any power or duty of the Speaker of the Council in relation to the proceedings of that meeting. Where these rules apply to meetings of Committees and Sub-Committees, references to the Speaker of the Council also include the Chairs of Committees and Sub-Committees

(b) Chairs of 'Committees of Council' will be elected the Council's Annual Meeting. Should a post of Chair of Committee be vacant at any other time during the year it would be for Council to consider that election at its next available meeting. Should Council fail to do that then the Committee may appoint a Chair from amongst its own Members. Different rules apply to Sub-Committees, Boards and other meetings.

(c) A petition to any Cabinet, Committee or Sub-Committee meeting must relate to an item of business for decision at that meeting. In relation to Overview and

Scrutiny Committee meetings this excludes an item which is listed for Cabinet Agenda pre decision scrutiny but is not otherwise included on the committee agenda.

- (d) Rules 5 to 9, 13.1 to 13.3, 13.5, 13.6 and 16 to 23 apply to meetings of all Committees and Sub-Committees, except as specifically referred to below.
- (e) As well as allocating seats on Committees and Sub-Committees/Panels, the Council will allocate seats in the same manner for substitute Councillors.
- (f) For each Committee or Sub-Committee/Panel, the Council will appoint up to 3 substitute Councillors, nominated by each relevant Political Group.
- (g) Substitute Councillors will have all the powers and duties of any ordinary Councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- (h) Substitute Councillors may attend meetings in that capacity only:
 - (i) to take the place of the ordinary Councillor for whom they are the designated substitute; and
 - (ii) after notifying the Monitoring Officer (or her/his representative at the meeting) by the time scheduled for the start of the meeting of the intended substitution
- (i) A substitute Councillor may, where necessary, take the place of the ordinary Councillor for part of a meeting or for only (a) specific agenda item(s), subject to prior notification as above and subject to any handover between the Councillors taking place at the beginning of a new agenda item.

24.2 Appeals Committee/Sub-Committee, Development and Strategic Development Committees, and Licensing Committee/Sub-Committee

- (a) After sitting for 3 hours, an extension may be agreed for up to a period of up to 1 hour so as to conclude the item/application under consideration, provided that the meeting does not extend beyond 11.30pm in any event.
- (b) Where any items on the agenda that have not been dealt with by the end of the meeting shall be dealt with either at a special meeting of the Committee/Sub-Committee convened to deal with those items or at the next normal meeting of the relevant Committee/Sub-Committee.

24.3 Licensing Committee

- (a)** There are no substitutes permitted for the Licensing Committee.
- (b)** In the case of a Licensing Committee/Sub-Committee being inquorate after 15 minutes the legal adviser to that such has the authority to agree an extension of up to an additional 30 minutes to proceed.

28. Access to Information Procedure Rules

CONTENTS

Rule	Subject
1	Scope
2	Additional Rights to Information
3	Rights to Attend Meetings
4	Notice of Meeting
5	Access to Agenda and Reports Before the Meeting
6	Items of Business
7	Supply of Copies
8	Access to Minutes etc. after the Meeting
9	Background Papers
10	Summary of Public's Rights
11	Exclusion of Access by the Public to Meetings
12	Exclusion of Access by the Public to Reports
13	Application of Rules to Executive
14	Procedure Before Taking Key Decisions
15	Notice of Key Decisions
16	Content of Key Decision Notices
17	Key Decision Notices – Exempt and Confidential Information
18	Urgency - General Exception
19	Urgency - Special Urgency
20	Rights of Overview and Scrutiny

21	Meetings of the Executive and its Committees to be held in public
22	Record of Decisions
23	Executive Decisions made by Officers
24	Overview and Scrutiny Committee Access to Documents - After a Decision has been made
25	Additional Rights of Access for all Members

1. SCOPE

- 1.1** These rules apply to all meetings of Council, Overview and Scrutiny Committee, Scrutiny Sub-Committees and Panels, the Standards Advisory Committee, regulatory and other Committees, Sub-Committees and public meetings of the Executive (together called “meetings”).

2. ADDITIONAL RIGHTS TO INFORMATION

- 2.1** These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

- 3.1** Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICE OF MEETING

- 4.1** The Council will give at least five clear working days’ notice not including the day that notice is given or the day of any meeting by posting details of the meeting at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG (the designated office).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1** The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting except;
- 5.2** Where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened, and
- 5.3** Where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be open to inspection from the time the item is added to the agenda.

6. ITEMS OF BUSINESS

- 6.1** An item of business may not be considered at a meeting unless either:
 - (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
 - (b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 6.2** “Five clear working days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.
- 6.3** “Special circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for inspection for five clear days before the meeting.
- 6.4** Where the item of business relates to a key decision Rules 14-19 also apply.

7. SUPPLY OF COPIES

- 7.1** The Council will supply copies of:
 - (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

- (c) if the Corporate Director, Governance thinks fit, any other documents supplied to Councillors in connection with an item,

to any person on payment of a charge for postage and any other costs.

8. ACCESS TO MINUTES ETC. AFTER THE MEETING

8.1 The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken together with reasons, for all meetings excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

9.1 List of Background Papers. The Corporate Director, Governance will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in her/his opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report,

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11) or in respect of reports to the Executive, the advice of a political adviser or assistant.

9.2 Publication and Public Inspection of Background Papers. The Council will publish background papers on the Council's website and will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

10. SUMMARY OF PUBLIC'S RIGHTS

10.1 A written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the designated office.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 Confidential Information – Requirement to Exclude Public. The public *must* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (as defined in Rule 11.4 below) would be disclosed in breach of the obligation of confidence.

11.2 Exempt Information – Discretion to Exclude Public. The public *may* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined in Rule 11.5 below) would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.4 Meaning of Confidential Information. *Confidential information* means information given to the Council by a Government Department on terms which forbid its public disclosure or information which the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

11.5 Meaning of Exempt Information. *Exempt information* is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority handling the information) **[Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.]**
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

11.6 Information falling within any of the categories 1-7 of Rule 11.5 above are not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

12.1 If the Corporate Director, Governance thinks fit, the Council may exclude access by the public to reports which in his/ her opinion relate to items during which, in accordance with Rule 11, the meeting or those part or parts of the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed (see Rule 11.5 above for the categories).

13. APPLICATION OF RULES TO EXECUTIVE

13.1 Rules 14-25 apply to the Executive and its Committees (and which term includes Sub-Committees and other decision making meetings). If the Executive or one of its Committees meets to take a key decision or meets in public then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. A key decision is defined in **Article 13** of this Constitution.

13.2 If the Executive or one of its Committees meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within twenty-eight days of the date by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

14. PROCEDURE BEFORE TAKING KEY DECISIONS

14.1 Subject to Rule 18 (urgency - general exception) and Rule 19 (urgency - special urgency), a key decision shall not be taken unless:

- (a) a notice has been published in connection with the matter in question at both the offices of the Council and on the Council's website;
- (b) at least twenty-eight days have elapsed since the notice has been published; and
- (c) where the decision is to be taken at a meeting of the Executive or a Committee of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meeting).

15. NOTICE OF KEY DECISIONS

15.1 A notice shall be published under Rule 14 in respect of any matter which the Mayor has reason to believe will be the subject of a key decision to be taken by the Mayor, the Executive, a Committee of the Executive, an individual member of the Executive, an officer or under joint arrangements in the course of the discharge of an executive function.

15.2 In addition, a notice shall be published under Rule 14 in respect of those items of business which the Executive intends to consider and which form part of the policy framework and where the Executive will be making recommendations to Council.

16. CONTENT OF KEY DECISION NOTICES

16.1 Each notice published under Rule 14 shall contain in relation to each matter included such of the following particulars as are available when the notice is prepared or which the person preparing it may reasonably be expected to obtain:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, her/his name and title, if any; and, where the decision maker is a decision making body, its name and a list of its members;
- (d) the date on which or the period within which the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

16.2 Where, in relation to any matter-

- (a) the public may be excluded under Rule 21.2 below from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not, because of Rule 17, be disclosed to the public,

then the document referred to in 16.1 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

17. KEY DECISION NOTICES – EXEMPT AND CONFIDENTIAL INFORMATION

17.1 Nothing in these Rules (or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the 2012 Regulations”)) is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

17.2 Nothing in these Rules or the 2012 Regulations-

- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain confidential information; or
- (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.

18. URGENCY - GENERAL EXCEPTION

18.1 If a matter which is likely to be a key decision is to be considered and the matter has not been published in advance in accordance with Rule 14 then, subject to Rule 19 (urgency - special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until public notice of at least twenty-eight days has been given;
- (b) the Corporate Director, Governance has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made;
- (c) the Corporate Director, Governance has made copies of that notice available to the public at the offices of the Council for inspection; and
- (d) at least five clear days have elapsed following the day on which the Corporate Director, Governance complied with 18.1(b) and 18.1(c).

Where such a decision is taken collectively, it must be taken in public unless it involves consideration of confidential or exempt information.

19. URGENCY - SPECIAL URGENCY

19.1 If by virtue of the date on which a decision must be taken Rule 18 (urgency - general exception) cannot be followed, then a decision can only be taken if the decision taker (or the Chair of the body making the decision) has obtained from:

- (a) the Chair of the Overview and Scrutiny Committee ; or
- (b) if there is no such person, or if the Chair is unable to act, the Speaker; or
- (c) where there is no Chair of the Overview and Scrutiny Committee or Speaker, the Deputy Speaker;

agreement that the taking of the decision cannot reasonably be deferred.

19.2 The Mayor will submit an annual report to Council on the executive decisions taken under this Rule in the preceding year. The report will include the number of decisions so taken and a summary of the matters in respect of which each decision was made.

20. RIGHTS OF OVERVIEW AND SCRUTINY

20.1 When the Overview and Scrutiny Committee can Require a Report

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) published in advance in accordance with Rule 14, or

- (b) the subject of the urgency - general exception procedure (see Rule 18), or
- (c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Speaker under Rule 19;

the Committee may require the Executive to submit a report to Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested in writing by:

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) three (3) Members of the Overview and Scrutiny Committee.

Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

20.2 The Executive's Report to Council

- (a) The Executive will prepare a report setting out particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision, the reasons for that opinion.
- (b) The report will be submitted to the next ordinary meeting of Council. However, if the next meeting of Council is within ten days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the Council meeting after that.

21. MEETINGS OF THE EXECUTIVE AND ITS COMMITTEES TO BE HELD IN PUBLIC

21.1 Any meeting of the Executive or a Committee of the Executive shall be open to the public except to the extent that the public are excluded under Rule 21.2

21.2 The public must be excluded from a meeting during an item of business whenever—

- (a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;
- (b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or

(c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

21.3 A resolution under Rule 21.2 (b) must—

(a) identify the proceedings, or the part of the proceedings to which it applies; and state, by reference to the descriptions in Rule 11.5 the description of exempt information giving rise to the exclusion of the public.

21.4 The public may only be excluded under sub-paragraph (a) or (b) of Rule 21.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

21.5 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the Executive and its Committees do not have the power to exclude members of the public from a meeting while it is open to the public.

21.6 While a meeting of the Executive or one of its Committees is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

Procedures prior to private meetings

21.7 Any decision made by the Executive or one of its Committees to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the Local Government Act 2000 (regulations requiring prescribed information about prescribed decisions).

21.8 At least twenty-eight clear days before a private meeting of the Executive of one of its committees, the Executive must—

(a) make available at the offices of the Council a notice of its intention to hold the meeting in private; and

(b) publish that notice on the Council's website. **21.9A** notice under Rule 21.8 must include a statement of the reasons for the meeting to be held in private.

21.10 At least five clear days before a private meeting of the Executive or one of its committees, the Executive must—

(a) make available at the offices of the Council a further notice of its intention to hold the meeting in private; and

(b) publish that notice on the Council's website.

21.11 A notice under Rule 21.10 must include—

- (a) a statement of the reasons for the meeting to be held in private; details of any representations received by the Executive about why the meeting should be open to the public; and
 - (c) a statement of its response to any such representations.
- 21.12** Where the date by which a meeting must be held makes compliance with Rules 21.8 to 21.11 impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from—
- (a) the Chair of the Overview and Scrutiny Committee; or
 - (b) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Speaker; or where there is no Chair of the Overview and Scrutiny committee or Speaker, the Deputy Speaker, that the meeting is urgent and cannot reasonably be deferred.
- 21.13** As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 21.12 to hold a private meeting, it must—
- (a) make available at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
 - (b) publish that notice on the Council’s website.
- 21.14** The Executive or one of its Committees may meet in private if it meets with officers for the purposes only of briefing.
- 21.15** The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place. A meeting of the Executive may not meet to take any decisions unless the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or their nominee are present or have waived their entitlement to attend. The meeting may only take a decision if there is an officer present with responsibility for recording and publishing the decision.

22. RECORD OF DECISIONS

- 22.1 Executive Decisions made at Meetings.** As soon as is reasonably practicable after a meeting of a decision making body at which an executive decision has been made, whether held in public or private, the Corporate Director, Governance shall ensure that a written statement is produced in respect of every executive decision made at that meeting including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting by the decision making body at which the decision was made;
- (d) a record of any conflict of interest relating to the matter which is declared by any Member of the decisions making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

Decisions taken at a meeting may only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, Governance or his/her nominee is present.

22.2 Executive Decisions made by Individual Members of the Executive

22.3 All decisions taken individually by Members of the Executive must be based on written reports setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, Governance (or an officer nominated by her/him) has agreed the report.

22.4 When an officer prepares a report which is to be given to an individual Member for decision, s/he must first give a copy of that report to the Corporate Director, Governance (or an officer nominated by her/him).

22.5 The Corporate Director, Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.

22.6 Individual decisions by Members of the Executive can only be taken in the presence of an officer.

22.7 Subject to Rules 18 and 19, the individual decision maker may not make any key decision until notice of the decision has been available for public inspection for at least twenty-eight days before the decision is made.

22.8 As soon as is reasonably practicable after an individual Member has made an executive decision s/he shall produce, or cause to be produced, a written statement including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;

- (c) details of any alternative options considered and rejected at the time by the Member when making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who was consulted by the Member which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

22.9 A copy of the written statement setting out the decision must be sent to the Corporate Director, Governance. All decisions of the Executive must be published and will be subject to call in as set out in Part 4.5 of this Constitution.

22.10 Nothing in these rules relating to the taking of decision by individual Members shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

23 DECISIONS MADE BY OFFICERS

Key Decisions

23.1 Where officers are taking delegated key decisions they must follow the procedure set out above for decisions taken by Individual Members of the Executive. This includes ensuring the decision is taken on the basis of a written report setting out key legal, financial and corporate implications.

23.2 Any officer decisions taken in accordance with Rule 23.1 will be subject to call-in as set out in Section XX of this Constitution.

Other Executive Decisions (Non-Key Decisions)

23.3 As soon as is reasonably practicable after an officer has made a non-key decision delegated to the officer by a specific decision of the Executive, or another decision which incurs expenditure or savings over the threshold specified in Section XX (currently £250k) the officer must produce a written statement including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the time by the officer when making the decision;

- (d) a record of any conflict of interest declared by any Executive Member who was consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

23.4 Non-key decisions taken by officers are not subject to call in.

23.5 Nothing in these rules relating to the taking of a decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

23.6 Rule 23 must be read in conjunction with the Recording of Officers' Decisions Procedure Rules at Part 4.9 of this Constitution. [Note – Check Comparison]

24. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS - AFTER A DECISION HAS BEEN MADE

24.1 Subject to Rule 24.2 below, any member of the Overview and Scrutiny Committee or of a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Executive or any of its Committees, and contains material relating to:

- (a) any business which has been transacted at a public or private meeting of the Executive or its Committees; or
- (b) any decision taken by an individual Member of the Executive;
- (c) any key decision that has been taken by an officer in accordance with executive arrangements.

24.2 Limits on Rights. Overview and Scrutiny Committee Members and Scrutiny Panel Members shall not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information unless;
 - (i) it is relevant to an action or decision that s/he is reviewing or scrutinising or intends to review or scrutinise; or
 - (ii) which is relevant to any review contained in any programme of work of an Overview and Scrutiny Committee or Scrutiny Panel;
- (c) any document or part of a document that contains the advice of a political assistant.

25. ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS

25.1 Material Relating to Council and Committee Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Council and contain material relating to any business to be transacted at a meeting of Council or its Committees or Sub Committees unless 25.1.1 below applies:

- (a) it contains exempt information falling within categories 1, 2, 3 (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 4, 5 or 7 as set out at Rule 11.5 above.

25.2 Material Relating to Executive Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business to be transacted at a public meeting unless either 25.2.1 or 25.2.2 below applies:

- (a) It contains exempt information falling within categories 1, 2, 3, (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) 4, 5 or 7 as set out in rule 11.5 above.

- (b) It contains the advice of a political assistant.

25.3 After the conclusion of a private meeting of the Executive at which an Executive decision has been made, all Members are entitled to inspect any document which is in the possession or under the control of the Executive and contain material relating to business transacted at the meeting in the terms set out at 25.2 above.

25.4 Material Relating to Key Decisions. All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any key decision in the terms set out at 25.2 above.

25.5 Nature of Rights. These rights are additional to any rights of access to information a Member may have

29. Budget and Policy Framework Procedure

CONTENTS

Rule	Subject
1	The Framework for Executive Decisions
2	Process for Developing the Framework
3	Decisions Outside the Budget or Policy Framework
4	Urgent Decisions Outside the Budget or Policy Framework
5	Virement
6	In-Year Changes to Policy Framework
7	Call-In of Decisions Outside the Budget or Policy Framework
8	Suspension

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

1.1 Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. In relation to the budget and the plans and strategies listed in Article 4:-

- (a) The adoption or approval of the plan or strategy is the responsibility of Council;
- (b) The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to Council; and
- (c) If Council wishes to amend the Mayor's proposals in relation to the items included in the Budget and Policy Framework only, the Local Authorities (Standing Orders) (England) Regulations 2001 sets out the dispute resolution procedure to be followed. Council must inform the Mayor of any objections which it has to his proposals (i.e. the amendments it wishes to agree) and must give the Mayor at least five working days, starting on the day following the meeting, to reconsider his proposals and re-submit them (amended or not, with reasons) to a further Council meeting. If at this further meeting Council still wishes to amend the Mayor's revised proposals, such a decision requires a two-thirds majority of the Members present and voting. If no valid amendment at the further meeting receives two-thirds support, the Mayor's proposals are deemed adopted in accordance with the regulations.

- (d) Once a budget or a policy framework document has been agreed, it is the responsibility of the Mayor, the Executive and officers to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

2.1 The process by which the budget and policy framework shall be developed is:

- (a) The Executive will publicise, by publishing a notice in accordance with the Access to Information Procedure Rules at Part 4.2 of this Constitution, a timetable for making proposals to Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.
- (b) The Chair of Overview and Scrutiny Committee will be notified of proposals referred to in Rule 2.1.(a) and which shall be referred to Overview and Scrutiny Committee.
- (c) For the purposes of these Procedure Rules the consultation in each instance shall be in line with the Council's normal consultation time periods except where there is an urgent need to reduce the consultation period. The period for Overview and Scrutiny Committee to respond to consultation shall be not less than ten clear working days unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.
- (d) At the end of the consultation period, having taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee, the Executive will submit recommendations to Council.
- (e) Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place.
- (f) If Council adopts the Executive's proposals without amendment, the decision shall become effective immediately. However, if, having considered a draft plan or strategy, it has any objections to it Council must take the action set out in 2.1(g).
- (g) Before Council-
 - (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(iii) adopts (with or without modification) the plan or strategy

it must inform the Mayor of any objections which it has to the draft plan or strategy and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must require the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- (h) Where Council requires reconsideration in accordance with 2.1(g) above, it must specify a period of at least five working days beginning on the day after the date on which the requirement is made within which the Mayor may:
- (i) Submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan or strategy”), with the Executive’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or
 - (ii) Inform Council of any disagreement that the Executive has with any of Council’s objections and the Executive’s reasons for any such disagreement.

If the specified period would prohibit Council from making determinations under Rule 2.1(i) within the statutory deadline for the setting of Council Tax, Council may specify such lesser period as is necessary to ensure compliance.

- (i) Subject to Rule 2.1(j), when the period specified by Council, referred to in Rule 2.1(h), has expired Council must, when:
- (i) amending the draft plan or strategy or, if there is one, the revised plan or strategy;
 - (ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or
 - (iii) adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive’s reasons for those amendments, any disagreement that the Executive has with any of Council’s objections and the Executive’s reasons for that disagreement, which the Mayor submitted to Council, or informed Council of, within the period specified.
- (j) Where Council proposes to –
- (i) amend the draft plan or strategy or, as the case may be, the revised draft plan or strategy;
 - (ii) approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan

or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(iii) adopt with modifications the plan or strategy,

and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph 2.1(k).

(k) The question referred to in Rule 2.1(j) must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.

(l) Subject to Rule 2.1(r), where, before 8 February in any financial year, the Executive submits to Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (calculation of budget requirement etc.); or

(ii) estimates of other amounts to be used for the purposes of such a calculation; or

(iii) estimates of such a calculation; or

(iv) is required to be stated as a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts),

and following consideration of those estimates or amounts Council has any objections to them, it must take the action set out in Rule 2.1(m).

(m) Before Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1(l) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive's estimates or amounts and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must require the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with Council's requirements.

(n) Where Council requires reconsideration in accordance with Rule 2.1(m), it must specify a period of at least five working days beginning on the day after the date on which the requirement is received, the Mayor may:

(i) Submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts") which have been reconsidered in accordance with Council's requirements, with the Executive's reasons for any

- amendments made to the estimates or amounts, to Council for Council's consideration; or
- (ii) Inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.
- (o) Subject to Rule 2.1(p), when the period specified by Council referred to in Rule 2.1(n) has expired, Council must, when making calculations (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1(m) or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:
- (i) Any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) The Executive's reasons for those amendments;
 - (iii) Any disagreement that the Executive has with any of Council's objections; and
 - (iv) The Executive's reasons for that disagreement,
- which the Mayor submitted to Council, or informed Council of, within the period specified.
- (p) Where Council, for the purposes of making the calculations or issuing the precept, proposes to use estimates or amounts ('the different estimates or amounts') which are not in accordance with the Executive's estimates or amounts or, as the case may be, the Executive's revised estimates or amounts, the question whether to use the different estimates or amounts must be decided in accordance with Rule 2.1(q).
- (q) The question referred to in Rule 2.1(p) must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.
- (r) Rules 2.1(l) to 2.1(q) shall not apply in relation to:
- (i) Calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 (limitation of council tax and precept); and
 - (ii) Amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act.

Dispute Resolution [Note – the below comes from the existing Part 2 Constitution and is much shorter / clearer?]

1. Only Council can agree the Authority's budget for the year and the specified plans and strategies that are included in the Budget and Policy Framework. The Mayor and Executive will make proposals to Council in relation to the budget and those plans and strategies, for

adoption by Council. If Council does not agree with those proposals of the Mayor/ Executive, a dispute resolution process applies as follows:-

2. Where Council wishes to amend the Executive's proposals it may, by a majority vote, send the budget, plan or strategy back to the Executive, who must consider whether or not to make any amendments before re-submitting the item to Council.
3. When the item is re-submitted, if Council still wishes to amend the proposals, it can do so providing there are at least two-thirds of the Councillors present and voting at the meeting in favour of the amendment(s). Where a two-thirds majority in favour of Council's amendment(s) is not achieved, then the Executive's proposals stand agreed and shall be deemed to be adopted by the Authority.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 3.1 Subject to the provisions of Rule 5 (virement) the Mayor, Executive, Committees of the Executive and any officers or joint arrangements may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by Council, subject to Rule 4 below.
- 3.2 If the Mayor, Executive, a Committee of the Executive, any officer or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1 The Mayor, Executive, a Committee of the Executive, an officer or joint arrangements may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (a) if it is not practicable to convene a quorate meeting of Council; and

- (b) if the Chair of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.

4.2 The reasons why it is not practicable to convene a quorate meeting of Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Speaker, and in the absence of both, the Deputy Speaker, will be sufficient.

4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.4 Urgent Action

- (a) Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Proper Officer, after consultation with the Mayor or the Cabinet Member in respect of which the matter is associated, shall have power to act and shall report the action to the next meeting of the Executive.
- (b) Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.
- (c) Where the Proper Officer considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of Council or the appropriate committee can be called; the Proper Officer, after consultation with the Speaker or Deputy Speaker, shall have power to act and shall report the action to the next meeting of Council or the relevant Committee.

5. VIREMENT

5.1 Steps taken by the Mayor, the Executive, a Committee of the Executive, an officer, or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head. However, such bodies or individuals shall be entitled to vire across budget heads within such limits as shall be laid down in the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

6. IN-YEAR CHANGES TO BUDGET AND POLICY FRAMEWORK

6.1 The responsibility for agreeing the budget and policy framework lies with Council, and decisions by the Mayor, the Executive, a Committee of the Executive, officers, or joint arrangements must be in line with it. No changes to any budget, plan or strategy which comprises part of the budget and policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) which are necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

7.1 Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

7.2 In respect of functions which are the responsibility of the Mayor or the Executive, the report of the Monitoring Officer and/or Chief Finance Officer shall be to the Mayor and Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet within twenty-one days of receiving the report to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until Council has met and considered the matter. Council shall meet within twenty-one days of the request from the Overview and

Scrutiny Committee (or within twenty-eight days if a meeting of Council is scheduled within that period). At the meeting Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

7.4 Council may either:

- (a) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of Council be minuted and circulated to all Councillors in the normal way; or
- (b) amend the budget, financial rule or policy concerned to encompass the decision or proposal of the body or individual responsible for that function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of Council be minuted and circulated to all Councillors in the normal way; or
- (c) where Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Mayor or Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.

7.5 If Council does not meet, the decision will become effective on the date of Council or expiry of the period in which Council should have been held, whichever is the earlier: providing that the Monitoring Officer and/or the Chief Finance Officer is/are satisfied that the decision is within the budget and policy framework or falls within Rules 6.1(a) – 6.1(d).

8. SUSPENSION

8.1 Provided it is not contrary to law, these rules may be suspended by Council or, in so far as they are applicable to either body, the Cabinet or the Overview and Scrutiny Committee.

30 Executive Procedure Rules

CONTENTS

Rule	Subject
1	How Does the Executive Operate?
2	How are Executive Meetings Conducted?
3	The Mayor's Executive Scheme of Delegation

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who May Make Executive Decisions?

In law, functions which are the responsibility of the Executive may be exercised by

- (a) The Mayor
- (b) The Executive as a whole (the Cabinet) ;
- (c) A Committee of the Executive;
- (d) An individual Member of the Executive;
- (e) The Chief Executive, a Chief Officer or an officer;
- (f) An area Committee; or a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007;
- (g) joint arrangements; or
- (h) another local authority;

subject to the Mayor or this Constitution giving delegated authority to the person/meeting listed to discharge the particular function.

The arrangements for the discharge of executive functions at Tower Hamlets are set out in the executive arrangements adopted by the Council (see Part 2, Article 7 and Part 3 of this Constitution) and the Executive Scheme of Delegation at Rule 3 of these Rules.

Currently decisions on executive functions are taken by the Mayor, either at the Cabinet meeting or separately, unless the Mayor has delegated either a function as set out in those parts of the Constitution or a specific executive decision.

1.2 The Executive Scheme of Delegation and Executive Functions

At the Annual Meeting of the Council the Mayor will present to the Council a written record of delegations made by the Mayor ('The Executive Scheme of Delegation') for inclusion in the Council's Constitution. The document presented by the Mayor must contain the following information in so far as it relates to executive functions:

- (a) The extent of any authority delegated to any individual Executive Member or ward councillor including details of the limitation on their authority.
- (b) The terms of reference and constitution of such Executive Committees as the Mayor appoints and the names of Executive Members appointed to them.
- (c) The nature and extent of any delegation of executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year.
- (d) The nature and extent of any delegation of executive functions to officers not already specified in Part 3 of this Constitution, with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

The Mayor may amend or revoke any delegation of an Executive function at any time.

The Executive Scheme of Delegation shall be included at Rule 3 of these Rules.

Within five working days of agreeing any change to the Executive Scheme of Delegation, a Cabinet appointment or portfolio, the Mayor shall present a written record of the change that s/he has agreed, together with the reasons for that change, to the Monitoring Officer.

Whenever the Monitoring Officer receives notification from the Mayor of any change(s) to the Executive Scheme of Delegation, Cabinet appointment(s) or portfolio(s), the Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.

1.3 Sub-Delegation of Executive Functions

- (a) Where the Mayor, the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an executive function, they may delegate further to an area Committee, joint arrangements or an officer.
- (b) Unless the Mayor directs otherwise, if the Mayor delegates functions to the Executive then the Executive may delegate further to a Committee of the Executive or an officer.
- (c) Unless the Mayor directs otherwise, a Committee of the Executive to whom functions have been delegated may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 The Council's Scheme of Delegation and Executive Functions

- (a) Subject to (b) below, the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Part 2, Article 7 and set out in Part 3 of this Constitution.
- (b) The Mayor may amend the Scheme of Delegation of executive functions at any time during the year. To do so, the Mayor must give written notice to the Monitoring Officer and the person, body or Committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body or Committee or the Executive as a whole. The Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.
- (c) Where the Mayor seeks to withdraw or amend delegations to a Committee, notice will be deemed to be served on that Committee when it has been served on its Chair.

1.5 Interests

- (a) Where a Member of the Executive has a disclosable pecuniary interest this should be dealt with as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.
- (b) If every Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Members' judgement being or likely to be impaired by the interest then this also should be dealt with as set out in the Council's Code of Conduct for Members in Part 5.1 of this Constitution.
- (c) Where a Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Member's judgement being or likely to be impaired by the interest then this should be dealt with as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.
- (d) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should a disclosable pecuniary interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.
- (e) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of that person's judgement being or likely to be impaired by the interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part 5.1 of this Constitution.

1.6 Meetings of the Cabinet

- (a) Meetings of the Cabinet will be determined by the Mayor or Chief Executive. The Cabinet shall normally meet at the Council's main offices or at another location as appropriate.
- (b) Meetings of the Cabinet will be subject to the Access to Information Procedure Rules and any other relevant procedure rules in this Constitution.

1.7 Quorum

The quorum for a meeting of the Executive shall be three Members

1.8 How are Decisions to be taken by the Executive?

- (a) Executive decisions which are the responsibility of the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who Presides?

If the Mayor is present s/he will preside. In her/his absence, then the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor, then a person appointed by those present shall preside.

2.2 Who may Attend?

- (a) Meetings of the Cabinet will normally be open to the public unless confidential or exempt information is to be discussed.
- (b) Subject to the Access to Information Procedure Rules in Part 4 of this Constitution, meetings may occasionally be private.

2.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of disclosable pecuniary interest, if any;
- (c) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.
- (d) consideration of reports from the Overview and Scrutiny Committee;
- (e) matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

The Mayor or other person presiding at a meeting of the Cabinet may at his/her discretion allow persons other than Cabinet members to contribute to the meeting. This may include an informal 'question time' to the Mayor and/or Cabinet Members.

2.4 Community Engagement/ Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of community engagement or consultation with stakeholders, Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of community engagement or consultation required will be appropriate to the nature of the matter under consideration having due regard to the Council's Community Engagement Strategy.

2.5 Who can put Items on the Executive Agenda?

The Mayor and Chief Executive may put on the agenda of any Cabinet meeting any Executive matter which s/he wishes, whether or not authority has been delegated to the Cabinet, a Committee of it, any Member, the Chief Executive, a Chief Officer or officer in respect of that matter. The Corporate Director, Governance will comply with their requests in this respect.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two (2) of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly call a meeting and include an item on the agenda of that meeting or of a Cabinet meeting which has already been called. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Application of Council Procedure Rules

Rules 5 – 9, 16.1 to 16.3 and 17 to 24 of the Council Procedure Rules (Part 4.1 of this Constitution) shall also apply to meetings of the Cabinet.

2.7 Public Engagement at Cabinet

Whilst the main focus of Cabinet is as a decision-making body, there is an opportunity for the public to contribute through making submissions

that specifically relate to the reports that are set out on the agenda. Members of the public may therefore make written submissions in any form (for example; Petitions, letters, written questions) and which to be submitted to the Clerk to Cabinet (whose details are on the agenda front sheet) by 5 pm the day before the meeting. The consideration of such written submissions will be at the discretion of whosoever presides at the meeting.

3. THE MAYOR'S EXECUTIVE SCHEME OF DELEGATION

With effect from 23rd May 2018

PART A - EXECUTIVE SCHEME OF DELEGATION

1. PURPOSE

- 1.1 The purpose of this Executive Scheme of Delegation is to:-
- (a) be clear about who can make which executive decisions including Key Decisions;
 - (b) facilitate the smooth running of Council business;
 - (c) ensure that the Mayor is able to provide effective strategic leadership for the overall policy direction of the Council and to promote partnership working with other agencies; and that officers take responsibility for operational matters and policy implementation.

2. THE CONSTITUTION

- 2.1 Once presented by the Mayor to the Annual Council Meeting or to the Monitoring Officer, this Executive Scheme of Delegation will form part of the Council's Constitution and will be appended to it. Its provisions apply alongside the Council Procedure Rules (Part 4.1) and Access to Information Procedure Rules (Part 4.2) provisions included in the Constitution.

3. AMENDMENTS TO THE EXECUTIVE SCHEME OF DELEGATION

- 3.1 This Scheme of Delegation remains in force for the term of office of the Mayor unless and until it is amended or revoked by the Mayor in accordance with Rule 1.2 of the Executive Procedure Rules.

4. NON-EXECUTIVE DECISIONS

- 4.1 No delegated power in this Executive Scheme of Delegation applies to any decision that relates to a matter that is not an Executive function either by law or by the allocation of local choice functions under the Council's Constitution.

5. THE COMPOSITION OF THE EXECUTIVE

5.1 The Executive shall consist of ten (10) people, namely the Mayor and nine (9) Councillors as set out below:-

Name	Portfolio
Deputy Mayor for housing (Statutory Deputy Mayor)	Cllr Sirajul Islam
Deputy Mayor for regeneration and air quality	Cllr Rachel Blake
Deputy Mayor for community safety and equalities	Cllr Asma Begum
Children's, schools and young people	Cllr Danny Hassel
Adults, health and wellbeing	Cllr Denise Jones
Resources and the voluntary sector	Cllr Candida Ronald
Culture, arts and Brexit	Cllr Amina Ali
Work and economic growth	Cllr Motin Uz-Zaman
Environment	Cllr David Edgar

[NOTE – putting on a stand alone page to make updating it easier as no danger of impacting on page numbering]

6. DELEGATIONS TO THE EXECUTIVE

- 6.1 The Mayor has not delegated any decision-making powers to the Executive acting collectively.
- 6.2 The Mayor may, in accordance with Rule 1.2 of the Executive Procedure Rules, appoint such committees of the Executive as he considers appropriate from time to time and he appoints the following at this time:
- King George's Fields Charity Board
 - The Grants Determination Sub-Committee
- 6.3 Subject to the Mayor's prerogative to make decisions on all matters relating to all his statutory powers, the Mayor delegates to each Cabinet Member individually the power to make decisions on matters within their portfolio after consultation with the Mayor and subject to the Mayor raising no objection to the proposed decision. Any such decision by a cabinet member will be subject to a written report and the same procedure as applies to mayoral executive decisions.
- 6.4 In accordance with section 14(6) of the Local Government Act 2000 (as amended), any arrangements made by the Mayor for the discharge of an executive function by an executive member, committee or officer are not to prevent the Mayor from exercising that function.

7. DELEGATIONS TO OFFICERS

- 7.1 The Mayor has delegated to officers decision making powers in relation to Executive functions as set out at **Parts 3 and 8** of the Council's Constitution.

8. OTHER DELEGATIONS

- 8.1 The Mayor has not delegated any powers to any area committee, or to any ward Councillor in accordance with section 236 of the Local Government and Public Involvement in Health Act 2007.
- 8.2 The Mayor has delegated powers to joint arrangements with other local authorities as set out in **Part 2, Article 11 and Part 3.3.22** of the Council's Constitution
- 8.3 Subject to paragraph 8.2 above, the Mayor has not delegated any powers to any other local authority.

31 Overview and Scrutiny Procedure Rules

CONTENTS

Rule	Subject
1	Statutory Scrutiny Officer
1 [Note – renumber]	The Arrangements for Overview and Scrutiny
2	Who may sit on Overview and Scrutiny?
3	Co-optees
4	Education Representatives
5	Meetings
6	Quorum
7	Who chairs the Overview and Scrutiny Committee and the Scrutiny Panels
8	Work Programme
9	Agenda Items
10	Policy Review and Development
11	Reports from Overview and Scrutiny
12	Making sure that Overview and Scrutiny Reports are Considered by the Executive
13	Rights of Committee Members to Documents
14	Members and Officers Giving Account
15	Attendance by Others
16	Call-In
17	Call-In and Urgency
18	The Party Whip
19	Procedure at Overview and Scrutiny Committee

	Meetings
20	Suspension

1. As required under Section 9FB Local Government Act 2000, the Council will appoint a Statutory Scrutiny Officer whose role is to oversee the arrangements for the Overview and Scrutiny function.

1.1 The Statutory Scrutiny Officer shall be the officer holder the following post:

- Divisional Director, Strategy, Policy and Performance.

1. THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

1.1 Council will establish the Overview and Scrutiny Committee and Sub-Committees and/ or Scrutiny Panels set out in Article 6. Council will appoint the Chair and Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint the Chair and Members of the Sub-Committees or Scrutiny Panels. The Vice-Chair of each Committee and Sub-Committee/ Panel shall be appointed by the Committee or, as the case may be, Sub-Committee/ Panel itself.

1.2 There will be one standing Scrutiny Sub-Committee to discharge the Council's functions under the National Health Service Act 2006. There will be such other Scrutiny Sub-Committees/ Panels during the course of the municipal year as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.

1.3 The Overview and Scrutiny Committee will comprise nine Members of the Council and up to six co-opted members. Up to three substitutes per political group may be appointed. Its terms of reference are set out in detail in Part 2, Article 6 of the Constitution but they include:

- (a) The performance of all overview and scrutiny functions on behalf of the Council.
- (b) The appointment of such Scrutiny Sub-Committees/ Panels as it considers appropriate to fulfil those functions; determining those Sub-Committees/ Panels' composition (including any co-opted Members); and the terms of reference of those Sub-Committees/ Panels.
- (c) To approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Sub-Committees/ Panels it appoints to ensure that there is efficient and effective use of the Committee's time and the time of its Scrutiny Sub-Committees/ Panels.
- (d) To advise the Mayor and Cabinet of key issues/questions to be considered in relation to reports due to be considered by the Executive.

- (e) To exercise the right to call in for reconsideration any executive decisions taken but not yet implemented.
- (f) To determine whether to request Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.
- (g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.
- (h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.
- (i) To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007.
- (j) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

1.4 The Health Scrutiny Panel will undertake the Council's functions under the National Health Service Act 2006 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.

1.5 The membership of individual Scrutiny Panels and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:

- (a) To investigate, scrutinise, monitor and advise in relation to:
 - (i) How services are being delivered and the Council's functions discharged.
 - (ii) How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, antipoverty and crime and disorder).
 - (iii) The development of relevant policy.
 - (iv) How resources are being used, spent and managed.
 - (v) Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY?

2.1 All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Sub-Committees/Panels. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.

2.2 The Overview and Scrutiny Committee will select from among its Councillor Members lead Scrutiny Members, one for each of the following portfolios:-

Children's
Governance
Health, Adults and Community
Place
Resources

These themes may be subject to change from time to time.

2.3 The Lead Scrutiny Member for Health, Adults and Community shall be appointed as a member and Chair of the Health Scrutiny Sub-Committee.

3. CO-OPTees

3.1 The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Sub-Committees/Panels. Co-opted Members will be non-voting except in relation to Education matters only (see Rule 4 below).

4. EDUCATION REPRESENTATIVES

4.1 The Overview and Scrutiny Committee must include in its membership the following voting representatives in respect of education matters:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 3 parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.

This Rule and Rules 4.2 and 4.3 below also apply to any Scrutiny Panel established in respect of education matters.

4.2 The Committee may also include a Muslim representative who can also vote in respect of education matters.

4.3 These Members may speak but not vote on any other (i.e. non educational) matters.

4.4 These Members may also receive the same Executive unrestricted and restricted agenda papers in relation to executive decision making as the Councillor Members.

5. MEETINGS

5.1 The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules (see Part 4.2 of the Constitution).

5.2 The Scrutiny Sub-Committees/ Panels shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of the Overview and Scrutiny Committee may decide to lead any Scrutiny Sub-Committees/ Panels.

6. QUORUM

6.1 The quorum for the Overview and Scrutiny Committee and the Scrutiny Sub-Committees/ Panels shall be three voting Members.

7. WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY PANELS

7.1 The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Sub-Committees/ Panels will be drawn from among the Councillors sitting on the Committee.

7.2 Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If Council does not, and subject to the requirement at 7.1 above, the Committee may appoint such a person as it considers appropriate as Chair.

8. WORK PROGRAMME

8.1 The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

9. AGENDA ITEMS

9.1 Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Sub-Committee/ Panel shall be entitled to give notice to the

Corporate Director, Governance that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Corporate Director, Governance will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.

- 9.2** The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two meetings following receipt of the report. If the matter is relevant to the Council only then will they consider the report at their next meeting.
- 9.3** Any Council Member may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to Council or the Executive on the matter.
- 9.4** A “local government matter” at 9.3 above is one that:
- (a) relates to the discharge of any function of the authority;
 - (b) affects all or part of the Member’s electoral area or any person who lives or works in that area; and
 - (c) is not an excluded matter.

Excluded matters are:

- any matter relating to a planning decision;
 - any matter relating to a licensing decision;
 - any matter relating to an individual in respect of which the individual has a right of appeal; and
 - any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Panel.
- 9.5** If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 9.3 above, it shall notify the Member who referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the

authority or the executive on the matter referred, it shall provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Local Government Act 2000 regarding confidential or exempt information.

10. POLICY REVIEW AND DEVELOPMENT

- 10.1** The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules (see Part 4.3 of the Constitution).
- 10.2** In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Mayor or Executive for developments in so far as they relate to matters within its terms of reference.
- 10.3** The Overview and Scrutiny Committee or any Scrutiny Sub-Committee/ Panel established for this purpose may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. REPORTS FROM OVERVIEW AND SCRUTINY

- 11.1** All reports from Scrutiny Sub-Committees must first be considered by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Corporate Director, Governance for consideration by the Mayor or Executive (if the proposals are consistent with the existing budgetary and policy framework) or to Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 11.2** The Executive shall consider the report of the Overview and Scrutiny Committee at one of its next two meetings following submission of the report to the Corporate Director, Governance. The Council will consider the report at its next ordinary meeting if appropriate.

Scrutiny Task Groups [Note - potential wording]

- 11.3** The following rules apply to reports prepared by Scrutiny Task Groups replacing the general rules set out above. The Overview and Scrutiny Committee or its Sub-Committee may set up a 'Task Group' to examine a particular service or issue. The Task Group will incorporate Scrutiny Members and internal and external experts as required. At the conclusion of its work the Task Group will report back to its parent Committee/Sub-Committee with its findings and recommendations.
- 11.4** The parent Committee/Sub-Committee will then consider those findings and recommendations. It may, should it wish then refer those recommendations to the Mayor and Executive or the Council for a response.
- 11.5** If, following consultation with the Mayor and Executive, officers are in agreement with the proposed recommendations set out, then the report shall be accepted by the relevant Corporate Director under delegated authority. This determination must take place within one month of receipt of the report.
- 11.6** If no decision under 11.5 is taken, there is a challenge to the recommendations, or the Mayor and Executive specifically wish to comment on the report, then the Executive shall consider the report of the Overview and Scrutiny Committee at one of its next two meetings following submission of the report to the Corporate Director, Governance. The Council will consider the report at its next ordinary meeting if appropriate.

12. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE

- 12.1** Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Corporate Director, Governance who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.
- 12.2** If the Corporate Director, Governance refers the matter to Council, s/he may first refer it to the Mayor or Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations. The Mayor or Executive will then refer the report, along with their own additional comments and recommendations, to Council. When Council does meet to consider any referral from an Overview and Scrutiny Committee, it shall also consider any additional comments or recommendations of the Mayor or Executive to the Overview and Scrutiny Committee proposals.
- 12.3** For the avoidance of doubt, the Mayor or Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or

recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if Council does not agree with the Mayor's or Executive's recommendations, the disputes resolution procedure in Rule 2 of the Budget and Policy Framework Procedure Rules (see Part 4.3 of the Constitution) will apply.

12.4 If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the Corporate Director, Governance, the Mayor or Executive will have two weeks in which to consider the matter and respond to the overview and scrutiny report.

12.5 Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the Mayor or Executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or Mayor or Executive:-

- (a) to consider the report or recommendations;
- (b) to respond to the Overview and Scrutiny Committee indicating what (if any) action the authority propose, or the Mayor or Executive proposes, to take;
- (c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,
- (d) if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules then it is to provide that Member with a copy of the response, and to do so within two months beginning with the date on which the authority or Mayor or Executive received the report or recommendations or (if later) the notice.

12.6 It is the duty of the authority or Mayor or Executive to which a notice is given under 12.5 above to comply with the requirements specified in the notice.

13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

13.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules (see Part 4.2 of the Constitution).

13.2 Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. MEMBERS AND OFFICERS GIVING ACCOUNT

14.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling their role, they may require the Mayor, any other Member of the Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.
- (d) any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.

14.2 Where the Mayor, any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel under this provision, the Chair of the Committee or Sub-Committee/ Panel will inform the Chief Executive. The Chief Executive shall inform the Mayor, Member or officer in writing giving at least fifteen working days notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Committee or Sub-Committee/ Panel. Where the account to be given to the Committee will require the production of a report, then the Mayor, Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.3 Where, in exceptional circumstances, the Mayor, Member or officer is unable to attend on the required date, then the Committee or Sub-Committee/ Panel shall in consultation with the Mayor, Member or officer arrange an alternative date for attendance, to take place within a maximum of twenty-one working days from the date of the original request.

14.4 Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee/ Panel will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure.

15. ATTENDANCE BY OTHERS

15.1 The Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel may invite people other than those people referred to in Rule 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

16. CALL-IN

16.1 When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

16.2 The decision publication and call-in deadlines are all published in advance on the Council's website. ~~That notice will bear the date on which it is published and will specify that the~~ d. Decisions will come into force, and may then be implemented at 5pm on the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Corporate Director, Governance calls the decision in.

16.3 During that period, the Corporate Director, Governance shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:

- (a) Not fewer than five Members of the Council; or
- (b) Two voting church, faith or parent governor representative in respect of any education matters only;
- (c) The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.

16.4 The Corporate Director, Governance shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the Chair of the Committee, and in any case within five clear working days of the decision to call-in. However, the Corporate Director, Governance will not call-in:

- (a) Any decision which has already been the subject of call-in;

- (b) A decision which is urgent as defined in Rule 17.1 below and has to be implemented prior to the completion of any review. In such circumstances the decision-taker(s) shall give reasons to the Overview and Scrutiny Committee; and
 - (c) Decisions by regulatory and other Committees discharging non-executive functions;
 - (d) Day to day management and operational decisions taken by officers;
 - (e) A resolution which merely notes the report or the actions of officers;
 - (f) A resolution making recommendations to Council.
- 16.5** Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.
- 16.6** The Corporate Director, Governance shall then notify the decision taker of the call-in, who shall suspend implementation of the decision.
- 16.7** If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Mayor or Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to Council. If referred to the decision-maker they shall then reconsider within a further five clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.
- 16.8** For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.
- 16.9** If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five working day period, whichever is the earlier.
- 16.10** If the matter was referred to Council and Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if Council does object, then Council will refer any decision to which it objects back to the decision-making person or body together with Council's views on the decision. That decision-making person or body shall decide whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was

taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five clear working days of the request. Where the decision was made by an individual, the individual will also reconsider within five clear working days of the request.

- 16.11** If Council does not meet, or it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of Council or expiry of the period in which the meeting should have been held, whichever is the earlier.

17. CALL-IN AND URGENCY

- 17.1** The call-in procedure set out in Rule 16 above shall not apply where the decision being taken by the Mayor, the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.

- 17.2** The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

- 17.3** The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Speaker's consent shall be required. In the absence of both, the consent of the Deputy Speaker or the Head of Paid Service or her/his nominee shall be required.

- 17.4** Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

- 17.5** The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

18. THE PARTY WHIP

- 18.1** The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Sub-Committees/ Panels is inappropriate and should not be used.

- 18.2** In this rule "a party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before Council or any Committee, or the application or threat to apply any sanction by

the group in respect of that Councillor should s/he speak or vote in any particular manner.

19. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

19.1 The Overview and Scrutiny Committee and the Scrutiny Panels shall consider the following business:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) Consideration of any matter referred to the Committee for a decision in relation to call-in;
- (d) Responses of the Executive to reports of Overview and Scrutiny;
- (e) The business otherwise set out on the agenda for the meeting.

19.2 Where the Overview and Scrutiny Committee or a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 Following any investigation or review, the Committee or Sub-Committee/ Panel shall prepare a report, for submission to the Mayor/Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

20. SUSPENSION

20.1 Any part of these Rules may be suspended in accordance with Council Procedure Rule 25 of Part 4.1 of this Constitution provided such suspension is not contrary to the law.

NOTE – need to double check all of the below is included in this section:

6.01 Terms of Reference

Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); 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).

Council will appoint a Member to serve as the Chair of the Overview and Scrutiny Committee.

The Committee will appoint a standing Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 to be known as the Health Scrutiny Panel; it will also appoint such other Sub-Committees or Scrutiny Panels as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme. The Overview and Scrutiny Committee will appoint a Member as Chair of the Health Scrutiny Panel, who shall also be the Lead Scrutiny Member for Adults, Health and Wellbeing.

Each Committee, Sub-Committee or Panel may appoint a Vice-Chair from amongst its Members.

6.02 General Role

Within its terms of reference, the Overview and Scrutiny Committee shall:

- (i) Review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.
- (ii) Advise the Mayor or the Executive of key issues/questions arising in relation to reports due to be considered by the Mayor or the Executive.
- (iii) Make reports or recommendations to Council and/or the Mayor or the Executive in connection with the discharge of any functions which are the responsibility of the Executive.
- (iv) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive.

- (v) Make reports or recommendations to Council and/or the Mayor or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive.
- (vi) Make reports or recommendations to Council and/or the Mayor or the Executive on matters affecting the Council's area or its inhabitants.
- (vii) Exercise the right to call in for reconsideration decisions made but not yet implemented.
- (viii) Refer any report it receives with implications for ethical standards to the Standards Advisory Committee for its consideration.

6.03 Specific Functions

(a) **Policy Development and Review.** The Overview and Scrutiny Committee will:

- (i) Assist the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues.
- (ii) Conduct research, consultation with the community and other consultation in the analysis of policy issues and possible options.
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- (iv) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
- (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny.** The Overview and Scrutiny Committee and the Scrutiny Panels may:

- (i) Review and scrutinise decisions made by the Executive and the performance of the Executive and/or Committees and Council officers both in relation to individual decisions and over time.
- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and/or particular service areas.
- (iii) Question the Mayor, members of the Executive and/or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

- (iv) Make recommendations to the Mayor/Executive as well as appropriate Committees and/or Council arising from the outcome of the scrutiny process.
 - (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant scrutiny body and local people about their activities and performance.
 - (vi) Question and gather evidence from any person.
- (c) **Pre-Scrutiny.** The Overview and Scrutiny Committee may consider a matter prior to its consideration and make comments in connection with the issue so that such comments can be taken into account by the decision maker when making the decision on the matter.
 - (d) **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.
 - (e) **Petitions.** The Overview and Scrutiny Committee will consider requests for reviews on petitions as set out in paragraph 19 of the Council's Procedure Rules as set out in Part 4.1 of the Constitution.
 - (e) **Annual Report.** The Overview and Scrutiny Committee must report annually to Council on its work.

6.04 Allocation of Responsibilities

The Overview and Scrutiny Committee will have a strategic and co-ordinating role over the Council's scrutiny function and also consider executive decisions 'called-in' as detailed in Part 4 of this constitution.

The Overview and Scrutiny Committee will select from among its Councillor Members Lead Scrutiny Members, one for each of the following portfolios:

- Children's
- Governance
- Health, Adults and Community
- Place
- Resources

The Health Scrutiny Panel shall have responsibility for scrutiny of the local health service, in accordance with the provisions of the National Health Service Act 2006. This will be a standing Sub-Committee and will meet at least four times a year.

It shall:

- a) 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) respond to consultation exercises undertaken by an NHS body; and
- c) question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.

The Scrutiny Lead Member for Health, Adults and Community shall be appointed as a Member and Chair of the Health Scrutiny Panel.

Other Scrutiny Panels may be established by the Overview and Scrutiny Committee in line with its work programme and will consider specific reviews, their terms of reference to be set by the Committee.

6.05 Reports

The Overview and Scrutiny Committee will report to Council, Cabinet or the Mayor or appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Sub-Committees/ Panels shall first be considered by the Overview and Scrutiny Committee before being reported to Council, Cabinet, the Mayor or the appropriate Cabinet member, as appropriate.

6.06 Proceedings of Scrutiny Panels

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

Version Control for Part B

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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 Scheme of 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, 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, Sub-Committee, Board or Panel 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, a Committee or a Sub-Committee.

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

- 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 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, s/he shall consult with the appropriate head of profession or technical officer of the Council before authorising action.
- 3.8.3** Officers exercising any delegated function 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.
- 3.8.6** Managers and staff must have authority to act in line with their levels of responsibility within the organisation.
- 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).
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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, 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 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-
- 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.
- 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.
- 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.
- 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.

3.9. Arrangement for Scheme of Management

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:-

Part A – Corporate Delegations. These are set out 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.

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.

3.10 Proper Officers and Statutory Appointments

3.10.1 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
1.	Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
2.	Section 5, Local Government and Housing Act 1989	Monitoring Officer	Corporate Director, Governance
3.	Section 151 Local Government Act 1972 (and section 114 of the Local Government Finance Act 1988)	Chief Finance Officer	Corporate Director, Resources
4.	Section 6 Local Authority Social Services Act 1970	Director of Adult Social Services	Corporate Director, Health, Adults and Community
5.	Section 18 Children Act 2004	Director of Children's Services	Corporate Director, Children's
6.	Section 30 Health and Social Care Act 2012	Director of Public Health	Director, Public Health
7.	Section 9FB Local Government Act 2000	Scrutiny Officer	Divisional Director Policy and Strategy

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, Health, Adults and Community
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, 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, 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, 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, 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, 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, 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, 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, Governance
15.	Section 115 – The officer to whom money properly due from officers shall be paid	Corporate Director, Resources
16.	Section 137A – The officer to receive statements in connection with the provision of financial assistance	Corporate Director, 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, 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, Governance
19.	Section 225(1) – The officer to receive and retain statutory documents on behalf of the Authority	Corporate Director, Governance
20.	Section 229(5) – The officer to certify copies of documents	Corporate Director, Governance
21.	Section 233 – The officer to receive documents required to be served on the Authority	Corporate Director, Governance

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, Governance
23.	Section 238 – The officer to certify printed copies of bylaws	Corporate Director, Governance
24.	Section 248 – The officer responsible for the keeping of the roll of freemen	Corporate Director, 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, Governance
27.	Schedule 14 (paragraph 25(7)) – The officer responsible for the certification of true copies of resolutions	Corporate Director, Governance
Local Government Act 1974		
28.	Section 30(5) – The officer responsible for giving notice of Local Government Ombudsman Report	Corporate Director, Governance
Local Government (Miscellaneous Provisions) Act 1976		
29.	Section 41 - The officer to certify as evidence of resolutions of proceedings	Corporate Director, 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
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

NO.	STATUTE & FUNCTION	OFFICER
Highways Act 1980		
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, 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, 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, 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	Divisional Director Public Realm

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, Governance.

3.12 Specific Delegations

- 3.12.1** 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.
- 3.12.2** The Corporate Director, 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, 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.

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LONDON BOROUGH OF TOWER HAMLETS

PETITION SCHEME

1. SUBMITTING A PETITION TO THE COUNCIL

Tower Hamlets Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions are those prepared in the traditional way: a petition organiser creates a paper document that includes a proposed action. Residents physically write their name, address and signature on this document to show their support of the proposed action.

To help you organise paper petition, the Council has prepared a template that is attached as Appendix 3.

Paper petitions can be sent to the Democratic Services Team on the details provided at Section 7 of this Scheme.

e-Petitions are created, signed, and submitted entirely online. The petition organiser uses a website to create their petition and residents can electronically add their name via the website to show their support of the action the petition organiser proposes.

It is recommended that e-petitions are created via the Council's e-petition facility www.towerhamlets.gov.uk/petition. e-petitions created or submitted through third party websites may be accepted if they comply with the provisions of this scheme.

2. GUIDELINES FOR SUBMITTING A PETITION

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take.
- The names and signatures of each person supporting the petition, together with the full addresses (including postcode) at which they live, work or study in Tower Hamlets.
 - For Paper Petitions (see definition above) the original signed sheets must be submitted (scans/copies will not be accepted).
- Contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be published.
- If the petition does not identify a petition organiser, we will contact the first listed signatory to the petition to agree who should act as the petition organiser.

Scope of Petition

The Monitoring Officer will review all petitions before they are accepted / actioned. Petitions may be rejected if it:

1. is not about a matter for which the local authority has a responsibility or which affects the borough;
2. is defamatory, frivolous; offensive; vexatious, abusive or otherwise inappropriate;
3. is substantially the same as a petition which has been put at a meeting of the Council in the past 6 months;
4. requires the disclosure of confidential or exempt information; or
5. seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
6. Is otherwise unsuitable.

The Monitoring Officer will also consider any request received for the petition to be dealt with in a particular way (e.g. for submission to a particular Committee or to Council). Subject to the guidance within this Petition Scheme, the Monitoring Officer has absolute discretion on how the Council will deal with any petition received and may recommend an alternative course of action to that requested.

In addition, there are some circumstances where petitions will not be dealt with under this Scheme. These include any matters relating to planning or licensing applications; where a separate consultation process is active; or any other circumstances which, in the opinion of the Monitoring Officer would mean the petitions would be better dealt with using a different Council procedure.

The Council may seek to verify the authenticity of each entry on a petition by reference to existing information such as (where appropriate) the current electoral register or other relevant records. Entries which cannot be verified may not be counted for the purposes of determining whether a petition has exceeded a threshold set out in this scheme.

In the period immediately before an election or referendum, when certain legal restrictions apply, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Signing a Petition

School Children

The Council welcomes petitions created and signed by school children and university students. It may be appropriate for young people to give the name of their school, college rather than home address when signing a petition.

Council Officers

Petitioners are asked not to ask council officers to sign their petitions in relation to their service area. It is contrary to the Member / Officer Protocol for officers to lobby Councillors in respect of their specific service.

3. ACTION BY THE COUNCIL ON RECEIPT OF A PETITION

An acknowledgement will be sent to the petition organiser within 10 working days of us receiving the petition. This will let them know what we plan to do with the petition and when they can expect to receive a formal response to it. If the petition needs more investigation, we will tell the petition organiser the steps we plan to take.

If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

Petitions will receive a formal response from the relevant Corporate Director within 28 days of receipt. This will usually be the quickest way of addressing the issue.

If however, the petition meets the requirements to be presented/debated at a meeting of Councillors under the provisions of Section 4 of this scheme, the petition will receive a formal response within 28 days from the meeting. If you request this option, the relevant Corporate Director may still write to you. You may choose not to proceed with presentation at a meeting if you feel their response resolves the matter.

The acknowledgment will confirm when and how your response will be sent and tell you when and where the meeting will take place (if applicable and if known at that stage).

To ensure that people know what we are doing in response to the petitions we receive, the details of all petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

4. PRESENTATION OF A PETITION TO ELECTED COUNCILLORS

Subject to your petition containing sufficient signatures as set out below, you may request to present the petition to a meeting of Councillors. There are several ways in which this can be done.

(a) Presentation to a meeting of the Council, Cabinet or relevant committee

If your petition includes the names, addresses and signatures of 30 persons who live, work or study in the borough it can be presented at an ordinary meeting of the Council or to a Council Committee.

The procedure for presenting a petition at full Council or Committee meetings is included in Appendix 1 of this scheme.

Separate to the above provision, the Mayor has agreed a scheme for public engagement at executive meetings (the Cabinet and Cabinet sub-committees), which provides a number of different ways that members of the public can make submissions relating to items on the agenda. The Cabinet public engagement scheme is set out at Appendix 2 of this Scheme.

(b) Debate at a Council Meeting

If your petition includes the names, addresses and signatures of 2,000 persons who live, work or study in the borough, you may request that a debate be held about the petition at a full Council meeting.

The procedure for debating a petition at full Council meetings is included in Appendix 1 of this scheme.

(c) Officer evidence to the Overview and Scrutiny Committee

If your petition includes the names, addresses and signatures of at least 1,000 persons who live, work or study in the borough, you may request that a relevant senior officer give evidence at a public meeting of the Council's Overview and Scrutiny Committee. For example, you may request that a senior officer explain progress on an issue, or the advice given to councillors to enable them to make a particular decision. The senior officers who may be called to give evidence under this procedure include the Head of the Paid Service (Chief Executive) and any of the Council's statutory or non-statutory Chief Officers (Corporate Directors).

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee will also call the relevant Executive Councillor(s) to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Democratic Services team (see Section 7) up to three working days before the meeting.

General guidance on requesting your petition be presented or debated

If you would like your petition to be presented/debated at a meeting, you must submit (1) the petition; (2) a request to present or debate the petition; and (3) any request for additional assistance such as an interpreter, to the Democratic Services Team (see Section 7) by noon, 9 clear working days (not including the day notice is given or the day of the meeting) before the relevant meeting. However, please note that there is likely to be a maximum number of petitions presented at any one meeting and these slots are normally allocated in order of receipt, so early submission is advised.

When determining whether a petition has met or exceeded a threshold set out in this scheme, the Council will only count signatories for which a local connection (i.e. that the signatory either lives, works or studies in Tower Hamlets) can be evidenced from the information supplied. There is a risk that petitions created and/or submitted via

third party e-petition websites may not satisfy this criterion so it is strongly recommended that e-petitions are created via the Council's own e-petition facility www.towerhamlets.gov.uk/petition

Similar petitions: In the event that 2 or more petitions which are substantially the same are received from different petition organisers, the Corporate Director, Governance may aggregate the number of valid signatures in each petition for the purpose of determining whether the threshold to trigger a Council debate of the matters raised has been reached if that is the wish of the petition organisers.

5. PETITIONS ON NON-COUNCIL FUNCTIONS

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it is unlikely you will be able to present it to a Council meeting, but we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible may liaise with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

If your petition is about something that a different authority is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other authority, but could involve other steps. In any event we will notify you of the action we have taken.

You can find more information on the services for which the Council is responsible on our website. www.towerhamlets.gov.uk

In all cases we will provide the written response as set out in Section 3.

6. IF YOU ARE NOT SATISFIED WITH THE COUNCIL'S RESPONSE

If you feel that we have not dealt with your petition properly you may make a complaint under the Council's complaints procedure.

https://www.towerhamlets.gov.uk/ign/council_and_democracy/complaints/complaints.aspx

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition.

It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the

Council's Mayor (Executive) or arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the outcome within 5 working days. The results of the review will also be published on our website.

7. FURTHER INFORMATION

Should you wish to submit a petition or require any further information, please contact:

Petitions,
Democratic Services,
1st Floor,
Town Hall,
Mulberry Place,
E14 2BG

020 7364 4651

Email: committee.services@towerhamlets.gov.uk

Website: <http://www.towerhamlets.gov.uk/committee>

e-petitions website: <http://www.towerhamlets.gov.uk/petition>

QR code for website:



PROCEDURE FOR HEARING PETITIONS AT MEETINGS OF THE FULL COUNCIL

Agenda order: All petitions received within the deadline (see Section 4 of the Petition Scheme) will be listed on the Council agenda.

The agenda will list 4 petitions as 'to be heard', which will be listed in order of receipt, except that petitions for debate will take precedence. Any petitions listed as 'to be heard' for which the person(s) listed to present are absent, will be noted (see below).

All remaining petitions will be listed as 'to be noted'. These petitions will not be heard and the Speaker will state where they will go for a full response.

Petition presentation procedure (for petitions of between 30 and 1,999 signatures)

1. Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough. **Unless prior agreement from the Speaker of the Council has been obtained, the person(s) presenting the petition cannot include an elected Member of the Council.**
2. The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.
3. Councillors may then ask the petitioners questions for a further 4 minutes;
4. The speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the matters raised for up to 2 minutes.
5. The petition will be referred to the relevant Corporate Director who will respond in writing within 28 days from the date of the meeting.

Petition debate procedure (for petitions in excess of 2,000 signatures):

1. Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough.
2. The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.
3. Councillors may then ask the petitioners questions for a further 4 minutes.

4. The petition will then be debated by Councillors for a maximum of 15 minutes. All speeches are limited to a maximum of 3 minutes. During his or her speech, any Councillor may move a motion for the Council's consideration relevant to matters in the petition (this does not require the suspension of the Council Procedure Rules).
5. Following the debate, the speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the matters raised, for up to 3 minutes.
6. Following the petition debate, any motions moved will be put to the vote in the order they were tabled.
7. If no motion is agreed, the petition will stand referred to the relevant Corporate Director for a written response within 28 days of the meeting.

General guidance on petition hearings at Council meetings

Executive functions: In relation to executive functions, the Council does not have powers to override any executive decision of the Mayor or substitute its own decision. The Council may however pass a motion expressing a view on the matter or referring the matter to the Mayor, calling on him/her to take some action, or consider or reconsider a decision, with recommendations to inform that consideration. Officers will advise on the constitutional validity of any motion that may be moved.

Limitation. ~~An individual or group may submit either a petition or a question to the Council, not both. In addition,~~ An individual or group may not submit a petition to a meeting of the Council if that individual or group has previously submitted a **question or a petition** to either of the previous 2 Council meetings.

Presentation of Petitions at Non-Executive Committee Meetings (including Overview and Scrutiny Committees)

Petitions can also be presented to any Non-Executive Committee meeting providing it is on a subject matter that is within that Committee's Terms of Reference.

Some Committees will have specific procedures for dealing with petitions and those must be followed where they exist. In any other case the petition will be dealt with at the next appropriate Committee meeting. If no other procedures are in place or agreed then the petition will be heard in the same manner as at Council (3 minute presentation, 4 minutes of questions from Members, 2 minutes for a response). The response may come from a Member or officer as appropriate. If the petition relates to an item on the agenda, it will be considered during the discussion of that particular agenda item.

Petitions presented by young people

The Council welcomes petitions presented by young people including school children. Whilst the standard meeting procedures will be followed where possible, the Chair of the meeting shall have the discretion to vary the procedures to ensure the young people are properly able to represent themselves at the meeting.

PROCEDURE FOR HEARING PETITIONS AT MEETINGS OF THE CABINET

The procedure for hearing petitions at meetings of the Cabinet is contained in the Executive Procedure Rules at Section 30 of the Council's Constitution. The relevant provision is replicated below:

Public Engagement at Cabinet

Whilst the main focus of Cabinet is as a decision-making body, there is an opportunity for the public to contribute through making submissions that specifically relate to the reports that are set out on the agenda. Members of the public may therefore make written submissions in any form (for example; Petitions, letters, written questions) and which are to be submitted to the Clerk to Cabinet (whose details are on the Cabinet agenda front sheet) by 5 pm the day before the meeting. The consideration of such written submissions will be at the discretion of whosoever presides at the meeting.

PETITION TEMPLATE

To Democratic Services,
 Tower Hamlets Council
 1st Floor, Town Hall
 Mulberry Place
 London E14 2BG
committee.services@towerhamlets.gov.uk
 020 7364 4207

Petition to Tower Hamlets Council

Dear Democratic Services, please find attached a petition relating to...

...for your attention. The petition statement, which explains what action we would like the Council to take, and the names, addresses and signature of each person supporting the petition, can be found on the attached pages.

Details of petition organiser

Name:	Address:
Email:	Telephone No:

Tick this box if you are also running a linked petition on the Council's website at www.towerhamlets.gov.uk/petition

I believe this petition containssignatures;

Preferred response: I would like (tick 1 ONLY):	
For this petition to be referred to a senior Council officer who will arrange for a response to be sent within 28 days of receipt by the Council;	
To present this petition in person at a future meeting of the Council or a committee <i>[if the petition includes at least 30 valid signatures]</i>	
For this petition to be debated by Councillors at a future meeting of the Council <i>[if the petition includes at least 2,000 valid signatures]</i>	

(note to petition organiser – please complete this cover page in full and print 1 copy. Please complete and then print as many copies of the following signature sheet as you feel necessary. All signature sheets must also include the petition statement. Combine all pages and return to the address above.)

Non-Executive Report of the: GP Committee 26 February 2019	 TOWER HAMLETS
Report of: Neville Murton, Interim Corporate Director Resources	Classification: Unrestricted
Localism Act 2011 – Pay Policy Statement 2019/20	

Originating Officer(s)	Amanda Harcus, Divisional Director HR and Organisational Development
Wards affected	All wards

Executive Summary

Under Section 38(1) of the Localism Act 2011, the council is required to adopt a pay policy statement for each financial year.

A statement for 2019/20 (draft attached as Appendix 1) should be approved and adopted by 31 March 2019, to enable it to be published as soon as is practical in the new financial year. The council’s first pay policy statement was in 2012/13 and subsequent pay policy statements were agreed for each of the subsequent years, with the latest being for 2018/19 (Appendix 2).

The Local Government Transparency Code 2015 (Appendix 3) includes further guidance on the calculation of the pay multiple, which forms part of the pay policy statement. No further supplementary guidance has been published in relation to the 2019/20 pay policy statement and the latest Local Government Transparency Code was published in 2015.

Should guidance or an updated Code be published after the 2019/20 pay policy has been considered by the GP Committee and/or Full Council, which requires minor amendments, it is proposed that GP Committee delegate the authority to make amendments to the Chief Executive following consultation with the Divisional Director of HR and Organisational Development, Chair of the GP Committee and Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to GP Committee for consideration.

The 2019/20 proposed pay policy statement has to be approved by GP Committee and adopted by LBTH by the end of March 2019. At the meeting of Full Council, the statement will be considered for adoption, this will be held on 20 March 2019.

The pay policy statement sets out the council's current policies and practice in relation to pay for all parts of the workforce, with the exception of school based employees. Any changes to the way in which staff are remunerated would need to be dealt with as outlined in section 5 – Legal comments.

Recommendations:

The GP Committee is recommended to:

Consider the draft 2019/20 pay policy statement, proposing any changes and, subject to such changes, recommend that Full Council agrees the draft statement on March 20 2019.

Agree whether any minor changes to the 2019/20 pay policy statement are required as a result of future government guidance or an updated Local Government Transparency Code. These amendments be delegated to the Chief Executive, after consultation with the Divisional Director HR and Organisational Development, Chair of the GP Committee and Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to the GP Committee for consideration.

1. REASONS FOR THE DECISIONS

- 1.1 The Localism Act 2011 received Royal Assent on 15 November 2011. Additionally, the 'Code of Recommended Practice for Local Authorities on Data Transparency' was published in September 2011, under Section 2 of the Local Government, Planning and Land Act 1980. The Code sets out key principles for local authorities in creating greater transparency through the publication of data. Supplementary guidance, 'Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act', was published on 20 February 2013.
- 1.2 The Act's intention is to bring together the strands of increasing accountability, transparency and fairness, with regards to pay.
- 1.3 The provisions of the legislation required Local Authorities to adopt and publish a pay policy statement for 2011/12 and then for each subsequent financial year. Statements must be approved by Full Council and have regard to the guidance published by the Secretary of State. Authorities will be constrained by their policy statement when making determination on senior officer pay, although the statement may be amended at any time by further resolution of Full Council.

2. ALTERNATIVE OPTIONS

- 2.1 As the publication of a pay policy statement and the nature of its content is a legislative requirement, there are no alternative options.

3. DETAILS OF THE REPORT

- 3.1 The pay policy statement must set out the authority's policies for the financial year relating to remuneration of its officers. It must include:
- A policy on the level and elements of remuneration for each Chief Officer
 - A policy on the remuneration of lowest paid employees (together with a definition of 'lowest paid employees' and reasons for adopting that definition)
 - A policy on the relationship between the remuneration of chief officers and the remainder of the workforce
 - A policy on other specific aspects of chief officers' remuneration (remuneration on recruitment, increases and additions to remuneration, use of PRP and bonuses, and the approach to termination payments).
- 3.2 Additionally, the council must have regard to other statutory guidance or recommendations, e.g. relating to pay multiples, it should be noted that, the statutory guidance emphasises that each LA has the autonomy to take its own decisions on pay and pay policies.
- 3.3 The draft 2019/20 pay policy statement takes into account Local Government Association (LGA)/Association of Local Authority Chief Executives (ALACE) guidance issued to local authority Chief Executives 'Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives'. The statement details the council's current arrangements; using the definitions contained in the Act and associated guidance. The pay policy statement should also set out the council's position in relation to appointments to posts with salary packages over £100,000 and redundancy packages over the same amount.
- 3.4 The Localism Act defines senior executives, and in this statement they are the Chief Executive, Directors, the Monitoring Officer and Divisional Directors.
- 3.5 The draft 2019/20 pay policy statement refers to information already published by the council in relation to senior salary data, to meet with the requirements of the Government's transparency agenda. In addition, the Local Government Transparency Code 2015, also covers the way in which the pay multiple included in the pay policy should be calculated. Should any minor changes to the 2019/20 pay policy statement be required as a result of the publication of an updated Code, these amendments could be made by the Chief Executive, after consultation with the Divisional Director HR and Organisational Development, Chair of the GP Committee and Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to the GP Committee for consideration.

Pay Multiple

- 3.6 There is a requirement to publish a ratio, or pay multiple. There are a variety of ways to approach this and the Hutton Review of Fair Pay in the Public

Sector (2011) supported the publication of the ratio of the council's highest paid employee (the Chief Executive) to that of its median earner (i.e. the mid-point between the highest and lowest salaries). This multiple is quoted in the draft 2019/20 pay policy statement. The ratio last year was 1:5.97 and this year it is also 1:5.97.

- 3.7 Since 2014/15 pay policy statement, an additional ratio demonstrating the relationship between the council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is included. This ratio last year was 1:11.19 and this year is 1:12.91. This allows greater comparison with other boroughs that provide this ratio.
- 3.8 The Local Government Transparency Code 2015, states that the pay multiple is defined as the ratio between the highest paid taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) and the median earnings figure of the whole of the authority's workforce. If this definition is applied, the ratio is 1:5.97. (Please note that this figure will be updated in April 2019, when a full tax year can be taken into consideration, to ensure it is accurate and up to date).
- 3.9 In 2015-16 pay policy HR Committee asked about schools and apprentices in relation to the pay multiples. For clarity, apprentices and schools' staff are not included in the pay multiple calculations. Apprentices are excluded due to the fact the multiples apply to employees only. Schools can adopt their own pay policy and therefore their staff would be covered by these. The Pay Policy is clear that the pay multiples only apply to the non-schools workforce.

London Living Wage

- 3.10 The council is an accredited Living Wage Employer. This means that we adhere to the Living Wage Foundations accreditation statement, which states that "Employees based in London Boroughs (shall be paid) not less than the London Living Wage; and increase the amount which it pays to affected employees by the same amount as any increase to the London Living Wage, within 6 months of the date on which any increase in the London Living Wage is officially announced."
- 3.11 The London Living Wage (LLW) increases annually and the latest rise was announced on 5 November 2018. The LLW rate increased from £10.20 to £10.55 per hour.
- 3.12 The council has 6 months in which to apply the new LLW rates, i.e. by end of May 2019.
- 3.13 The lowest paid staff in the council are currently paid on spinal column point 7, which equates to £11.02 per hour, which is already above the new LLW rate of £10.55 per hour. In addition, the national pay award for 2019, which has already been agreed, will mean the lowest paid employees will receive at least £11.63 per hour. Therefore the Council does not need to take any action to implement the new rate as we are already paying above it.

Changes to NJC pay scales

2019/20 Pay Award

- 3.14 The latest pay award agreed covered the years 2018-20, with the next annual pay increase due on 1st April 2019. In addition to the pay award, the 2019 deal requires that all organisations that employ staff who are covered by the NJC agreement to assimilate those staff onto a new pay spine.
- 3.15 The Council is currently engaged in discussions with Trade Union colleagues as to how this will be implemented, but all staff will receive the national pay award on 1st April 2019.

Public Sector Exit Payment Cap

- 3.16 There has still been no implementation of the Public Sector Exit Cap Regulations that were first published in 2016, however there is a Private Members Bill which is currently working its way through Parliament, and if passed this would introduce the cap. Given this, section 12.4.3 has been added to the Pay Policy 2019-20 to cover this eventuality.

Redundancy/severance packages over £100,000

- 3.17 The 2018-19 Pay Policy introduced the following paragraph 12.2, in relation to redundancy/severance packages

A severance package for any member of staff of £100,000 or more (including an employee's right to contractual redundancy/severance and pension/pension lump sum payments) will be subject to the approval of General Purposes Committee and noting by Full Council.

- 3.18 Given this requirement, appendix 4 provides a list of all the redundancy/severance packages that have been agreed since 1 April 2018 to the present.

4. EQUALITIES IMPLICATIONS

- 4.1 An equality analysis will be carried out on the draft policy statement, but it should be noted that the statement describes existing policies and practice rather than proposing new ones. Should there be amendments, further advice on the impact will be given.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This report sets out the council's pay policy for 2019/20, which is required by law. It ensures that employees receive an appropriate salary for the work they undertake and that the council's approach to pay is set out clearly.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no specific financial implications arising from the recommendations within this report.
- 6.2 The Pay Policy will need to be contained within existing staffing budgets agreed through the Annual Budget and MTFS process. The annual Employees budget is around £160m and for 2019/20 an additional £4.1m has been set aside to cover inflationary increases and any changes to London Living Wage.

7. COMMENTS OF LEGAL SERVICES

- 7.1 The main legal considerations regarding the pay policy requirements are set out in the body of the report.
- 7.2 Any changes to pay scales or pay awards are dealt with through collective bargaining and will not require contractual amendments as these are already accounted for in current terms and conditions however any changes to the way in which staff are remunerated would need to be dealt with by consultation and an agreed contract variation or the offer of new contractual terms through re-engagement following the Council's agreed employment processes.
- 7.3 When formulating its annual Pay Statement, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty).

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices

Appendix 1 – Draft Pay Policy Statement 2019/20

Appendix 2 – Pay Policy Statement 2018/19

Appendix 3 – Local Government Transparency Code 2015

Appendix 4 – Redundancy/severance packages over £100,000

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.

Localism Act 2011

LGA / ALACE - ‘Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives’

DCLG - Openness and Accountability in Local Pay: guidance under section 40 of the Localism Act

DCLG - ‘Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011’ Supplementary Guidance

Communities and Local Government - The Code of Recommended Practice for Local Authorities on Data Transparency

Officer contact details for documents:

- Amanda Harcus, Divisional Director HR and Organisational Development 020 7364 4922

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**London Borough of Tower Hamlets
Pay Policy statement 2019/2020**

1 Introduction

- 1.1 Sections 38 to 43 of the Localism Act 2011 require the Council to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government in February 2012 and the supplementary guidance issued in February 2013 both entitled "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" together with the Local Government Transparency Code 2015 where applicable. It also takes into account the 'Use of severance agreements and 'off payroll' arrangements Guidance for local authorities" published by the Department for Communities and Local Government (DCLG) in March 2015.
- 1.2 This pay policy statement does not apply to employees of schools maintained by the Council and is not required to do so. This pay policy statement is required to be approved by a resolution of the Full Council before it comes into force. Once approved by Full Council, this policy statement will come into immediate effect, superseding the 2018/2019 pay policy statement.

2 Definitions

- 2.1 All the posts below are collectively referred to as **Chief Officer** in accordance with the Localism Act 2011 and the Local Government and Housing Act 1989
- **Head of the Paid Service**, which is the post of Chief Executive
 - **Statutory Chief Officers**, which are:-
 - Corporate Director, Children's Services
 - Corporate Director, Health, Adults and Community who is the Council's designated Director of Adults Social Services
 - Corporate Director, Resources who is the Council's Chief Finance Officer under section 151 Local Government and Housing Act 1989
 - Corporate Director, Governance who is the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989
 - Director of Public Health

- **Non-statutory Chief Officers and Deputy Chief Officers**, which are:-

- The Corporate Director, Place as well as Divisional Directors and Heads of Service in each Directorate that report to a Chief Officer.

2.2 The **Lowest Paid Employees** are defined as employees paid on Spinal Column Point 6 of the National Joint Council (NJC) for Local Government Services pay scales. This definition has been adopted as it is the lowest level of remuneration attached to a post in this Authority (see section 7 below).

3 Pay and grading structure

3.1 The majority of employees' pay and conditions of service are agreed nationally either via the National Joint Council (NJC) for Local Government Services, or the Joint National Council (JNC) for Chief Officers, with regional or local variations.

3.2 The Council also employs some staff on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth and Community Workers, some staff covered by the School Teachers Pay and Conditions Document and some staff on locally agreed terms and conditions for Lecturers and Tutors.

3.3 There are also a number of staff who are protected by the provisions of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) following transfers into the organisation and have retained their existing terms and conditions.

3.4 It is the practice of the Council to seek the views of local trade unions on pay related matters, recognising that elements are settled within a national framework.

3.5 The Council uses national pay scales up to grade LPO8, and determines the appropriate grade for each job in accordance with the Greater London Provincial Council (GLPC) job evaluation scheme.

3.6 Above LPO8, local grades are in place as follows:

- LPO9 - evaluated under a local variation to the GLPC job evaluation scheme
- Above LPO9 - evaluated under the Joint Negotiating Committee for Chief Officers job evaluation scheme

3.7 The Council signed a Single Status agreement in April 2008 with trade unions. This brought former manual grades into the GLPC job evaluation scheme, and replaced spot points with narrow grade bands. One of the key aims of the agreement was to eliminate potential pay

inequality from previous pay structures and ensure that new pay structures are free from discrimination.

- 3.8 New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.
- 3.9 The scale point on which an individual is appointed to the post is normally the lowest of the grade but will depend on skills and experience.

4 Head of Paid Service, Statutory Chief Officer, Non Statutory Chief Officer and Deputy Chief Officer remuneration

- 4.1 Pay for the Head of Paid Service; Corporate Director, Children's Services; Corporate Director, Health, Adults and Community; Corporate Director, Resources; and Corporate Director, Governance and Corporate Director, Place is made up of 3 elements:

- Basic pay (defined by a locally agreed grade)
- London weighting allowance
- Travel allowance payment

- 4.2 The Chief Executive receives fee payments pursuant to his appointment as Returning Officer at elections. The fees paid in respect of district elections vary according to the size of the electorate and number of postal voters and are calculated in accordance with the allowance set by the Authority. Fee payments for national and European elections are set by central government and are, in effect, not paid by the Council, as the fees are reclaimed. The Chief Executive does not receive any additional payment for the role of Returning Officer for local government elections. This means that no fees will be paid for local elections or referenda which are funded by the Council but, the Returning Officer will receive fees for all elections and referenda externally funded.

- 4.3 Divisional Directors; other non-statutory Chief Officers and Deputy Chief Officers receive basic pay (defined by a locally agreed grade).

- 4.4 Chief Officer salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [ADD UPDATED LINK](#).

5 Salary packages

- 5.1 All salary packages for posts at Chief Officer level are in line with locally agreed pay scales.

- 5.2 All salary packages for posts at Chief Officer level of £100,000 or more will be subject to General Purposes Committee approving the structure and grade for posts at Chief Officer level – and noting by Full Council.

6 Lowest paid employees

- 6.1 The Council's lowest paid London based employees are those who are paid on the lowest scale point above the level of London Living Wage.
- 6.2 The Council's lowest paid non London based employees are those who are paid on the lowest scale point above the level of National Living Wage.
- 6.3 The Council's Apprentices are paid at least the London Living Wage rate.
- 6.4 The Council will implement the increase to the London Living Wage on 01 April 2019 and as the London Living Wage rises in future years, the council will continue to increase pay levels for the lowest paid staff to ensure that they are paid the nearest scale point above the London Living Wage.

7 National pay bargaining

- 7.1 Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.
- 7.2 The Council contributes to the negotiation process by providing an employer view through the annual Local Government Employers' regional pay briefings. The employers' side then negotiate with trade unions at a national level.
- 7.3 National pay rates are set using a number of factors, including:
- The sector's ability to pay
 - Movement in market rates
 - Inflation levels
 - Other pay awards
 - The Government's policy position regarding public sector pay

8 Incremental progression

- 8.1 Incremental progression is on an annual basis for those staff who are not at the top of their grade. In exceptional circumstances an increment may be withheld due to poor performance. Chief Officers have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

9 Additional payments and allowances

- 9.1 A range of allowances and payments are paid as appropriate to the nature and requirement of specific posts, groups of posts and working patterns. These include car and travel allowances, overtime, standby, weekend and night work, shift and call-out payments.
- 9.2 Acting up (where there is a vacant post within a structure and a person takes on the full duties of that post on a temporary basis) and honoraria (where a person takes on additional duties of a higher graded post but not all of them) payments are made to individual staff as appropriate using clear criteria, and where a clear business need is identified.
- 9.3 The Council has a staff relocation package, available to new entrants to the Council's employment, but subject to tight eligibility criteria.
- 9.4 The Council's Divisional Director HR and Organisational Development, also has the ability to agree the payment of market supplements for recruitment and retention purposes, where there is a strong business case and appropriate criteria are met.
- 9.5 The Council does not operate a performance related pay scheme or bonus scheme.
- 9.6 Where a negotiated settlement is appropriate in circumstances which do not amount to a dismissal, it will be approved by the Head of Paid Service in consultation with the Monitoring Officer and Section 151 Officer and input from the Divisional Director HR and Organisational Development.

10 Pensions

- 10.1 All employees (with the exceptions set out below) of the Council up to 75 years of age and who have a contract of more than 3 months' duration are entitled to join the Local Government Pension Scheme (LGPS). Decisions on delegated provisions are agreed by the Pensions Committee. The LGPS is a contributory scheme, whereby the employee contributes from their salary. The level of contribution is determined by whole time salary and contribution levels are set by Government who then advise the employer.
- 10.2 All employees of the Council from 18 to 75 years of age and who are employed on Teacher, Youth Work or Tutor/Lecturer terms and conditions are entitled to join the Teachers' Pension Scheme. The Teachers' Pension Scheme is a contributory scheme, whereby the employee contributes from their salary and contribution levels are set by Government.

11 Non-permanent workforce resources

- 11.1 To ensure flexibility in delivering services, the Council supplements its employee workforce with workers who are not Council employees or on the Council payroll. This non-permanent resource includes consultants and interims, procured through approved third party providers or the Council's agency contract.
- 11.2 In managing its non-permanent workforce resource, the Council seeks to ensure that: the Council and the wider public sector achieve value for money; tax and national insurance liabilities are managed appropriately; and contractual relationships between the Council, workers and third parties are properly reflected. In this regard, it is the Council's policy not to engage directly with self-employed individuals, or wholly owned one person limited companies in all but the rarest of exceptions. Where such arrangements are used, the Council seeks to limit them to a maximum duration of 24 months.
- 11.3 Where it is necessary to engage a worker, it will usually be on a rate that is comparable with the grade for the post, where there is a clear comparator. Where more senior workers are engaged, the remuneration paid to the individual will generally fall within the following rates. The higher rates of pay, compared to those paid to directly employed staff, are in recompense of interims and consultants not receiving all of the same terms and conditions of employment, most notably regarding leave, pension, redundancy and notice.

Grade of post	Day rate range (payable to the individual)
Head of Service (LP09)	£400-525
Divisional Director	£525-775
Corporate Director	£775-900
Chief Executive	£1200-1500

12 Compensation for loss of office

12.1 *Financial terms for redundancy*

The Council has a policy linked to its policy for Handling Organisational Change which sets out the terms for redundancy and early termination of staff (subject to qualifying criteria), which apply to all staff. In certain circumstances, individuals may also qualify for early release of their pension.

12.2 *Redundancy/severance packages*

A severance package for any member of staff of £100,000 or more (including an employee's right to contractual redundancy/severance

and pension/pension lump sum payments) will be subject to the approval of General Purposes Committee and noting by Full Council.

12.3 *Ill health*

Where termination of employment arises from ill health, payments will be made in accordance with the contract of employment. In certain circumstances, individuals may also qualify for early release of their pension.

12.4 *Re-employment or re-engagement following redundancy/early retirement/receipt of compensation for loss of office*

Any member of staff who has left the Council by reason of redundancy or early retirement and received a severance payment is required to have a gap before reemployment. The gap should be at least 1 year after the date of termination for staff who left due to compulsory redundancy or a gap of at least 2 years after the date of termination for staff who left due to voluntary redundancy before they can return, either as a directly employed member of staff, an agency worker or a consultant. This does not prevent them from working in Tower Hamlets Schools during this period.

12.4.1 To allow for exceptional circumstances, when it might be necessary to reemploy or re-engage someone sooner than set out above, a Director, in conjunction with the Divisional Director HR and Organisational Development, and after consultation with the Chair of the General Purposes Committee, has authority to waive the 1 or 2 year requirement (as appropriate), provided there is justification.

12.4.2 If the Repayment of Public Sector Exit Payments Regulations 2016 come into force, any employee or office holder who earns above the threshold set out in the Regulations, will be required to repay in full or part, to the employer who made the payment, any exit payment they receive should they return to any part of the public sector (see the Regulations for a full list), either on or off payroll, within 12 months. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.

12.4.3 If the Public Sector Exit Payment Regulations 2016 come into force, they will introduce a £95k cap on the total value of exit payments. This cap will include all forms of exit payment available to employees on leaving employment, for example cash lump sums, such as redundancy payments, the cost to the employer of funding early access to unreduced pensions ('pension strain'), severance payments, ex gratia payments and other non-financial benefits, such as additional paid leave. This

requirement can only be waived in exceptional circumstances and by a decision of Full Council.

13 Pay multiples / comparisons

- 13.1 The Council's pay and grading structures reflect a wide range of job requirements and levels of responsibility across the organisation, with pay and grading being determined by the Council's job evaluation schemes.
- 13.2 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the median (mid-point between the highest and lowest) salary position of the non-schools workforce is 1:5.97.
- 13.3 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is 1:12.91.
- 13.4 The Council will have regard to its pay ratios and keep them under review, seeking to balance the following:
- Ensuring appropriate reward mechanisms which value knowledge, skills and experience at a senior level, and ensure that the Council can recruit and retain the best talent
 - Addressing its commitment to matching the London Living Wage for our lowest paid staff, and encouraging the developmental progression for staff in the lowest graded roles.

14 Equality issues

- 14.1 The policy elements described in this report derive from national terms and conditions and bargaining, or local discretion. The Council has a keen regard for equality issues and should any changes be made to the pay policy in the future, proposals would go through an Equality Analysis. One of the key aims of Single Status agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.

15 Review

- 15.1 The Pay Policy Statement is reviewed annually and submitted to General Purposes Committee for noting and Council for approval. In the interests of improving accountability and transparency, all appointments made to posts attracting remuneration of £100,000 or more per annum and all severance packages of £100,000 or more during the previous financial year shall be highlighted to Full Council.

- 15.2 Should changes to the Pay Policy be contemplated that would result in an amended statement being published in the year that it applies, these would be subject to a detailed consultation process before adoption by Full Council.

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**London Borough of Tower Hamlets
Pay Policy statement 2018/2019**

1 Introduction

- 1.1 Sections 38 to 43 of the Localism Act 2011 require the Council to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government in February 2012 and the supplementary guidance issued in February 2013 both entitled "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" together with the Local Government Transparency Code 2015 where applicable. It also takes into account the 'Use of severance agreements and 'off payroll' arrangements Guidance for local authorities" published by the Department for Communities and Local Government (DCLG) in March 2015.
- 1.2 This pay policy statement does not apply to employees of schools maintained by the Council and is not required to do so. This pay policy statement is required to be approved by a resolution of the Full Council before it comes into force. Once approved by Full Council, this policy statement will come into immediate effect, superseding the 2017/2018 pay policy statement.

2 Definitions

- 2.1 All the posts below are collectively referred to as **Chief Officer** in accordance with the Localism Act 2011 and the Local Government and Housing Act 1989
- **Head of the Paid Service**, which is the post of Chief Executive
 - **Statutory Chief Officers**, which are:-
 - Corporate Director, Children's Services
 - Corporate Director, Health, Adults and Community who is the Council's designated Director of Adults Social Services
 - Corporate Director, Resources who is the Council's Chief Finance Officer under section 151 Local Government and Housing Act 1989
 - Corporate Director, Governance who is the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989
 - Director of Public Health

- **Non-statutory Chief Officers and Deputy Chief Officers**, which are:-

- The Corporate Director, Place as well as Divisional Directors and Heads of Service in each Directorate that report to a Chief Officer.

2.2 The **Lowest Paid Employees** are defined as employees paid on Spinal Column Point 6 of the National Joint Council (NJC) for Local Government Services pay scales. This definition has been adopted as it is the lowest level of remuneration attached to a post in this Authority (see section 7 below).

3 Pay and grading structure

3.1 The majority of employees' pay and conditions of service are agreed nationally either via the National Joint Council (NJC) for Local Government Services, or the Joint National Council (JNC) for Chief Officers, with regional or local variations.

3.2 The Council also employs some staff on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth and Community Workers, some staff covered by the School Teachers Pay and Conditions Document and some staff on locally agreed terms and conditions for Lecturers and Tutors.

3.3 There are also a number of staff who are protected by the provisions of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) following transfers into the organisation and have retained their existing terms and conditions.

3.4 It is the practice of the Council to seek the views of local trade unions on pay related matters, recognising that elements are settled within a national framework.

3.5 The Council uses national pay scales up to grade LPO8, and determines the appropriate grade for each job in accordance with the Greater London Provincial Council (GLPC) job evaluation scheme.

3.6 Above LPO8, local grades are in place as follows:

- LPO9 - evaluated under a local variation to the GLPC job evaluation scheme
- Above LPO9 - evaluated under the Joint Negotiating Committee for Chief Officers job evaluation scheme

3.7 The Council signed a Single Status agreement in April 2008 with trade unions. This brought former manual grades into the GLPC job evaluation scheme, and replaced spot points with narrow grade bands. One of the key aims of the agreement was to eliminate potential pay

inequality from previous pay structures and ensure that new pay structures are free from discrimination.

- 3.8 New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.
- 3.9 The scale point on which an individual is appointed to the post is normally the lowest of the grade but will depend on skills and experience.

4 Head of Paid Service, Statutory Chief Officer, Non Statutory Chief Officer and Deputy Chief Officer remuneration

- 4.1 Pay for the Head of Paid Service; Corporate Director, Children's Services; Corporate Director, Health, Adults and Community; Corporate Director, Resources; and Corporate Director, Governance and Corporate Director, Place is made up of 3 elements:

- Basic pay (defined by a locally agreed grade)
- London weighting allowance
- Travel allowance payment

- 4.2 The Chief Executive receives fee payments pursuant to his appointment as Returning Officer at elections. The fees paid in respect of district elections vary according to the size of the electorate and number of postal voters and are calculated in accordance with the allowance set by the Authority. Fee payments for national and European elections are set by central government and are, in effect, not paid by the Council, as the fees are reclaimed. The Chief Executive does not receive any additional payment for the role of Returning Officer for local government elections. This means that no fees will be paid for local elections or referenda which are funded by the Council but, the Returning Officer will receive fees for all elections and referenda externally funded.

- 4.3 Divisional Directors; other non-statutory Chief Officers and Deputy Chief Officers receive basic pay (defined by a locally agreed grade).

- 4.4 Chief Officer salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see ([Link](#)).

5 Salary packages

- 5.1 All salary packages for posts at Chief Officer level are in line with locally agreed pay scales.

- 5.2 All salary packages for posts at Chief Officer level of £100,000 or more will be subject to General Purposes Committee approving the structure and grade for posts at Chief Officer level – and noting by Full Council.

6 Lowest paid employees

- 6.1 The Council's lowest paid London based employees are those who are paid on the lowest scale point above the level of London Living Wage.
- 6.2 The Council's lowest paid non London based employees are those who are paid on the lowest scale point above the level of National Living Wage.
- 6.3 The Council's Apprentices are paid at least the London Living Wage rate.
- 6.4 The Council will implement the increase to the London Living Wage on 01 April 2018 and as the London Living Wage rises in future years, the council will continue to increase pay levels for the lowest paid staff to ensure that they are paid the nearest scale point above the London Living Wage.

7 National pay bargaining

- 7.1 Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.
- 7.2 The Council contributes to the negotiation process by providing an employer view through the annual Local Government Employers' regional pay briefings. The employers' side then negotiate with trade unions at a national level.
- 7.3 National pay rates are set using a number of factors, including:
- The sector's ability to pay
 - Movement in market rates
 - Inflation levels
 - Other pay awards
 - The Government's policy position regarding public sector pay

8 Incremental progression

- 8.1 Incremental progression is on an annual basis for those staff who are not at the top of their grade. In exceptional circumstances an increment may be withheld due to poor performance. Chief Officers have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

9 Additional payments and allowances

- 9.1 A range of allowances and payments are paid as appropriate to the nature and requirement of specific posts, groups of posts and working patterns. These include car and travel allowances, overtime, standby, weekend and night work, shift and call-out payments.
- 9.2 Acting up (where there is a vacant post within a structure and a person takes on the full duties of that post on a temporary basis) and honoraria (where a person takes on additional duties of a higher graded post but not all of them) payments are made to individual staff as appropriate using clear criteria, and where a clear business need is identified.
- 9.3 The Council has a staff relocation package, available to new entrants to the Council's employment, but subject to tight eligibility criteria.
- 9.4 The Council's Divisional Director HR and Transformation, also has the ability to agree the payment of market supplements for recruitment and retention purposes, where there is a strong business case and appropriate criteria are met.
- 9.5 The Council does not operate a performance related pay scheme or bonus scheme.
- 9.6 Where a negotiated settlement is appropriate in circumstances which do not amount to a dismissal, it will be approved by the Head of Paid Service in consultation with the Monitoring Officer and Section 151 Officer and input from the Divisional Director HR and Transformation.

10 Pensions

- 10.1 All employees (with the exceptions set out below) of the Council up to 75 years of age and who have a contract of more than 3 months' duration are entitled to join the Local Government Pension Scheme (LGPS). Decisions on delegated provisions are agreed by the Pensions Committee. The LGPS is a contributory scheme, whereby the employee contributes from their salary. The level of contribution is determined by whole time salary and contribution levels are set by Government who then advise the employer.
- 10.2 All employees of the Council from 18 to 75 years of age and who are employed on Teacher, Youth Work or Tutor/Lecturer terms and conditions are entitled to join the Teachers' Pension Scheme. The Teachers' Pension Scheme is a contributory scheme, whereby the employee contributes from their salary and contribution levels are set by Government.

11 Non-permanent workforce resources

- 11.1 To ensure flexibility in delivering services, the Council supplements its employee workforce with workers who are not Council employees or on the Council payroll. This non-permanent resource includes consultants and interims, procured through approved third party providers or the Council's agency contract.
- 11.2 In managing its non-permanent workforce resource, the Council seeks to ensure that: the Council and the wider public sector achieve value for money; tax and national insurance liabilities are managed appropriately; and contractual relationships between the Council, workers and third parties are properly reflected. In this regard, it is the Council's policy not to engage directly with self-employed individuals, or wholly owned one person limited companies in all but the rarest of exceptions. Where such arrangements are used, the Council seeks to limit them to a maximum duration of 24 months.
- 11.3 Where it is necessary to engage a worker, it will usually be on a rate that is comparable with the grade for the post, where there is a clear comparator. Where more senior workers are engaged, the remuneration paid to the individual will generally fall within the following rates. The higher rates of pay, compared to those paid to directly employed staff, are in recompense of interims and consultants not receiving all of the same terms and conditions of employment, most notably regarding leave, pension, redundancy and notice.

Grade of post	Day rate range (payable to the individual)
Head of Service (LP09)	£400-525
Divisional Director	£525-775
Corporate Director	£775-900
Chief Executive	£1200-1500

12 Compensation for loss of office

12.1 Financial terms for redundancy

The Council has a policy linked to its policy for Handling Organisational Change which sets out the terms for redundancy and early termination of staff (subject to qualifying criteria), which apply to all staff. In certain circumstances, individuals may also qualify for early release of their pension.

12.2 Redundancy/severance packages

A severance package for any member of staff of £100,000 or more (including an employee's right to contractual redundancy/severance

and pension/pension lump sum payments) will be subject to the approval of General Purposes Committee and noting by Full Council.

12.3 *Ill health*

Where termination of employment arises from ill health, payments will be made in accordance with the contract of employment. In certain circumstances, individuals may also qualify for early release of their pension.

12.4 *Re-employment or re-engagement following redundancy/early retirement/receipt of compensation for loss of office*

Any member of staff who has left the Council by reason of redundancy or early retirement and received a severance payment is required to have a gap before reemployment. The gap should be at least 1 year after the date of termination for staff who left due to compulsory redundancy or a gap of at least 2 years after the date of termination for staff who left due to voluntary redundancy before they can return, either as a directly employed member of staff, an agency worker or a consultant. This does not prevent them from working in Tower Hamlets Schools during this period.

12.4.1 To allow for exceptional circumstances, when it might be necessary to reemploy or re-engage someone sooner than set out above, a Director, in conjunction with the Divisional Director HR and Transformation, and after consultation with the Chair of the General Purposes Committee, has authority to waive the 1 or 2 year requirement (as appropriate), provided there is justification.

12.4.2 If the Repayment of Public Sector Exit Payments Regulations 2016 come into force, any employee or office holder who earns above the threshold set out in the Regulations, will be required to repay in full or part, to the employer who made the payment, any exit payment they receive should they return to any part of the public sector (see the Regulations for a full list), either on or off payroll, within 12 months. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.

13 Pay multiples / comparisons

13.1 The Council's pay and grading structures reflect a wide range of job requirements and levels of responsibility across the organisation, with pay and grading being determined by the Council's job evaluation schemes.

13.2 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the median (mid-

point between the highest and lowest) salary position of the non-schools workforce is 1:5.97.

13.3 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is 1:11.19.

13.4 The Council will have regard to its pay ratios and keep them under review, seeking to balance the following:

- Ensuring appropriate reward mechanisms which value knowledge, skills and experience at a senior level, and ensure that the Council can recruit and retain the best talent
- Addressing its commitment to matching the London Living Wage for our lowest paid staff, and encouraging the developmental progression for staff in the lowest graded roles.

14 Equality issues

14.1 The policy elements described in this report derive from national terms and conditions and bargaining, or local discretion. The Council has a keen regard for equality issues and should any changes be made to the pay policy in the future, proposals would go through an Equality Analysis. One of the key aims of Single Status agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.

15 Review

15.1 The Pay Policy Statement is reviewed annually and submitted to General Purposes Committee for noting and Council for approval. In the interests of improving accountability and transparency, all appointments made to posts attracting remuneration of £100,000 or more per annum and all severance packages of £100,000 or more during the previous financial year shall be highlighted to Full Council.

15.2 Should changes to the Pay Policy be contemplated that would result in an amended statement being published in the year that it applies, these would be subject to a detailed consultation process before adoption by Full Council.



Department for
Communities and
Local Government

Local Government Transparency Code 2015



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Contents

1	Part 1: Introduction	4
2	Part 2: Information which must be published	11
3	Part 3: Information recommended for publication	23
4	Annex A: Table summarising all information to be published	28
5	Annex B: Detecting and preventing fraud	38
6	Annex C: Social housing asset data to be published	40

Part 1: Introduction

Policy context

1. This Code is issued to meet the Government's desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. Transparency is the foundation of local accountability and the key that gives people the tools and information they need to enable them to play a bigger role in society. The availability of data can also open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets.
2. 'Data' means the objective, factual data, on which policy decisions are based and on which public services are assessed, or which is collected or generated in the course of public service delivery. This should be the basis for publication of information on the discharge of local authority functions.
3. Analysis by Deloitte¹ for the Shakespeare Review of Public Sector Information estimates the economic benefits of public sector information in the United Kingdom as £1.8 billion, with social benefits amounting to £5 billion. The study highlights the significant potential benefits from the publication of public data. And, local authorities and local people want to see published open data:
 - 80 per cent of those responding to a transparency survey² by the Local Government Association in September 2012 cited external accountability as a benefit, with 56 per cent citing better local decision making and democracy as a benefit
 - a survey of 800 members of Bedford's Citizens Panel³ showed that 64 per cent of respondents thought it was very important that the council makes data available to the public and the public were most interested in seeing data made available about council spending and budgets (66 per cent)
 - research by Ipsos MORI⁴ found that the more citizens feel informed, the more they tend to be satisfied with public services and their local authorities.

¹ "Market Assessment of Public Sector Information", Deloitte, May 2013, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198905/bis-13-743-market-assessment-of-public-sector-information.pdf

² "Local Government Transparency Survey 2012", LGA, December 2012, http://www.local.gov.uk/documents/10180/11541/Local_Government_Transparency_Survey_2012.pdf/dd4c24ed-20ba-4feb-b6eb-fea21e4af049

³ "Citizens Panel Summer 2011 Survey Results Data Transparency" Bedford Borough Council, August 2011 (unpublished)

⁴ "What do people want, need and expect from public services?", Ipsos MORI, 2010, http://www.ipsos-mori.com/DownloadPublication/1345_sri_what_do_people_want_need_and_expect_from_public_services_110310.pdf

4. Therefore, the Government believes that in principle all data held and managed by local authorities should be made available to local people unless there are specific sensitivities (eg. protecting vulnerable people or commercial and operational considerations) to doing so. It encourages local authorities to see data as a valuable resource not only to themselves, but also their partners and local people.
5. Three principles have guided the development of this Code:
- **demand led** – there are growing expectations that new technologies and publication of data should support transparency and accountability. It is vital that public bodies recognise the value to the public of the data they hold, understand what they hold, what their communities want and then release it in a way that allows the public, developers and the media to use it
 - **open** – provision of public data should become integral to local authority engagement with local people so that it drives accountability to them. Its availability should be promoted and publicised so that residents know how to access it and how it can be used. Presentation should be helpful and accessible to local people and other interested persons, and
 - **timely** – the timeliness of making public data available is often of vital importance. It should be made public as soon as possible following production even if it is not accompanied with detailed analysis.
6. This Code ensures local people can now see and access data covering (annex A summarises the publication requirements specified in this Code):
- **how money is spent** – for example, all spending transactions over £500, all Government Procurement Card spending and contracts valued over £5,000
 - **use of assets** – ensuring that local people are able to scrutinise how well their local authority manages its assets⁵. For example, self-financing for council housing – introduced in April 2012 – gave each local authority a level of debt it could support based on the valuation of its housing stock. This Code gives local people the information they need to ask questions about how their authority is managing its housing stock to ensure it is put to best use, including considering whether higher value, vacant properties could be used to fund the building of new affordable homes and so reduce waiting lists. The requirement in paragraphs 38 to 41 builds on existing Housing Revenue Account practices⁶
 - **decision making** – how decisions are taken and who is taking them, including how much senior staff are paid, and
 - **issues important to local people** – for example, parking and the amount spent by an authority subsidising trade union activity.

⁵ Nationally, local authorities' estate (all forms of land and buildings) is estimated to be worth about £220 billion.

⁶ The Housing Revenue Account (Accounting Practices) Directions 2011 require that local authorities' annual statement of accounts include disclosure of the total balance sheet value of the land, houses and other property and the vacant possession value of dwellings within the authority's Housing Revenue Account, <https://www.gov.uk/government/publications/the-housing-revenue-account-directions-2011>.

7. Local authorities are encouraged to consider the responses the Government received⁷ to its consultation and look to go further than this Code by publishing some of the data proposed by respondents, in line with the principle that all data held and managed by local authorities should be made open and available to local people unless there are specific sensitivities to doing so.
8. Fraud can thrive where decisions are not open to scrutiny and details of spending, contracts and service provision are hidden from view. Greater transparency, and the provisions in this Code, can help combat fraud. Local authorities should also use a risk management approach with strong internal control arrangements to reduce the risk of any payment fraud as a result of publishing public data. Local authorities should refer to the Chartered Institute of Public Finance and Accountancy Code of Practice on Managing the Risk of Fraud and Corruption⁸. Annex B provides further information on combating fraud.

Application

9. This Code is issued by the Secretary of State for Communities and Local Government in exercise of his powers under section 2 of the Local Government, Planning and Land Act 1980 (“the Act”) to issue a Code of Recommended Practice (the Code) as to the publication of information by local authorities about the discharge of their functions and other matters which he considers to be related. It is issued following consultation in accordance with section 3(11) of the Act.
10. The Code does not replace or supersede the existing legal framework for access to and re-use of public sector information provided by the:
 - Freedom of Information Act 2000 (as amended by the Protection of Freedoms Act 2012)
 - Environmental Information Regulations 2004
 - Re-use of Public Sector Information Regulations 2005
 - Infrastructure for Spatial Information in the European Community (INSPIRE) Regulations 2009, and
 - sections 25 and 26 of the Local Audit and Accountability Act 2014⁹ which provide rights for persons to inspect a local authority’s accounting records and supporting documentation, and to make copies of them.
11. This Code does not apply to Police and Crime Commissioners, for whom a separate transparency framework applies.

⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266815/Transparency_Code_Government_Response.pdf (see paragraph 37)

⁸ <http://www.cipfa.org/services/counter-fraud-centre/code-of-practice>

⁹ See the Accounts and Audit Regulations 2015 (S.I. 2014/234) for details of when and how those rights may be exercised.

12. This Code only applies to local authorities in relation to descriptions of information or data where that type of local authority undertakes the particular function to which the information or data relates.

13. The Code applies in England only.

Definitions

14. In this Code:

“local authority” means:

- a county council in England
- a district council
- a parish council which has gross annual income or expenditure (whichever is the higher) exceeding £200,000
- a London borough council
- the Common Council of the City of London in its capacity as a local authority
- the Council of the Isles of Scilly
- a National Park authority for a National Park in England
- the Broads Authority
- the Greater London Authority so far as it exercises its functions through the Mayor
- the London Fire and Emergency Planning Authority
- Transport for London
- a fire and rescue authority (constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies, and a metropolitan county fire and rescue authority)
- a joint authority established by Part IV of the Local Government Act 1985 (fire and rescue services and transport)
- a joint waste authority, i.e. an authority established for an area in England by an order under section 207 of the Local Government and Public Involvement in Health Act 2007
- an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009
- a combined authority established under section 103 of that Act
- a waste disposal authority, i.e. an authority established under section 10 of the Local Government Act 1985, and
- an integrated transport authority for an integrated transport area in England.

“a social enterprise”¹⁰ means a business that trades for a social and/or environmental purpose and is a business which:

- aims to generate its income by selling goods and services, rather than through grants and donations
- is set up to specifically make a difference, and
- reinvests the profits it makes for the purpose of its social mission.

“a small or medium sized enterprise” means an undertaking which has fewer than 250 employees.

“voluntary and community sector organisations” means a non-governmental organisation that is value-driven and which principally reinvests its surpluses to further social, environmental or cultural objectives.

Data protection

15. The Government believes that local transparency can be implemented in a way that complies with the Data Protection Act 1998. Where local authorities are disclosing information which potentially engages the Data Protection Act 1998, they must ensure that the publication of that information is compliant with the provisions of that Act. The Data Protection Act 1998 does not restrict or inhibit information being published about councillors or senior local authority officers because of the legitimate public interest in the scrutiny of such senior individuals and decision makers. The Data Protection Act 1998 also does not automatically prohibit information being published naming the suppliers with whom the authority has contracts, including sole traders, because of the public interest in accountability and transparency in the spending of public money.
16. For other situations where information held by local authorities contains public data which cannot be disclosed in a Data Protection Act compliant manner, the Information Commissioner’s Office has published guidance on anonymisation of datasets, enabling publication of data which can yield insights to support public service improvement, whilst safeguarding individuals’ privacy¹¹.
17. To ensure that published valuation information for social housing assets (see paragraphs 38 to 41) is not disclosive of individual properties, authorities are required to publish their valuation data at postal sector level, i.e. full ‘outbound’ code (first part of the postcode) and first digit of the ‘inbound’ code (second part of the postcode). This provides an average cell size of 2,500 households, which should be large enough to prevent identification of individual dwellings. However, in particular areas where the postcode sector gives a number of households below 2,500 the postcode level should be set higher, that is at postcode district level (e.g. PO1 ***).

¹⁰ <https://www.gov.uk/set-up-a-social-enterprise>

¹¹ http://ico.org.uk/for_organisations/data_protection/topic_guides/anonymisation

18. Local authorities should also make the following adjustment prior to publishing social housing valuation data in order to mitigate the possibility of identifying individual properties:

- Step 1 – for any given postcode sector where the number of occupied social housing properties in any valuation bands is less than a threshold of '10', authorities should merge that particular cell with the next lowest valuation band, and so on until the resultant merged cells contain at least '10' occupied social housing properties. However, if continued repetition of step 1 leads to the number of valuation bands applied to that postcode sector falling below the proposed minimum threshold of valuation bands as set out in paragraph 17, authorities should then apply step 2.
- Step 2 – authorities should merge the original (non-merged) valuation data for the relevant postcode sector with the valuation data with any adjoining postcode sectors which show the lowest number of socially rented properties. Then apply Step 1.

Licences

19. When using postcode data (for example, in connection with paragraphs 35 to 41), local authorities will need to assess their current licence arrangement with the Royal Mail with regards to the terms of use of the Postcode Address File (PAF).

Commercial confidentiality

20. The Government has not seen any evidence that publishing details about contracts entered into by local authorities would prejudice procurement exercises or the interests of commercial organisations, or breach commercial confidentiality unless specific confidentiality clauses are included in contracts. Local authorities should expect to publish details of contracts newly entered into – commercial confidentiality should not, in itself, be a reason for local authorities to not follow the provisions of this Code. Therefore, local authorities should consider inserting clauses in new contracts allowing for the disclosure of data in compliance with this Code.

Exclusions and exemptions

21. Authorities should ensure that they do not contravene the provisions of sections 100A, 100B or 100F of the Local Government Act 1972.
22. Where information would otherwise fall within one of the exemptions from disclosure, for instance, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, the Infrastructure for Spatial Information in the European Community (INSPIRE) Regulations 2009 or fall within Schedule 12A to the Local Government Act 1972 then it is at the discretion of the local authority whether or not to rely on that exemption or publish the data. Local authorities should start from the presumption of openness and disclosure of information, and not rely on exemptions to withhold information unless absolutely necessary.

Timeliness and errors

23. Data should be as accurate as possible at first publication. While errors may occur, the publication of information should not be unduly delayed to rectify mistakes. This concerns errors in data accuracy. The best way to achieve this is by having robust information management processes in place.
24. Where errors in data are discovered, or files are changed for other reasons (such as omissions), local authorities should publish revised information making it clear where and how there has been an amendment. Metadata on data.gov.uk should be amended accordingly.

Further guidance and support

25. The Local Government Association has published guidance¹² on transparency (eg. technical guidance notes, best practice examples and case studies) to help local authorities comply with this Code.

¹² <http://www.local.gov.uk/practitioners-guides-to-publishing-data>

Part 2: Information which must be published

Part 2.1: Information to be published quarterly

26. Data covered by this section includes:

- expenditure exceeding £500 (see paragraphs 28 and 29)
- Government Procurement Card transactions (paragraph 30), and
- procurement information (see paragraphs 31 and 32).

27. The data and information referred to in this Part (2.1) must be:

- first published within a period of three months from the date on which the local authority last published that data under the Local Government Transparency Code 2014¹³ and not later than one month after the quarter to which the data and information is applicable
- published quarterly thereafter and on each occasion not later than one month after the quarter to which the data and information is applicable.

Expenditure exceeding £500

28. Local authorities must publish details of each individual item of expenditure that exceeds £500¹⁴. This includes items of expenditure¹⁵, consistent with Local Government Association guidance¹⁶, such as:

- individual invoices
- grant payments
- expense payments
- payments for goods and services
- grants
- grant in aid
- rent
- credit notes over £500, and
- transactions with other public bodies.

¹³ Under the Local Government Transparency Code 2014, local authorities were required to publish this data on the first occasion, not later than 31 December 2014 and quarterly thereafter.

¹⁴ The threshold should be, where possible, the net amount excluding recoverable Value Added Tax.

¹⁵ Salary payments to staff normally employed by the local authority should not be included. However, local authorities should publish details of payments to individual contractors (e.g. individuals from consultancy firms, employment agencies, direct personal contracts, personal service companies etc) either here or under contract information.

¹⁶ <http://www.local.gov.uk/practitioners-guides-to-publishing-data>

29. For each individual item of expenditure the following information must be published:

- date the expenditure was incurred
- local authority department which incurred the expenditure
- beneficiary
- summary of the purpose of the expenditure¹⁷
- amount¹⁸
- Value Added Tax that cannot be recovered, and
- merchant category (eg. computers, software etc).

Government Procurement Card transactions

30. Local authorities must publish details of every transaction on a Government Procurement Card. For each transaction, the following details must be published:

- date of the transaction
- local authority department which incurred the expenditure
- beneficiary
- amount¹⁹
- Value Added Tax that cannot be recovered
- summary of the purpose of the expenditure, and
- merchant category (eg. computers, software etc).

¹⁷ This could be the descriptor that local authorities use in their accounting system providing it gives a clear sense of why the expenditure was incurred or what it purchased or secured for the local authority.

¹⁸ Where possible, this should be the net amount excluding recoverable Value Added Tax. Where Value Added Tax cannot be recovered – or the source of the data being used cannot separate out recoverable Value Added Tax – then the gross amount should be used instead with a note stating that the gross amount has been used.

¹⁹ Where possible, this should be the net amount excluding recoverable Value Added Tax. Where Value Added Tax cannot be recovered – or the source of the data being used cannot separate out recoverable Value Added Tax – then the gross amount should be used instead with a note stating that the gross amount has been used.

Procurement information

31. Local authorities must publish details of every invitation to tender for contracts to provide goods and/or services²⁰ with a value that exceeds £5,000^{21, 22}. For each invitation, the following details must be published:

- reference number
- title
- description of the goods and/or services sought
- start, end and review dates, and
- local authority department responsible.

32. Local authorities must also publish details of any contract²³, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000²⁴. For each contract, the following details must be published:

- reference number
- title of agreement
- local authority department responsible
- description of the goods and/or services being provided
- supplier name and details
- sum to be paid over the length of the contract or the estimated annual spending or budget for the contract²⁵
- Value Added Tax that cannot be recovered
- start, end and review dates
- whether or not the contract was the result of an invitation to quote or a published invitation to tender, and
- whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number²⁶.

²⁰ This includes contracts for staff who are employed via consultancy firms or similar agencies.

²¹ The threshold should be, where possible, the net amount excluding recoverable Value Added Tax.

²² Tenders for framework agreements should be included, even though there may be no initial value.

²³ This includes contracts for staff who are employed via consultancy firms or similar agencies.

²⁴ The threshold should be, where possible, the net amount excluding recoverable Value Added Tax.

²⁵ Where possible, this should be the net amount excluding recoverable Value Added Tax. Where Value Added Tax cannot be recovered – or the source of the data being used cannot separate out recoverable Value Added Tax – then the gross amount should be used instead with a note stating that the gross amount has been used.

²⁶ For example, this might be the company or charity registration number.

Part 2.2: Information to be published annually

33. Data covered by this section includes:

- local authority land (see paragraphs 35 to 37)
- social housing assets (see paragraphs 38 to 41)
- grants to voluntary, community and social enterprise organisations (see paragraphs 42 and 43)
- organisation chart (see paragraph 44)
- trade union facility time (see paragraph 45)
- parking account (see paragraph 46)
- parking spaces (see paragraph 47)
- senior salaries (see paragraphs 48 and 49)
- constitution (see paragraph 50)
- pay multiple (see paragraphs 51 and 52), and
- fraud (see paragraph 53).

34. With the exception of data relating to social housing assets (paragraphs 38 to 41), the data and information in this Part (2.2) must be:

- first published within a period of one year from the date on which the local authority last published that data under the Local Government Transparency Code 2014²⁷ and not later than one month after the year to which the data and information is applicable
- published annually thereafter and on each occasion not later than one month²⁸ after the year to which the data and information is applicable.

The data on social housing assets (see paragraphs 38 to 41) must be published:

- on the first occasion, not later than 1 September 2015 (based on the most up to date valuation data available at the time of publishing the information), then
- in April 2016, and
- every April thereafter.

²⁷ Under the Local Government Transparency Code 2014, local authorities were required to publish this data on the first occasion, not later than 2 February 2015 and annual thereafter.

²⁸ In relation to parking account data, where the local authority's annual accounts have not been finalised, the authority should publish estimates within one month after the year to which the data is applicable and subsequently publish final figures as soon as the authority's accounts are finalised.

Local authority land

35. Local authorities must publish details of all land and building assets including:

- all service and office properties occupied or controlled by user bodies, both freehold and leasehold
- any properties occupied or run under Private Finance Initiative contracts
- all other properties they own or use, for example, hostels, laboratories, investment properties and depots
- garages unless rented as part of a housing tenancy agreement
- surplus, sublet or vacant properties
- undeveloped land
- serviced or temporary offices where contractual or actual occupation exceeds three months, and
- all future commitments, for example under an agreement for lease, from when the contractual commitment is made.

Information about the following land and building assets are to be excluded from publication:

- rent free properties provided by traders (such as information booths in public places or ports)
- operational railways and canals
- operational public highways (but any adjoining land not subject to public rights should be included)
- assets of national security, and
- information deemed inappropriate for public access as a result of data protection and/or disclosure controls (eg. such as refuge houses).

36. For the purposes of this dataset about local authority land (paragraphs 35 to 37), details about social housing should not be published. However, information about the value of social housing stock contained in a local authority's Housing Revenue Account does need to be published for the social housing asset value dataset (paragraphs 38 to 41).

37. For each land or building asset, the following information must be published together in one place:

- Unique Property Reference Number²⁹
- Unique asset identity - the local reference identifier used by the local body, sometimes known as local name or building block. There should be one entry per asset or user/owner (eg. on one site there could be several buildings or in one building there could be several users floors/rooms etc – where this is the case, each of these will have a separate asset identity). This must include the original reference number from the data source plus authority code
- name of the building/land or both
- street number or numbers - any sets of 2 or more numbers should be separated with the ‘-’ symbol (eg. 10-15 London Road)
- street name – this is the postal road address³⁰
- post town
- United Kingdom postcode
- map reference – local authorities may use either Ordnance Survey or ISO 6709 systems to identify the location of an asset, but must make clear which is being used. Where an Ordnance Survey mapping system is used (the grid system) then assets will be identified using Eastings before Northings. Where geocoding in accordance with ISO 6709 is being used to identify the centre point of the asset location then that reference must indicate its ISO coordinates
- whether the local authority owns the freehold or a lease for the asset and for whichever category applies, the local authority must list all the characteristics that apply from the options given below:

for freehold assets:

- occupied by the local authority
- ground leasehold
- leasehold
- licence
- vacant (for vacant properties, local authorities should not publish the map reference or full address details, they should only publish the first part of the postcode³¹).

²⁹ The Unique Property Reference Number (UPRN) is a unique twelve digit number assigned to every unit of land and property recorded by local government, this is a statutory obligation. The UPRN uniquely and definitively identifies every addressable location in the country. The numbers originate from Geo-Place (an OS and LGA joint venture).

³⁰ Local authorities should use the official postal address. Exceptionally, where this is not available, local authorities should use the address they hold for the asset.

³¹ The first part of the postcode, or Outward Code, refers to the area and the district only, http://www.postcodeaddressfile.co.uk/products/postcodes/postcodes_explained.htm

for leasehold assets:

- occupied by the local authority
- ground leasehold
- sub leasehold
- licence.

for other assets:

- free text description eg. rights of way, access etc³².
- whether or not the asset is land only (i.e. without permanent buildings) or it is land with a permanent building.

Social housing asset value

38. Local authorities must publish details of the value of social housing stock that is held in their Housing Revenue Account³³.

39. The following social housing stock data must be published:

- valuation data to be listed at postal sector level³⁴ (e.g. PO1 1**), without indicating individual dwelling values, and ensuring that data is not capable of being made disclosive of individual properties, in line with disclosure protocols set out in paragraphs 15 to 18
- valuation data for the dwellings using both Existing Use Value for Social Housing and market value (valued in accordance with guidance³⁵) as at 1 April. This should be based on the authority's most up to date valuation data at the time of the publication of the information
- an explanation of the difference between the tenanted sale value of dwellings within the Housing Revenue Account and their market sale value, and assurance that the publication of this information is not intended to suggest that tenancies should end to realise the market value of properties.

³² Where a local authority feels unable to verify rights of way information, for example, it should add a short narrative explaining why it is unable to identify and verify the information.

³³ All local housing authorities who hold housing stock are required to account for all income and expenditure in relation to that stock in a separate account which is called the Housing Revenue Account.

³⁴ The first part of the postcode, or Outward Code (which refers only to the area and the district only), and first digit of the second part of the postcode, or Inward Code (the number identifies the sector in the postal district). http://www.postcodeaddressfile.co.uk/products/postcodes/postcodes_explained.htm

³⁵ *Guidance for Valuers on Stock Valuation for Resource Accounting 2010* published by the Secretary of State for Communities and Local Government in January 2011, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5939/1825886.pdf

40. The valuation data and information referred to in paragraph 39 must be published in the following format:

- for each postal sector level, the valuation data should be classified within set bands of value. Authorities must set their valuation bands within the general parameters set out in the table below, in light of the local characteristics of the housing market in their area, in order to ensure that valuation data published by all authorities is consistent and clear to understand:

Valuation Band Range	Intervening bands value
< £50,000 -£99,999	6 Bands of £10,000
£100,000 - £299,999	10 Bands of £20,000
£300,000 - £499,999	4 Bands of £50,000
£500,000 - £999,999	5 Bands of £100,000
£1,000,000 – £2,999,999>	5 Bands of £500,000

- authorities should ensure that any band should only include values that fall within the band parameters (i.e. not give a top value band). If that is the case, the lowest and highest band should be further disaggregated
- authorities should bear in mind that it is likely that the numbers of properties in the lowest and highest bands will be low, leading to potential disclosure problems. The protocol to address this issue is set out in paragraphs 15 to 18
- for each postal sector level, within the set band of value, the data should indicate:
 - the total number of dwellings
 - the aggregate value of the dwellings and their mean value, using both Existing Use Value for Social Housing and market value, and
 - the percentage of the dwellings that are occupied and the percentage that are vacant
- authorities must publish the valuation data for both tenanted and vacant dwellings.

41. An example of how the data specified in paragraphs 39 and 40 could be presented is included at annex C.

Grants to voluntary, community and social enterprise organisations

42. Local authorities must publish details of all grants to voluntary, community and social enterprise organisations. This can be achieved by either:

- tagging and hence specifically identifying transactions which relate to voluntary, community and social enterprise organisations within published data on expenditure over £500 or published procurement information, or
- by publishing a separate list or register.

43. For each identified grant, the following information must be published as a minimum:

- date the grant was awarded
- time period for which the grant has been given
- local authority department which awarded the grant
- beneficiary
- beneficiary's registration number³⁶
- summary of the purpose of the grant, and
- amount.

Organisation chart

44. Local authorities must publish an organisation chart covering staff in the top three levels of the organisation³⁷. The following information must be included for each member of staff included in the chart:

- grade
- job title
- local authority department and team
- whether permanent or temporary staff
- contact details
- salary in £5,000 brackets, consistent with the details published under paragraph 48, and
- salary ceiling (the maximum salary for the grade).

Trade union facility time

45. Local authorities must publish the following information on trade union facility time:

- total number (absolute number and full time equivalent) of staff who are union representatives (e.g. general, learning and health and safety representatives)
- total number (absolute number and full time equivalent) of union representatives who devote at least 50 per cent of their time to union duties
- names of all trade unions represented in the local authority
- a basic estimate of spending on unions (calculated as the number of full time equivalent days spent on union duties by authority staff that spent the majority of their time on union duties multiplied by the average salary), and
- a basic estimate of spending on unions as a percentage of the total pay bill (calculated as the number of full time equivalent days spent on union duties by authority staff that spent the majority of their time on union duties multiplied by the average salary divided by the total pay bill).

³⁶ For example, this might be the company or charity registration number.

³⁷ This should exclude staff whose salary does not exceed £50,000.

Parking account

46. Local authorities must publish on their website, or place a link on their website to this data if published elsewhere:

- a breakdown of income and expenditure on the authority's parking account^{38, 39}. The breakdown of income must include details of revenue collected from on-street parking, off-street parking and Penalty Charge Notices, and
- a breakdown of how the authority has spent a surplus on its parking account^{38,40}.

Parking spaces

47. Local authorities must publish the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.

Senior salaries

48. Local authorities are already required to publish, under the Accounts and Audit Regulations 2015 (Statutory Instrument 2015/234)⁴¹:

- the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000
- details of remuneration and job title of certain senior employees whose salary is at least £50,000, and
- employees whose salaries are £150,000 or more must also be identified by name.

49. In addition to this requirement, local authorities must place a link on their website to these published data or place the data itself on their website, together with a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and 'benefits-in-kind', for all employees whose salary exceeds £50,000. The key differences between the requirements under this Code and the Regulations referred to above is the addition of a list of responsibilities, the inclusion of bonus details for all senior employees whose salary exceeds £50,000 and publication of the data on the authority's website.

³⁸ A parking account kept under section 55 of the Road Traffic Regulation Act 1984 as modified by Regulation 25 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

³⁹ Local authorities should also have regard to both statutory guidance, *The Secretary of State's Statutory Guidance to Local Authorities on the Civil Enforcement of Parking Contraventions*, <http://assets.dft.gov.uk/publications/tma-part-6-cpe-statutory-guidance/betterprkstatutoryguid.pdf>, and non-statutory operational guidance, *Operational Guidance to Local Authorities: Parking Policy and Enforcement*, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212559/parkinginforcepolicy.pdf

⁴⁰ Section 55 (as amended) of the Road Traffic Regulation Act 1984 sets out how local authorities should use a surplus on their parking account. Local authorities should breakdown how they have spent a surplus on their parking account within the categories set out in section 55.

⁴¹ For the accounting year 2014-15, the Accounts and Audit (England) Regulations 2011 (Statutory Instrument 2011/817) remain applicable.

Constitution

50. Local authorities are already required to make their Constitution available for inspection at their offices under section 9P of the Local Government Act 2000. Local authorities must also, under this Code, publish their Constitution on their website.

Pay multiple

51. Section 38 of the Localism Act 2011 requires local authorities to produce Pay Policy Statements, which should include the authority's policy on pay dispersion – the relationship between remuneration of chief officers and the remuneration of other staff. Guidance produced under section 40 of that Act⁴², recommends that the pay multiple is included in these statements as a way of illustrating the authority's approach to pay dispersion.

52. Local authorities must, under this Code, publish the pay multiple on their website, defined as the ratio between the highest paid taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) and the median earnings figure of the whole of the authority's workforce. The measure must:

- cover all elements of remuneration that can be valued (eg. all taxable earnings for the given year, including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind)
- use the median earnings figure as the denominator, which should be that of all employees of the local authority on a fixed date each year, coinciding with reporting at the end of the financial year, and
- exclude changes in pension benefits, which due to their variety and complexity cannot be accurately included in a pay multiple disclosure.

⁴² Openness and accountability in local pay: Guidance under Section 40 of the Localism Act (February 2012), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5956/2091042.pdf

Fraud

53. Local authorities must publish the following information about their counter fraud work⁴³:

- number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014⁴⁴, or similar powers⁴⁵
- total number (absolute and full time equivalent) of employees undertaking investigations and prosecutions of fraud
- total number (absolute and full time equivalent) of professionally accredited counter fraud specialists
- total amount spent by the authority on the investigation and prosecution of fraud, and
- total number of fraud cases investigated.

Part 2.3: Information to be published once only

Waste contracts

54. Local authorities must publish details of their existing waste collection contracts, in line with the details contained in paragraph 32. Local authorities must publish this information at the same time as they first publish quarterly procurement information under paragraphs 27, 31 and 32 of this Code.

Part 2.4: Method of publication

55. Public data should be published in a format and under a licence that allows open re-use, including for commercial and research activities, in order to maximise value to the public. The most recent Open Government Licence published by the National Archives should be used as the recommended standard. Where any copyright or data ownership concerns exist with public data these should be made clear. Data covered by Part 2 of this Code must be published in open and machine-readable formats (further information about machine-readable formats can be found in Part 3.2).

⁴³ The definition of fraud is as set out by the Audit Commission in *Protecting the Public Purse*.

⁴⁴ S.I. 2014/899.

⁴⁵ For example, the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013 gives local authorities the power to require information from listed bodies, during the investigation of fraud connected with an application for or award of a reduction under a council tax reduction scheme: <http://www.legislation.gov.uk/uksi/2013/501/contents/made>

Part 3: Information recommended for publication

56. Part 2 of this Code set out details of the minimum data that local authorities must publish. The Government believes that in principle all data held and managed by local authorities should be made available to local people unless there are specific sensitivities to doing so. Therefore, it encourages local authorities to go much further in publishing the data they hold, recognising the benefits of sharing that data for local people, more effective service delivery and better policy making. Part 3 of this Code sets out details of data that the Government recommends local authorities publish.

Part 3.1: Information recommended for publication

57. Data covered by this section includes:

- expenditure data (see paragraph 58)
- procurement information (see paragraphs 59 and 60)
- local authority land (see paragraph 61 and 62)
- parking spaces (see paragraphs 63 and 64)
- organisation chart (see paragraph 65)
- grants to voluntary, community and social enterprise organisations (see paragraphs 66 and 67), and
- fraud (see paragraph 68).

Expenditure data

58. It is recommended that local authorities go further than the minimum publication requirements set out in Part 2 and:

- publish information on a monthly instead of quarterly basis, or ideally, as soon as it becomes available and therefore known to the authority (commonly known as 'real-time' publication)
- publish details of all transactions that exceed £250 instead of £500. For each transaction the details that should be published remain as in paragraph 29
- publish all transactions on all corporate credit cards, charge cards and procurements, including those that are not a Government Procurement Card. For each transaction the details that should be published remain as set out in paragraph 30
- publish the total amount spent on remuneration over the period being reported on, and
- classify expenditure using the Chartered Institute of Public Finance and Accountancy Service Reporting Code of Practice to enable comparability between local authorities.

Procurement information

59. It is recommended that local authorities place on Contracts Finder⁴⁶, as well as any other local portal, every invitation to tender or invitation to quote for contracts to provide goods and/or services with a value that exceeds £10,000. For each invitation, the details that should be published are the same as those set out in paragraph 31.

60. It is recommended that local authorities should go further than the minimum publication requirements set out in Part 2 and publish:

- information on a monthly instead of quarterly basis, or ideally, as soon as it is generated and therefore becomes available (commonly known as 'real-time' publication)
- every invitation to tender for contracts to provide goods and/or services with a value that exceeds £500 instead of £5,000. The details that should be published are the same as those set out in paragraph 31
- details of invitations to quote where there has not been a formal invitation to tender. The details that should be published are the same as those set out in paragraph 31
- all contracts in their entirety where the value of the contract exceeds £5,000⁴⁷
- company registration number at Companies House
- details of invitations to tender or invitations to quote that are likely to be issued in the next twelve months. The details that should be published are the same as those set out in paragraph 31
- details of the geographical (eg. by ward) coverage of contracts entered into by the local authority
- details of performance against contractual key performance indicators, and
- information disaggregated by voluntary and community sector category (eg. whether it is registered with Companies House, Charity or Charitable Incorporated Organisation, Community Interest Company, Industrial and Provident Society, Housing Association, etc).

Local authority land

61. It is recommended that local authorities should go further than the minimum publication requirements set out in Part 2 and publish information on a monthly instead of annual basis, or ideally, as soon as it becomes available and therefore known to the authority (commonly known as 'real-time' publication). It is also recommended that local authorities should publish all the information possible on Electronic Property Information Mapping Service.

⁴⁶ Documentation for all procurements valued at over £10,000 is stored on Contracts Finder for public viewing as part of government's transparency commitment. <https://online.contractsfinder.businesslink.gov.uk/>

⁴⁷ Where a contract runs into several hundreds of pages or more, a local authority should publish a summary of the contract or sections of the contract, if this would be more helpful to local people and businesses.

62. It is further recommended that local authorities also go further than the minimum publication requirements set out in paragraph 37 by publishing, alongside them in one place, the following information:

- size of the asset measured in Gross Internal Area (m²) for buildings or hectares for land, in accordance with the Royal Institute of Chartered Surveyors Code of Measuring Practice. The Gross Internal Area is the area of a building measured to the internal face of the perimeter walls at each floor level. Local authorities using Net Internal Area (m²) should convert measurements to Gross Internal Area using appropriate conversion factors⁴⁸ and state the conversion factor used
- services offered from the asset using the services listed in the Effective Services Delivery government service function list <http://doc.esd.org.uk/FunctionList/1.00.html> (listing up to five main services)
- reason for holding asset such as, it is occupied by the local authority or it is providing a service on the authority's behalf, it is an investment property, it supports economic development (eg. provision of small businesses or incubator space), it is surplus to the authority's requirements, it is awaiting development, it is under construction, it provides infrastructure or it is a community asset
- whether or not the asset is either one which is an asset in the authority's ownership that is listed under Part 5 Chapter 3 of the Localism Act 2011 (assets of community value) and/or an asset which the authority is actively seeking to transfer to the community
- total building operation (revenue) costs as defined in the corporate value for money indicators for public services⁴⁹
- required maintenance - the cost to bring the property from its present state up to the state reasonably required by the authority to deliver the service and/or to meet statutory or contract obligations and maintain it at that standard. This should exclude improvement projects but include works necessary to comply with new legislation (eg. asbestos and legionella)
- functional suitability rating using the scale:
 - good – performing well and operating efficiently (supports the needs of staff and the delivery of services)
 - satisfactory – performing well but with minor problems (generally supports the needs of staff and the delivery of services)
 - poor – showing major problems and/or not operating optimally (impedes the performance of staff and/or the delivery of services)
 - unsuitable – does not support or actually impedes the delivery of services
- energy performance rating as stated on the Display Energy Certificate under the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended).

⁴⁸ Local authorities are not expected to re-measure buildings. Research undertaken for the Scottish Government offers one method of converting Net Internal Area to Gross Internal Area and can be found at: <http://www.scotland.gov.uk/Resource/Doc/217736/0121532.pdf>

⁴⁹ <http://www.nao.org.uk/wp-content/uploads/2013/02/2010-11-Estates-Management.pdf> (See page 17).

Parking spaces

63. It is recommended that local authorities should publish the number of:

- free parking spaces available in the local authority's area and which are provided directly by the local authority, and
- parking spaces where charges apply that are available in the local authority's area and which are provided directly by the local authority.

64. Where parking space is not marked out in individual parking bays or spaces, local authorities should estimate the number of spaces available for the two categories in paragraph 63.

Organisation chart

65. It is recommended that local authorities should go further than the minimum publication requirements set out in Part 2 and publish:

- charts including all employees of the local authority whose salary exceeds £50,000
- the salary band for each employee included in the chart(s), and
- information about current vacant posts, or signpost vacancies that are going to be advertised in the future.

Grants to voluntary, community and social enterprise organisations

66. It is recommended that local authorities should go further than the minimum publication requirements set out in Part 2 and publish information on a monthly instead of annual basis where payments are made more frequently than a single annual payment, or ideally, as soon as the data becomes available and therefore known to the authority (commonly known as 'real-time' publication).

67. It is further recommended that local authorities publish information disaggregated by voluntary and community sector category (eg. whether it is registered with Companies House, charity or charitable incorporated organisation, community interest company, industrial and provident society, housing association, etc).

Fraud

68. It is recommended that local authorities should go further than the minimum publication requirements set out in Part 2 and publish:

- total number of cases of irregularity investigated
- total number of occasions on which a) fraud and b) irregularity was identified
- total monetary value of a) the fraud and b) the irregularity that was detected, and
- total monetary value of a) the fraud and b) the irregularity that was recovered.

Part 3.2: Method of publication

69. The Government endorses the five step journey to a fully open format:

- One star Available on the web (whatever format) but with an open license
- Two star As for one star plus available as machine-readable structured data (eg. Excel instead of an image scan of a table)
- Three star As for two star plus use a non-proprietary format (eg. CSV and XML)
- Four star All of the above plus use open standards from the World Wide Web Consortium (such as RDF and SPARQL²¹)
- Five star All the above plus links an organisation's data to others' data to provide context

70. The Government recommends that local authorities publish data in three star formats where this is suitable and appropriate⁵⁰, alongside open and machine-readable format, within six months of this Code being issued.

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Department for Communities and Local Government
27 February 2015

⁵⁰ Statistical data, lists etc should be capable of being published in this format but others (eg. organisation charts) may be more difficult.

Annex A: Table summarising all information to be published

Information title	Information which must be published	Information recommended for publication
<p>Expenditure exceeding £500</p>	<p>Quarterly publication Publish details of each individual item of expenditure that exceeds £500, including items of expenditure, consistent with Local Government Association guidance, such as:</p> <ul style="list-style-type: none"> • individual invoices • grant payments • expense payments • payments for goods and services • grants • grant in aid • rent • credit notes over £500 • transactions with other public bodies. <p>For each individual item of expenditure the following information must be published:</p> <ul style="list-style-type: none"> • date the expenditure was incurred • local authority department which incurred the expenditure • beneficiary • summary of the purpose of the expenditure • amount • Value Added Tax that cannot be recovered • merchant category (eg. computers, software etc). 	<ul style="list-style-type: none"> • Publish information on a monthly instead of quarterly basis, or ideally, as soon as it becomes available and therefore known to the authority (commonly known as ‘real-time’ publication). • Publish details of all transactions that exceed £250 instead of £500. For each transaction the details that should be published remain as set out in paragraph 29. • publish the total amount spent on remuneration over the period being reported on. • classify purpose of expenditure using the Chartered Institute of Public Finance and Accountancy Service Reporting Code of Practice to enable comparability between local authorities.

Information title	Information which must be published	Information recommended for publication
Government Procurement Card transactions	<p>Quarterly publication Publish details of every transaction on a Government Procurement Card. For each transaction, the following details must be published:</p> <ul style="list-style-type: none"> • date of the transaction • local authority department which incurred the expenditure • beneficiary • amount • Value Added Tax that cannot be recovered • summary of the purpose of the expenditure • merchant category (eg. computers, software etc). 	<ul style="list-style-type: none"> • Publish all transactions on all corporate credit cards, charge cards and procurements, including those that are not a Government Procurement Card. For each transaction the details that should be published remain as set out in paragraph 30.
Procurement information	<p>Quarterly publication Publish details of every invitation to tender for contracts to provide goods and/or services with a value that exceeds £5,000. For each invitation, the following details must be published:</p> <ul style="list-style-type: none"> • reference number • title • description of the goods and/or services sought • start, end and review dates • local authority department responsible. <p>Quarterly publication Publish details of any contract, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000. For each contract, the following details must be published:</p> <ul style="list-style-type: none"> • reference number • title of agreement • local authority department responsible 	<p>Place on Contracts Finder, as well as any other local portal, every invitation to tender or invitation to quote for contracts to provide goods and/or services with a value that exceeds £10,000.</p> <p>Publish:</p> <ul style="list-style-type: none"> • information on a monthly instead of quarterly basis, or ideally, as soon as it is generated and therefore becomes available (commonly known as ‘real-time’ publication) • every invitation to tender for contracts to provide goods and/or services with a value that exceeds £500 instead of £5,000 • details of invitations to quote where there has not been a formal invitation to tender • all contracts in their entirety where the value of the contract exceeds £5,000

Information title	Information which must be published	Information recommended for publication
	<ul style="list-style-type: none"> • description of the goods and/or services being provided • supplier name and details • sum to be paid over the length of the contract or the estimated annual spending or budget for the contract • Value Added Tax that cannot be recovered • start, end and review dates • whether or not the contract was the result of an invitation to quote or a published invitation to tender • whether or not the supplier is a small or medium sized enterprise and/or a voluntary or community sector organisation and where it is, provide the relevant registration number. 	<ul style="list-style-type: none"> • company registration number at Companies House • details of invitations to tender or invitations to quote that are likely to be issued in the next twelve months • details of the geographical (eg. by ward) coverage of contracts entered into by the local authority • details of performance against contractual key performance indicators • information disaggregated by voluntary and community sector category (eg. whether it is registered with Companies House, charity or charitable incorporated organisation, community interest company, industrial and provident society, housing association, etc).
Local authority land	<p>Annual publication</p> <p>Publish details of all land and building assets including:</p> <ul style="list-style-type: none"> • all service and office properties occupied or controlled by user bodies, both freehold and leasehold • any properties occupied or run under Private Finance Initiative contracts • all other properties they own or use, for example, hostels, laboratories, investment properties and depots • garages unless rented as part of a housing tenancy agreement • surplus, sublet or vacant properties • undeveloped land • serviced or temporary offices where contractual or actual occupation exceeds three months • all future commitments, for example under an agreement for lease, from when the contractual commitment is made. 	<p>Publish information on a monthly instead of annual basis, or ideally, as soon as it becomes available and therefore known to the authority (commonly known as 'real-time' publication). It is also recommended that local authorities should publish all the information possible on Electronic Property Information Mapping Service.</p> <p>Publish the following additional information:</p> <ul style="list-style-type: none"> • the size of the asset measured in Gross Internal Area (m²) for buildings or hectares for land, in accordance with the Royal Institute of Chartered Surveyors Code of Measuring Practice. The Gross Internal Area is the area of a building measured to the internal face of the perimeter walls at

Information title	Information which must be published	Information recommended for publication
	<p>However, information about the following land and building assets are to be excluded from publication:</p> <ul style="list-style-type: none"> • rent free properties provided by traders (such as information booths in public places or ports) • operational railways and canals • operational public highways (but any adjoining land not subject to public rights should be included) • assets of national security • information deemed inappropriate for public access as a result of data protection and/or disclosure controls (eg. such as refuge houses). <p>Information on social housing is also excluded from this specific dataset.</p> <p>For each land or building asset, the following information must be published together in one place:</p> <ul style="list-style-type: none"> • Unique Property Reference Number • Unique asset identity - the local reference identifier used by the local body, sometimes known as local name or building block. There should be one entry per asset or user/owner (eg. on one site there could be several buildings or in one building there could be several users, floors/rooms etc – where this is the case, each of these will have a separate asset identity). This must include the original reference number from the data source plus authority code • name of the building/land or both • street number or numbers - any sets of 2 or more numbers should be separated with the '-' symbol (eg. 10-15 London Road) • street name – this is the postal road address • post town 	<p>each floor level. Local authorities using Net Internal Area (m²) should convert measurements to Gross Internal Area using appropriate conversion factors and state the conversion factor used</p> <ul style="list-style-type: none"> • the services offered from the asset, using the services listed in the Effective Services Delivery government service function list http://doc.esd.org.uk/FunctionList/1.00.html (listing up to five main services) • the reason for holding asset such as, it is occupied by the local authority or it is providing a service in its behalf, it is an investment property, it supports economic development (eg. provision of small businesses or incubator space), it is surplus to the authority's requirements, it is awaiting development, it is under construction, it provides infrastructure or it is a community asset • whether or not the asset is either one which is an asset in the authority's ownership that is listed under Part 5 Chapter 3 of the Localism Act 2011 (assets of community value) and/or an asset where the authority is actively seeking transfer to the community • total building operation (revenue) costs as defined in the corporate value for money indicators for public services

Information title	Information which must be published	Information recommended for publication
	<ul style="list-style-type: none"> • United Kingdom postcode • map reference – local authorities may use either Ordnance Survey or ISO6709 systems to identify the location of an asset, but must make clear which is being used. Where an Ordnance Survey mapping system is used (the grid system) then assets will be identified using Eastings before Northings. Where geocoding in accordance with ISO 6709 is being used to identify the centre point of the asset location then that reference must indicate its ISO coordinates • whether the local authority owns the freehold or a lease for the asset and for whichever category applies, the local authority must list all the characteristics that apply from the options given below: <ul style="list-style-type: none"> <i>for freehold assets:</i> <ul style="list-style-type: none"> ○ occupied by the local authority ○ ground leasehold ○ leasehold ○ licence ○ vacant (for vacant properties, local authorities should not publish the full address details and should only publish the first part of the postcode) <i>for leasehold assets:</i> <ul style="list-style-type: none"> ○ occupied by the local authority ○ ground leasehold ○ sub leasehold ○ licence <i>for other assets:</i> <ul style="list-style-type: none"> ○ free text description eg. rights of way, access etc. • whether or not the asset is land only (without permanent buildings) or it is land with a permanent building. 	<ul style="list-style-type: none"> • required maintenance - the cost to bring the property from its present state up to the state reasonably required by the authority to deliver the service and/or to meet statutory or contract obligations and maintain it at that standard. This should exclude improvement projects but include works necessary to comply with new legislation (eg. asbestos and legionella) • functional suitability rating using the scale: <ul style="list-style-type: none"> ○ good – performing well and operating efficiently (supports the needs of staff and the delivery of services) ○ satisfactory – performing well but with minor problems (generally supports the needs of staff and the delivery of services) ○ poor – showing major problems and/or not operating optimally (impedes the performance off staff and/or the delivery of services) ○ unsuitable – does not support or actually impedes the delivery of services • energy performance rating as stated on the Display Energy Certificate under the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended).

Information title	Information which must be published	Information recommended for publication
Social housing asset value	<p>Annual publication Publish details on the value of social housing assets within local authorities' Housing Revenue Account.</p> <p>Information to be published using the specified value bands and postal sector:</p> <ul style="list-style-type: none"> • total number of homes • the aggregate value and mean value of the dwellings for both existing use value (social housing) and market value, and • percentage of homes that are vacant and that are tenanted. <p>Information to be published at a general level:</p> <ul style="list-style-type: none"> • an explanation of the difference between the tenanted sale value of homes within the Housing Revenue Account and their market sale value, and • an assurance that the publication of this information is not intended to suggest that tenancies should end to realise the market value of properties. <p>Other residential tenanted properties that the authority may hold within their General Fund are excluded from this specific dataset, as is information on other building assets or land that local authorities hold within their Housing Revenue Account.</p>	
Grants to voluntary, community and social enterprise organisations	<p>Annual publication Publish details of all grants to voluntary, community and social enterprise organisations. This can be achieved by either:</p> <ul style="list-style-type: none"> • tagging and hence specifically identifying transactions which relate to voluntary, community and social enterprise organisations within published data on expenditure over £500 or published procurement information, or • by publishing a separate list or register. 	<ul style="list-style-type: none"> • Publish information on a monthly instead of annual basis where payments are made more frequently than a single annual payment, or ideally, as soon as the data becomes available and therefore known to the authority (commonly known as 'real-time' publication).

Information title	Information which must be published	Information recommended for publication
	<p>For each identified grant, the following information must be published as a minimum:</p> <ul style="list-style-type: none"> • date the grant was awarded • time period for which the grant has been given • local authority department which awarded the grant • beneficiary • beneficiary's registration number • summary of the purpose of the grant • amount 	<ul style="list-style-type: none"> • information disaggregated by voluntary and community sector category (eg. whether it is registered with Companies House, charity or charitable incorporated organisation, community interest company, industrial and provident society, housing association etc).
Organisation chart	<p>Annual publication</p> <p>Publish an organisation chart covering staff in the top three levels of the organisation. The following information must be included for each member of staff included in the chart:</p> <ul style="list-style-type: none"> • grade • job title • local authority department and team • whether permanent or temporary staff • contact details • salary in £5,000 brackets, consistent with the details published for Senior Salaries • salary ceiling (the maximum salary for the grade). 	<p>Local authorities should publish:</p> <ul style="list-style-type: none"> • charts including all employees in the local authority whose salary exceeds £50,000 • the salary band for each employee included in the chart(s) • information about current vacant posts, or signpost vacancies that are going to be advertised in the future.
Trade union facility time	<p>Annual publication</p> <p>Publish the following information:</p> <ul style="list-style-type: none"> • total number (absolute number and full time equivalent) of staff who are union representatives (including general, learning and health and safety representatives) • total number (absolute number and full time equivalent) of union representatives who devote at least 50 per cent of their time to union duties • names of all trade unions represented in the local authority 	

Information title	Information which must be published	Information recommended for publication
	<ul style="list-style-type: none"> • a basic estimate of spending on unions (calculated as the number of full time equivalent days spent on union duties multiplied by the average salary), and • a basic estimate of spending on unions as a percentage of the total pay bill (calculated as the number of full time equivalent days spent on union duties multiplied by the average salary divided by the total pay bill). 	
Parking account	<p>Annual publication Publish on their website, or place a link on their website to this data published elsewhere:</p> <ul style="list-style-type: none"> • a breakdown of income and expenditure on the authority's parking account. The breakdown of income must include details of revenue collected from on-street parking, off-street parking and Penalty Charge Notices • a breakdown of how the authority has spent a surplus on its parking account. 	
Parking spaces	<p>Annual publication Publish the number of marked out controlled on and off-street parking spaces within their area, or an estimate of the number of spaces where controlled parking space is not marked out in individual parking bays or spaces.</p>	<p>Local authorities should publish the number of:</p> <ul style="list-style-type: none"> • free parking spaces available in the local authority's area and which are provided directly by the local authority, and • parking spaces where charges apply that are available in the local authority's area and which are provided directly by the local authority. <p>Where parking space is not marked out in individual parking bays or spaces, local authorities should estimate the number of spaces available for the two categories.</p>

Information title	Information which must be published	Information recommended for publication
Senior salaries	<p>Annual publication</p> <p>Local authorities must place a link on their website to the following data or must place the data itself on their website:</p> <ul style="list-style-type: none"> • the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000 • details of remuneration and job title of certain senior employees whose salary is at least £50,000 • employees whose salaries are £150,000 or more must also be identified by name. • a list of responsibilities (for example, the services and functions they are responsible for, budget held and number of staff) and details of bonuses and 'benefits in kind', for all employees whose salary exceeds £50,000. 	
Constitution	<p>Annual publication</p> <p>Local authorities must publish their Constitution on their website.</p>	
Pay multiple	<p>Annual publication</p> <p>Publish the pay multiple on their website defined as the ratio between the highest taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) and the median earnings figure of the whole of the authority's workforce. The measure must:</p> <ul style="list-style-type: none"> • cover all elements of remuneration that can be valued (eg. all taxable earnings for the given year, including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) • use the median earnings figure as the denominator, which should be that of all employees of the local authority on a fixed date each year, coinciding with reporting at the end of the financial year • exclude changes in pension benefits, which due to their variety and complexity cannot be accurately included in a pay multiple disclosure. 	

Information title	Information which must be published	Information recommended for publication
Fraud	<p>Annual publication</p> <p>Publish the following information:</p> <ul style="list-style-type: none"> • number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014, or similar powers • total number (absolute and full time equivalent) of employees undertaking investigations and prosecutions of fraud • total number (absolute and full time equivalent) of professionally accredited counter fraud specialists • total amount spent by the authority on the investigation and prosecution of fraud • total number of fraud cases investigated. 	<p>Local authorities should publish:</p> <ul style="list-style-type: none"> • total number of cases of irregularity investigated • total number of occasions on which a) fraud and b) irregularity was identified • total monetary value of a) the fraud and b) the irregularity that was detected, and • total monetary value of a) the fraud and b) the irregularity that was recovered.
Waste contracts	<p>One-off publication</p> <p>Local authorities must publish details of their existing waste collection contracts, in line with the details contained in paragraphs 32 of the Code, at the point they first publish quarterly contract information under Part 2 of this Code.</p>	

Annex B: Detecting and preventing fraud

Tackling fraud is an integral part of ensuring that tax-payers money is used to protect resources for frontline services. The cost of fraud to local government is estimated at £2.1 billion a year. This is money that can be better used to support the delivery of front line services and make savings for local tax payers.

A culture of transparency should strengthen counter-fraud controls. The Code makes it clear that fraud can thrive where decisions are not open to scrutiny and details of spending, contracts and service provision are hidden from view. Greater transparency, and the provisions in this Code, can help combat fraud.

Sources of support to tackle fraud include:

Fighting Fraud Locally, The Local Government Fraud Strategy

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118508/strategy-document.pdf), was drafted by the National Fraud Authority and CIPFA (the Chartered Institute of Public Finance and Accountancy). The document calls for the adoption of a tougher approach to tackle fraud against local authorities. The strategy is part of a wider collaboration on counter fraud and is the local authority contribution to the national fraud strategy – *Fighting Fraud Together* (<https://www.gov.uk/government/publications/nfa-fighting-fraud-together>) which encompasses both the public and private sectors response to fraud in the UK.

Local authorities should use a risk management approach with strong internal control arrangements to reduce the risk of any payment fraud as a result of publishing public data. Local authorities should refer to the *Chartered Institute of Public Finance and Accountancy Code of Practice on Managing the Risk of Fraud and Corruption* (<http://www.cipfa.org/services/counter-fraud-centre/code-of-practice>). The document sets out a step by step toolkit to tackling fraud: identifying and understanding your fraud risks and potential exposure to fraud loss; assessing current resilience to fraud; evaluating the organisation's ability to respond to potential or identified fraud; and developing a strategy. Developing an anti-fraud culture is an important part of improving resilience; the benefits of improving resilience to fraud include reduced exposure to fraud and an organisation that is better able to identify attempted frauds or vulnerabilities.

The National Fraud Authority have produced a guide on procurement fraud, *Procurement Fraud in the Public Sector*, (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118460/procurement-fraud-public-sector.pdf) which deals with the whole process, from bidding during the pre-contract award phase through to false invoicing in the post-contract award phase.

There are some specific steps local authorities can take to prevent procurement fraud. These might include:

- only accepting requests for changes to supplier standing data in writing

- seeking confirmation from the supplier that the requested changes are genuine, using contact details held on the vendor data file or from previous and legitimate correspondence; and not contacting the supplier via contact details provided on the letter requesting the changes
- ensuring that there is segregation of duties between those who authorise changes and those who make them
- only authorising changes when all appropriate checks have been carried out with legitimate suppliers and only making the changes when the proper authorisations to do so have been given
- maintaining a suitable audit trail to ensure that a history of all transactions and changes is kept
- producing reports of all changes made to supplier standing data and checking that the changes were valid and properly authorised before any payments are made
- carrying out standard checks on invoices before making any payments, and
- regularly verifying the correctness of standing data with suppliers.

Annex C: Social housing asset data to be published

Page 388

Postal Sector	Valuation Band Range	Intervening bands	Dwellings value				Tenure status		
			Total number social housing dwellings	EUV-SH Values		Market Values		% occupied dwellings	% vacant dwellings
				Total	Average	Total	Average		
PO1 1**	<£50,000 - £99,999	<£50,000							
		£50,000 - £59,999							
		£60,000 - £69,999							
		£70,000 - £79,999							
		£80,000 - £89,999							
		£90,000 - £99,999							
	£100,000 - £299,999	£100,000 - £119,999							
		£120,000 - £139,999							
		£140,000 - £159,999							
		£160,000 - £179,999							
		£180,000 - £199,999							
		£200,000 - £219,999							
		£220,000 - £239,999							
		£240,000 - £259,999							
		£260,000 - £279,999							
		£280,000 - £299,999							
	£300,000 - £499,999	£300,000 - £349,999							
		£350,000 - £399,999							
		£400,000 - £449,999							
		£450,000 - £499,999							
	£500,000 - £999,999	£500,000 - £599,999							
		£600,000 - £699,999							
		£700,000 - £799,999							
		£800,000 - £899,999							
		£900,000 - £999,999							
	£1m - £2,999,999>	£1,000,000 - £1,499,999							
		£1,500,000 - £1,999,999							
		£2,000,000 - £2,499,999							
		£2,500,000 - £2,999,999							
		£3,000,000>							

Directorate	Total cost (including pension strain)
Resources x2	£389,192.42
Place x1	£145,821.43
Governance x1	£153,320.45
Children and Culture Services x4	£603,186.56

Date went to GP Committee
Both on 26th March 2018
29th October 2018
25th June 2018
One agreed outside GP Committee on 24th August 2018 - reported at 29th October 2018 GP Committee. Two on 25th June 2018 and one on 29th October 2018.

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>26 February 2019</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Will Tuckley, Chief Executive</p>	<p>Classification: Open</p>
<p>Update on Senior Recruitment - February 2019</p>	

Originating Officer(s)	Amanda Harcus, Divisional Director HR and OD
Wards affected	None

Executive Summary

This report updates Members on recent senior recruitment activity

Recommendations:

The General Purposes Committee is recommended to:

1. Note current position on the recruitment to senior management vacancies in the Council structure;
2. Approve recruitment to the Divisional Director Housing and Divisional Director Planning and Building Control

1. REASONS FOR THE DECISIONS

- .1 General Purposes Committee has responsibility for the appointment to Chief/Deputy Chief Officer posts. It is usual practice for the Committee to establish Appointment Sub-Committees to fulfil the recruitment process and to receive regular progress reports.
- 1.2 Statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011 is taken account within the Council's Pay Policy Statement (which was considered at Full Council on 21 March 2018) and employees being offered a salary package on appointment of over £99,999 per annum are subject to the approval of the General Purposes Committee.
- 1.3 Section 5.2 of the Officer Employment Procedure Rules says the engagement of Chief Officers, to permanent positions or interim positions of over three (3) months, will be through the normal recruitment process overseen by the HR (now the General Purposes) Committee.

2. DETAILS OF THE REPORT

2.1 Background

General Purposes Committee received a report in October 2018 which provided an update on the recruitment to vacant senior positions. This report sets out the current status of recruitment to senior roles in the corporate structure.

2.2 Senior Management vacancies

Details of progress on the recruitment to senior roles is set out in the table below:

Job title	Current arrangements	Comments
Conditional offer		
Divisional Director Adult Social Care	This role is being covered on an interim basis	Post offered and the pre-employment checks currently taking place.
Current recruitment activity		
Corporate Director, Resources	Interim arrangements currently in place	Final interviews for the role took place on Monday, 11 th February 2019
Corporate Director Place	Interim arrangements currently in place	This post is currently being advertised. The timetable is as follows: Closing date: 22 February 2019 Long listing and technical interviews 27 February to 7 March 2019 ASC Shortlist meeting 14 th March ASC Final interviews: 26 th March
Posts to be recruited to		
Divisional Director Housing	This post is being covered on an interim basis	Recruitment process commencing February 2019
Divisional Director Planning and Building Control	The postholder is retiring	Recruitment process commencing February 2019

3. EQUALITIES IMPLICATIONS

The Council is committed to equalities and such considerations will be part of the recruitment process and informs the procurement process. All posts are recruited to on merit. Recruitment to the vacancies has been carried out in accordance with the Council's procedures.

4. OTHER STATUTORY IMPLICATIONS

4.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

4.2 Recruitment to the senior management structure will further enable the Council to deliver excellent services for residents and deliver the associated financial saving.

4.3 Risks associated with recruitment have been mitigated by the engagement of a specialised recruitment adviser.

4.4 There are no other specific implications arising from this report.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

5.1 The posts detailed in this report are funded through existing budgets. There are no additional financial implications arising from this report.

6. COMMENTS OF LEGAL SERVICES

6.1 This is a noting report in respect of the progress of the recruitment to the posts of Division Director Adult Social Care, Corporate Director Resources and Corporate Director Place. This report also seeks the approval of General Purposes Committee to recruit to a further 2 Divisional Director post in Housing and Planning and Building Control.

6.2 Pursuant to section 112 of the Local Government Act 1972, the Council is required to appoint such officers as it thinks necessary for the proper

discharge by the Council of its functions. Pursuant to section 7 of the Local Government and Housing Act 1989, all appointments should be on merit.

- 6.2 The Council has adopted the Officer Employment Procedure Rules in Part 4 6 of the Council's Constitution, which apply to the appointment of chief officers and deputy chief officers. The posts referred to above are all Chief Officer posts.
- 6.3 When carrying out its employment functions, the Council must comply with the requirements of the Equality Act 2010. It must not discriminate on the grounds of any protected characteristics identified in the Act. It must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). In order to ensure the Council meets its obligations the committee should be satisfied that the process followed is fair and that reasonable adjustments are made where appropriate to achieve this.
-

Linked Reports, Appendices and Background Documents

Linked Report

- none

Appendices

- none.

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:

- Catriona Hunt 0207 364 4522

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of the Local Government Act 1972.

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Agenda Item 6.2

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