



Meeting of the

# TOWER HAMLETS COUNCIL

---

Wednesday, 22 March 2017 at 7.00 p.m.

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## A G E N D A

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### VENUE

Council Chamber, 1<sup>st</sup> Floor,  
Town Hall, Mulberry Place,  
5 Clove Crescent,  
London E14 2BG

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**TO THE MAYOR AND COUNCILLORS OF THE LONDON BOROUGH OF TOWER  
HAMLETS**

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.00 p.m.** on **WEDNESDAY, 22 MARCH 2017**

Will Tuckley  
**Chief Executive**

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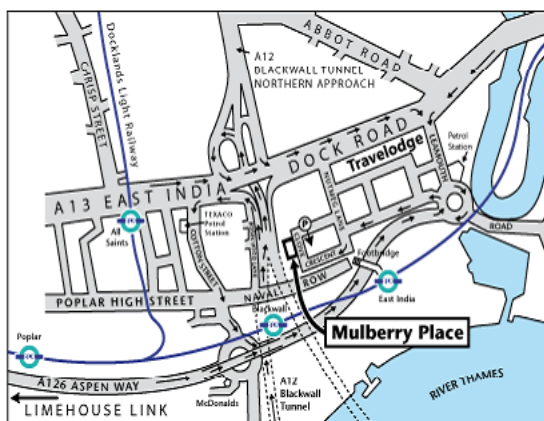
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# LONDON BOROUGH OF TOWER HAMLETS

## COUNCIL

WEDNESDAY, 22 MARCH 2017

7.00 p.m.

PAGE  
NUMBER

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

1 - 4

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. See attached note from the Monitoring Officer.

**3. MINUTES**

5 - 68

To confirm as a correct record of the proceedings the unrestricted minutes of the Ordinary Meeting of the Council held on Wednesday 18 January 2017, the Budget Meeting of the Council held on Wednesday 22 February 2017 and to consider an officer note in respect of that meeting.

**4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE CHIEF EXECUTIVE**

**5. TO RECEIVE PETITIONS**

69 - 72

The Council Procedure Rules provide for a maximum of three petitions to be presented at an Ordinary Meeting of the Council.

The deadline for receipt of petitions for this Council meeting is noon on Thursday 16 March 2017.

However at the time of agenda despatch, the maximum number of petitions has already been received as set out in the attached report.

- 6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC** **73 - 74**
- The questions which have been received from members of the public for this Council meeting are set out in the attached report. A maximum period of 20 minutes is allocated to this agenda item.
- 7. MAYOR'S REPORT**
- The Council's Constitution provides for the Elected Mayor to give a report at each Ordinary Council Meeting.
- A maximum of five minutes is allowed for the Elected Mayor's report, following which the Speaker of the Council will invite the respective political group leaders to respond for up to one minute each if they wish.
- 8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL** **75 - 80**
- The questions which have been received from Councillors to be put at this Council meeting are set out in the attached report. A maximum period of 30 minutes is allocated to this agenda item.
- 9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES**
- 9 .1 Report of the General Purposes Committee: Localism Act 2011 - Pay Policy Statement 2017/18** **81 - 146**
- To receive the report of the General Purposes Committee recommending Full Council adopt the Pay Policy Statement for 2017/18.
- 9 .2 Report of the General Purposes Committee: Revision of the Council' Constitution - Parts 1 to 3** **147 - 446**
- To receive the report of the General Purposes Committee proposing revisions to Parts 1 to 3 of the Council's Constitution.
- 10. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS/EXTERNAL ORGANISATIONS (IF ANY)**
- Nil items.
- 11. OTHER BUSINESS**
- 11 .1 Members' Allowance Scheme** **447 - 456**
- To receive the report of the Acting Corporate Director, Governance and Interim Monitoring Officer proposing the adoption of the Members' Allowance Scheme for 2017/18.

**11 .2 Committee Calendar 2017/18**

**457 - 466**

To consider the report of the Acting Corporate Director, Governance and Interim Monitoring Officer proposing a Committee Calendar for 2017/18.

**12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL**

**467 - 484**

The motions submitted by Councillors for debate at this meeting are set out in the attached report.

# Agenda Item 2

## **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:-

Graham White, Acting Corporate Director, Governance and interim 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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# Agenda Item 3

<p>Non-Executive Report of the:</p> <p><b>Council</b></p> <p>22 March 2017</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Graham White, Acting Corporate Director, Governance</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Minutes of Previous Meetings</b></p>	

## SUMMARY

1. It is for Council to review the minutes of its previous meetings and confirm them (or otherwise) as a correct record of proceedings.

## RECOMMENDATIONS

1. To agree the minutes of the Ordinary Council meeting held on Wednesday 18 January 2017 as a correct record of proceedings.
2. To agree the minutes of the Budget Council meeting held on Wednesday 22 February 2017 as a correct record of proceedings.
3. To agree the supplementary note (attached as Appendix A) as an addition to the minutes of and a variation to the decision of the Budget Council meeting of Wednesday 22 February 2017.

## Appendix A

### Supplementary note:

At the meeting of the Council held on 22<sup>nd</sup> February 2017, Members resolved to agree a council tax for Tower Hamlets in 2017-18 of £966.80 at Band D and set out in subsequent tables was the council tax for all other band taxpayers, before any discounts. Separate tables were also provided setting out the council tax rate both with and without the GLA precept.

It was subsequently identified that because of the rounding of calculations, the amounts set out for the Tower Hamlets element of the council tax in respect of bands, A, E, G and H should have been shown at 01 pence less in each case.

The table below summarises the amounts that reflect the adjustment of the rounding recorded as the amounts of council tax at each band for 2017-18.

Table 1 – Council tax 2017-18

Valuation Band	Range of Values	Proportion of Band D charge	LBTH Council tax	GLA Council tax	Total 2017-18 charge
A	Up TO £40,000	6/9	£644.53	£186.68	£831.21
B	£40,001 - £52,000	7/9	£751.96	£217.79	£969.75
C	£52,001 - £68,000	8/9	£859.38	£248.91	£1,108.29
D	£68,001 - £88,000	9/9	£966.80	£280.02	£1,246.82
E	£88,001 - £120,000	11/9	£1,181.64	£342.25	£1,523.89
F	£120,001 - £160,000	13/9	£1,396.49	£404.47	£1,800.96
G	£160,001 - £320,000	15/9	£1,611.33	£466.70	£2,078.03
H	More than £320,000	18/9	£1,933.60	£560.04	£2,493.64

The content of this note was agreed by Council on 22 March 2017 as an addition to the minutes and a variation to the decision of the Council meeting held on 22 February 2017.

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE COUNCIL****HELD AT 7.00 P.M. ON WEDNESDAY, 18 JANUARY 2017****THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5  
CLOVE CRESCENT, LONDON, E14 2BG****Members Present:**

Mayor John Biggs	Councillor Danny Hassell
Councillor Khales Uddin Ahmed	Councillor Sirajul Islam
Councillor Rajib Ahmed	Councillor Denise Jones
Councillor Shafi Ahmed	Councillor Aminur Khan
Councillor Suluk Ahmed	Councillor Rabina Khan
Councillor Ohid Ahmed	Councillor Shiria Khatun
Councillor Sabina Akhtar	Councillor Abjol Miah
Councillor Mahbub Alam	Councillor Ayas Miah
Councillor Shah Alam	Councillor Harun Miah
Councillor Amina Ali	Councillor Md. Maium Miah
Councillor Abdul Asad	Councillor Mohammed Mufti Miah
Councillor Asma Begum	Councillor Muhammad Ansar Mustaqim
Councillor Chris Chapman	Councillor Joshua Peck
Councillor Dave Chesterton	Councillor John Pierce
Councillor Andrew Cregan	Councillor Gulam Robbani
Councillor Julia Dockerill	Councillor Candida Ronald
Councillor David Edgar	Councillor Rachael Saunders
Councillor Marc Francis	Councillor Helal Uddin
Councillor Peter Golds	Councillor Andrew Wood
Councillor Clare Harrisson	

**The Speaker of the Council, Councillor Khales Uddin Ahmed in the Chair**

During the meeting, the Council agreed to vary the order of business. To aid clarity, the Minutes are presented in the order that the items originally appeared on the agenda. The order the business was taken in at the meeting was as follows:

- Item 1 - Apologies for absence.
- Item 2 – Declarations of Disclosable Pecuniary Interests.
- Item 3 – Minutes.
- Item 4 – Announcements.
- Item 5.1 – Petition regarding Speed Humps at Stainsby Road.
- Item 5.2 – Petition regarding Island Health Trust.
- Item 12.1 – Motion regarding Island Health Trust.
- Item 5.3 – Petition regarding Council Tax Reduction.

- Item 9. 1 - Report of Cabinet: Council Tax Reduction Scheme.
- Item 6 – Public Questions.
- Item 7 – Mayor’s Report.
- Item 13.1 – Urgent motion regarding the proposed change of Osmani School name.
- Item 8 – Members Questions.
- Item 9.2 - Report of Cabinet: Late Night Levy.
- Item 11.1 – Appointment of Independent Co-opted Member.
- Item 11.2 – Appointment of Co-Opted Members .
- Item 12.4 – Motion regarding Government’s failure to tackle the social care crisis.

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Amy Whitelock Gibbs.
- Councillor Rachel Blake.
- Councillor Shafiqul Haque.
- Councillor M. Abdul Mukit.
- Councillor Oliur Rahman.
- Councillor Gulam Kibria Choudhury.

## 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of Disclosable Pecuniary Interests were made.

Councillor Peter Golds declared a personal interest in Agenda Item 5.2 - Petition relating to Island Health Trust. This was on the basis that the Councillor was a patient at the Island Health Centre and was a member of the Patients Panel.

## 3. MINUTES

Councillor Mahbub Alam **moved** and Councillor Gulam Robbani **seconded** an amendment to the minutes to request that a statement detailing the reasons for the Independent Group’s walk-out of the 21 September 2016 Council meeting be attached to the minutes.

The amendment was put to the vote and was **defeated**.

### RESOLVED:

1. That the unrestricted minutes of the Council meeting held on 5 December 2016 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

#### 4. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE CHIEF EXECUTIVE

The Speaker of the Council congratulated Councillor Amy Whitelock-Gibbs on the birth of her baby boy, Felix. The Council passed on their best wishes to the whole family. The Speaker also congratulated Councillor Julia Dockerill on her recent engagement.

#### 5. TO RECEIVE PETITIONS

##### 5.1 Petition relating to Speed Humps at Stainsby Road

Richard Caley addressed the meeting and responded to questions from Members. Councillor Ayas Miah, Cabinet Member for Environment then responded to the matters raised in the petition. He advised the Council had commissioned the Bartlett Park Master plan which included an intention to close the junction of Cottall Street with Upper North Street in the near future which would in turn reduce the amount of traffic on Stainsby Road and improve the situation. Councillor Miah also advised he had instructed officers to develop a scheme for the introduction of speed humps in Stainsby Road and issue this scheme for public consultation by the end of February.

##### RESOLVED:

1. That the petition be referred to the Corporate Director, Place for a written response within 28 days.

##### 5.2 Petition relating to Island Health Trust

Doris Joyce Penn and Adam Allnutt addressed the meeting and responded to questions from Members. Mayor John Biggs then responded to the matters raised in the petition. The Mayor advised that he had met with the CCG and Trust members to seek to address this issue. The Trust had indicated that it was willing to listen to and act on some of the concerns. He hoped to continue to engage with the Trust to ensure that these developments benefit local people and that the local assets were protected. He also advised of specific concerns with the Trust's accounts, which he hoped also to raise with the Charity Commission.

##### RESOLVED:

1. That the petition be referred to the Corporate Director Health Adults and Community, for a written response within 28 days.

##### Procedural Motion

Councillor Dave Chesterton **moved** and Councillor Rajib Ahmed **seconded**, a procedural motion "that under Procedure Rule 14.1.3 the order of business be varied such that Item 12.9 Motion regarding the Island Health Trust be taken

as the next item of business. The procedural motion was put to the vote and was **agreed**.

### **5.3 Petition relating to Council Tax reduction**

The petitioners did not wish to present their petition and so it was referred to the Corporate Director for a written response.

#### **Procedural Motion**

Councillor Danny Hassell **moved** and Councillor Helal Uddin **seconded**, a procedural motion "that under Procedure Rule 14.1.3 the order of business be varied such that Item 9.1 Report of Cabinet – Council Tax Reduction Scheme be taken as the next item of business. The procedural motion was put to the vote and was **agreed**."

## **6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC**

The following question followed by a supplementary question was put and was responded to by the relevant Executive Member:-

### **6.2 Question from Ahmed Hussain**

The council certainly has a duty to collect its taxes & fees either due or unpaid. But is it right to use the council's "Bailiffs" and "Court Orders" inappropriately, too early too soon; if not then why is this council using these resources to often to early?

#### **Response of Councillor David Edgar, Cabinet Member for Resources**

Clearly the Council has a statutory responsibility to collect council tax and there is a statutory process that we need to follow in doing that and I am assured that the use of enforcement agents or bailiffs is only ever taken as a last resort, when all the other options that we have tried to use in order to collect that money have failed. Where we have discretion about the level of court costs enforced and we exercise that discretion and arrangements are kept after the issue of a Liability Order Notice, so we are seeking to increasingly waive court costs to help minimise the impact of the charges made to those who owe the Council money. So I think we do exercise the responsibilities that we have in a way that is humane and takes into account the circumstances of people, but also allows us to do our statutory role in collecting that money which is clearly in the interest of residents of this Council. We need to maximise the council tax that is due to the Council in order to provide the services that we are expected to.

#### **Supplementary question from Ahmed Hussain**

I know that you can't comment on individual cases, but these certain cases have been copied in with the Mayor and I will just give you this as an example and I hope you take it as an example which is affecting in a broader context



the residents of Tower Hamlets. I have two examples here, one whereby the resident actually being pursued for council tax, the actual person who was liable admitted to it and said he will pay up, but the Council did not acknowledge that and proceed with the landlord and while the landlord was trying to have a meeting with the officers instead of giving a meeting they sent in the bailiffs, despite when they asked "don't send the bailiffs we've got mental health patients in the house it will cause a lot of stress", still they did so and they took the money, but at no point did they say they would not going to pay it they wanted to sit down and have a chat and tease out where the problem was. The second one is a bit more unique, whereby someone, they charge rate to a businessman and it was found that he was wrongly charged and the Council admitted it. But following that they already started the court procedure and now they are pursuing the £200 for the court procedure and they sent out for the bailiffs, they sent a letter saying that if you don't pay this we will send the bailiffs, so the person paid up. What I am trying to get here is that none of these people said they don't want to pay, they only wanted to sit down with an officer and tweak out where the problems is see where the tease are and if they have to pay they have to pay, if they don't have to pay they don't have to pay. So can you assure us that the Council officers are going to sit down, we did try on several occasions to sit down with the Council, I have got a lot of emails and correspondence to show you, but they would not recognise that they would not even say yes or no we can't sit down, they would just keep on saying pay this, pay this, pay this. Why is it so difficult for Council officers to sit down with the residents? Can they not do that?

#### **Councillor David Edgar's response to supplementary question**

I would certainly hope that where it is appropriate for us to sit down with residents and talk about a payment plan then that is something that we would do. As you say you can't name particular individuals here, but I am clearly happy for you to contact me outside of this meeting and for me to get the details of the particular instances. Maybe they are ones where, in the Council's view, we have a different account and we did what we needed to do, but they may be examples of failings in the process that we normally have, so I am interested in finding out about the individual cases and maybe there are things that we could learn or things that we should have done differently there, but I would need to look at them in detail. So if you are happy to share those details subsequently then I would be happy to consider them, but I would like to say that the Council has both an obligation to its council tax payers and others to maximise the income, it tries to do that I think in a humane way and I am sure that it generally succeeds, and alongside the work that it does in collecting it also makes sure that there is advice given to people about how they can maximise their income, how they can manage debts and the Council's approach is, I think a balanced one where we both try to maximise the income, but also support people when they need support. But do send me the particular cases and I am very happy to sit down and have this conversation about them and see if there are things that we should have done differently or things we can learn.

Question 6.1 was not put due to the absence of the questioner. A Written response would be provided to the question.

## **7. MAYOR'S REPORT**

The Mayor made his report to the Council, referring to his written report circulated at the meeting, summarising key events, engagements and meetings since the last Council meeting.

When the Mayor had completed his report and at the invitation of the Speaker the leaders of the Conservative Group, Independent Group and People's Alliance of Tower Hamlets responded briefly to the Mayor's report.

### **Procedural Motion**

Councillor David Edgar **moved** and Councillor Sirajul Islam **seconded**, a procedural motion "that under Procedure Rule 14.1.5, Rule 13.1 be suspended to enable an urgent motion regarding the proposed change of Osmani School name to be considered". The procedural motion was put to the vote and was **agreed**.

## **8. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL**

The following questions and in each case supplementary questions were put (except where indicated) and were responded to by the Mayor or relevant Executive Member:-

### **8.1 Question from Councillor Clare Harrison**

Will the Mayor confirm that, contrary to some opposition scaremongering, he will not be recommending removing the 100% Council Tax Reduction Scheme support unlike many other boroughs?

### **Response of Mayor John Biggs**

I am happy to confirm that, as has already been debated. I think it is worth noting that under my predecessor over £100 million pounds worth of savings were taken out of the Council's budget, they were done progressively by hollowing out centres and services. What we are doing is creating a solid way forward, but within that we have the headroom in our budget to continue to support people on the lowest incomes and we are very committed as a Labour group to tackling the problems of poverty and exclusion in our community, both by addressing people's needs for support with their incomes, but also by supporting people in improving their circumstances in getting into work. I think that is progressive. I was previously compared to Tony Blair. I don't particularly like being compared to Tony Blair, but I think he did teach us a number of things about progression and about how we support our communities and I am proud that he did that.

**No supplementary question from Councillor Clare Harrisson****8.3 Question from Councillor Andrew Cregan**

Smarter Streets is being trialled in three wards - Bromley North, Island Gardens and Stepney Green – and enables residents to very easily report litter and fly-tipping using their smart phones. Are there any early indications about the success of the trial scheme?

**Response of Councillor Ayas Miah, Cabinet Member for Environment**

As part of our ongoing strategy to deal with littering a fly-tipping we are incorporating technology as a way to make it easier to report. Smart Streets is still in its early stages, the pilot scheme across the three wards was fully initiated and set for public use in September 2016. We had an advertising push in December, encompassed a range of channels, including a household flyer distribution, social media, East London Advertiser and Council internet/intranet. Further promotion materials are set to go out until February 2017. Smart Street is in its early stages, we have not seen the uptake we would have liked by now but this is still very much a trail stage. We are reviewing a change in strategy to amplify the use and benefits of the scheme to channel direct delivery, including current location and implementing in high footfall areas.

**No supplementary question from Councillor Andrew Cregan****8.4 Question from Councillor Julia Dockerill**

Is the Mayor aware that when neighbouring Newham Council sought to set up a new free school without a proper, open competition, it ended up costing three council officers their jobs after they effectively broke the law?

What assurances can the Mayor provide councillors that Tower Hamlets will be running an open, fair and compliant tendering process for the London Dock and Westferry free school sites?

**Response of Mayor John Biggs**

I am very happy to confirm that our officers will act in total compliance with the law. As you know there are a number of free school site, particularly the two secondary school sites that we have been discussing, the lead member and our officers and we will start with the presumption, that I think is called the free school presumption, is followed, which means that there is a competitive process. I am very happy to work with Council Dockerill particularly in relation to the school in Wapping as I will with Councillor Jones.

**Supplementary question from Councillor Julia Dockerill**

In his report to Council, the Mayor advised that he has been holding discussions with the planned arrival of the new secondaries, and 'do we need them?' he asks. What is his answer and if he has concerns about demand for

places is it wise to exclude girls from admissions by having gender segregated education on the London Dock site, which is apparently being promoted in demand of parents north of The Highway, but it is certainly not what parents south of The Highway want.

### **Mayor John Biggs' response to supplementary question**

I am very clear that we should follow the proper process and I am sure that my lead member wants to make sure this happens as well. I know there is a lot of pressure for a mixed school on the Wapping site. The reason I raised this question about whether we want the school is because the government has now announced that we are going to have a new sixth form entry secondary school on the Commercial Road, which we didn't know anything about until the press statement came out, in the former London College furniture site and that sort of announcement by government, of free schools plonking out of thin air, does rather disrupt our planning process and we need to look closely at the impact that that has as well, but I absolutely support the principle that the people of Wapping should have access to a school that represents their desires, but we have to balance that against the desires of other people and the fact that the majority of school kids who will go to that school will come from north of The Highway as well, but yes, I like mixed schools and I hope that it will be a mixed school.

### **8.5 Question from Councillor Helal Uddin**

The Tower Hamlets Education Partnership launched in late September this year. What work has been undertaken by the Partnership since the formal launch – and what is planned for the near future?

### **Response of Councillor Rachael Saunders, Deputy Mayor and Cabinet Member for Education & Children's Services**

85% of Tower Hamlets Council schools are now full members of the partnership, 88 of 103 schools. Member schools include nursery, primary and secondary schools special schools academies and three of the four Teaching Alliance schools in the borough. There is also a diverse range of associate members, other organisations other than schools who want to work closely with our schools on education related works. A diverse range of associate members including, Aldgate and All Hallows Foundation, Bow Arts, Queen Mary University, Spitalfields Small Business Association. A longer list of excellent organisations that I don't necessarily need to read out.

Cath Smith who is the head teacher of Bow School began a one year secondment part-time as executive director in September 2016. Ian Jones who is the head at Mary Richardson primary school is our primary advisor working one day a week. There is an interim board chaired by Christine Gilbert with excellent people on it, but we need to increase the diversity of the leadership of the organisation. A new board is due to be appointed at the AGM in March 2017. The organisation is being established with Companies House and then as a charity, as you would expect, and the offer to schools has just been circulated and I can tell you more about that if you like.

**No supplementary question from Councillor Helal Uddin****8.6 Question from Councillor Abdul Asad**

Could the Mayor provide an update on what actions have been taken to keep Old Ford Housing a locally based Housing Provider as agreed in the original transfer documents?

**Response of Mayor John Biggs**

I am anxious that the residents of Bow in particular, but Old Ford covers other parts of the borough as well, should receive a service that is locally based and is accountable to them. I don't have absolute power in this as I don't over a number of other matters, for example the naming of schools and so on, I have had a number of meetings with local Councillors, with chief executives of both Circle and Affinity Sutton, the chief executive of which is now the chief exec of Clarion. I also met with the directors of Old Ford Housing Association, which still legally exists, and there have been a number of conversations about how we might resolve this and I am happy to undertake to report back to you about what progress we make with that. Can I also thank the local Councillors for the very active role in supporting residents off the estate, particularly in Bow, who are very anxious about the performance. The underlying problem with the performance of Circle has been a great concern and I am pleased that there seems to be some beginnings of a sign that that might be improving under Clarion, but I think this story is well from over.

**Supplementary question from Councillor Abdul Asad**

The Mayor is very experienced and you probably were involved in helping setting up Old Ford housing, maybe there is something under the Tory government Housing Action Trust, but I would be very keen to have the reports when you have your meetings with them.

**Mayor John Biggs' response to supplementary question**

I note that Chair. I don't think I need to respond.

**8.7 Question from Councillor Danny Hassell**

Can the Mayor or portfolio holder provide an update on plans to bring Old Flo back to the borough?

**Response of Councillor Asma Begum, Cabinet Member for Culture**

Unlike the previous administration, we value this borough's culture and heritage and don't just see it as a cash cow to be melted down for cash. That is why we took the decision to save Old Flo and to return her to her rightful place in the borough. We don't just want to return this artwork to its spiritual home, we want Old Flo to play a vital role in the cultural make-up of the borough, to be a focal point for schools and educators, and to be a visitor

attraction that adds to Tower Hamlets already enviable reputation as a creative borough. We are currently in the process of identifying a suitable organisation to host the artwork and provide a safe and accessible local home for 'Old Flo', which will allow the residents to enjoy this historic piece of local art without the financial liability to the borough.

### **Supplementary question from Councillor Danny Hassell**

Does the lead member agree that the decision of the previous administration and many members opposite to flog this art represents not only their callous disregard for the value of public art, but also would have put at risk funding for art projects in our borough, given that other councils when selling such works of art have had their grants cut and have been essentially blacklisted by the Arts Council and other organisations?

### **Councillor Asma Begum's response to supplementary question**

Absolutely. We want to enrich the lives of our residents and inspire the creative talents of our young people in particular I am proud that we continue to fund a range of events which celebrate the diversity of the community and support organisations which in turn enhance the lives and wellbeing of our residents and help our creative industries to thrive.

### **8.8 Question from Councillor Ohid Ahmed**

Does the Mayor believe that dealing with the drugs and drug-related crimes in Tower Hamlets - which links to vicious cycle of poverty, lack of social mobility, abuse, dependence, self-harm - is one of his priorities?

### **Response of Councillor Shiria Khatun, Deputy Mayor and Cabinet Member for Community Safety**

Tackling drug-related crime is a top priority of our Mayor, John Biggs and of our administration and we've always been very clear on the need to be tough on drug crime, and supportive of people who need treatment for substance misuse. The Substance Misuse Strategy was agreed by Council in September. I know Cllr Ahmed and his group colleagues had walked out of the meeting before we had discussed the report, but I'd very happy to go over the Strategy with him in more detail. We work very closely with the police to tackle drug dealing in the borough and we arrest more drug dealers in Tower Hamlets than in any other borough. We are also soon to be part of the Home Office Heroin and Crack Action Area pilot.

However, we cannot underestimate the pressures the police face. The Conservative Government have made huge cuts to policing budgets. As you know, Tower Hamlets Council funds the Partnership Task Force.

I would also note the Mayor of London's excellent announcement that every ward in the borough is to be given a second dedicated neighbourhood police officer.

We now have the Community Safety Plan and the Substance Misuse Strategy in place. The strategy is very clear – in order to limit the impact of substance misuse, we need to support those experiencing substance misuse, facilitate access to treatment, and restrict the supply of drugs.

### **Supplementary question from Councillor Ohid Ahmed**

A few weeks ago, Tower Hamlets was declared to have one of the worst drug related problems in the entire UK, based on people dying or being taken to hospital. There were 682 people admitted to hospital last year, 2015/16, because of drugs problems. There were 35 people who died because of drug problems. 1,513 crimes committed in the last 12 months. You already mentioned that this is a drug heaven. There were 37,625 drug seizures made, which is the highest of any authority in this country. My question is straightforward, Mr Mayor, do you actually take this drug problem seriously and if you do are you going to put any money into it?

### **Councillor Shiria Khatun's response to supplementary question**

I did not say that Tower Hamlets was a drug heaven, what I actually said was we are also seem to be part of the Home Office Heroin and Crack Action Area pilot which means more financial support to continue the good work that we are doing in order to get people off of drugs. One of the other things I would like to mention, Councillor Ahmed rightly so talked about drugs related issues, however the Substance Misuse Strategy that was agreed at Full Council in September, unfortunately everyone there apart from the Tories walked out of that Council meeting. The strategy is very in depth and has three strands and if anybody is interested to talk about the strategy or know more about it then I am more than willing to spend time going through the strategy.

### **8.9 Question from Councillor Amina Ali**

Shelter estimated that over the Christmas period, 120,000 children were homeless. This figure is up two-thirds since 2010. What action is the Council taking to house homeless families?

### **Response of Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing Management & Performance**

Council members will be aware of the huge progress on bed and breakfast accommodation that we have made since Mayor Biggs was elected. We were shocked to find that under the previous administration over 230 households had been in B&B for longer than six weeks, and are proud that we have reduced that number to zero. We may be the only borough to be statutorily compliant. Indeed by Christmas we had moved almost every single family out of Bed & Breakfast accommodation and into self-contained temporary accommodation. However the ongoing housing crisis means that the total numbers of households in temporary accommodation remains high at over 2,100. The only solution to this is to build more homes, and in particular council homes, which is the major priority of our new housing strategy.

**Supplementary question from Councillor Amina Ali**

Does the cabinet member believe the Tories housing and planning act will make it easier or harder for us to reduce the affliction of homelessness in our borough?

**Councillor Sirajul Islam's response to supplementary question**

Unsurprisingly, given what I have said in this Council Chamber before on this subject, I think it will undoubtedly make it harder. While I welcome the Government's U-turn on pay to stay, there are still incredibly damaging measures in the Act, including the forced sell off of much needed social housing, and the perverse approach to new affordable housing through starter homes. More importantly the Act does not help us with funding for the land, bricks, and mortar we need to build council homes. The Act neither says anything about controlling private sector rent, whilst this is one of the main causes of increased homelessness.

**8.10 Question from Councillor Peter Golds**

Concerns have been raised by residents of Manchester Road as to vibration from traffic which is causing serious problems to residential housing. Thames Water recently completed repairs to Manchester Road at the Manchester Grove intersection; however the road surface was left uneven on completion.

Thames Water say the repair was signed off by Tower Hamlets Council. The uneven surface is now causing vibration issues in an area with many known water breaks and is affecting nearby houses. In this situation who takes responsibility, Thames Water or Tower Hamlets Council for signing off the completed road repair?

**Response of Mayor John Biggs**

We have had a couple of meetings with Isle of Dogs Councillors from all parties to discuss these issues, I take it very seriously. The Council formally signs things off under the Street Work Act, but I am more than happy to arrange a visit with Councillor Golds and officers to see this site. I am aware that particularly when a road reinstatement is near to older properties, the vibration and impact can be quite severe, so very happy to do that as a priority.

**Supplementary question from Councillor Peter Golds**

There is a situation of the road table near Island Gardens Station, where as the buses come off, particularly those going along Manchester Road to Westferry Road, as they come off the bang is such that you could stand in several of the cottage houses on the Chapel House estate and feel the bump, actually stand inside and feel the bump. On two of them I have drawn attention to Council officers of cracks in the wall and all I get is saying that Council officers visiting the premises have measured the bump and there isn't a bump. In fact if they actually went inside the houses, and all the residents



there are quite happy to invite them in, and feel the bumps and see the cracks and I wonder if you could use your good officers to ensure that takes place.

### **Mayor John Biggs' response to supplementary question**

I am more than happy to do that and while I am on my feet, I can also address the responsibility members have to convey information, and I want our member support service and our officers to be responsive to local issues such as this and I am happy to discuss it with Councillor Golds outside the meeting. I think that members also have a responsibility to brief their residents accurately on proposals and I just want to refute the suggestion that I want to chop down trees *en masse* and build massive cycle superhighways on Manchester Road either. I think we all agree that we want to provide a safe environment on the Isle of Dogs, resolve problems with speeding and provide a good quality of life for people in the area.

### **8.11 Question from Councillor John Pierce**

Can the Cabinet Member assess the effectiveness of the Whitechapel Public Spaces Prevention Order, which was brought in to tackle anti-social behaviour around the pedestrian footpath connecting Old Montague Street and Whitechapel Road?

### **Response of Councillor Shiria Khatun, Deputy Mayor and Cabinet Member for Community Safety**

Tower Hamlets first Public Spaces Protection Order (PSPO) officially commenced on 1<sup>st</sup> October last year at Kings Arms Court in Whitechapel. The location is a busy pedestrian footpath connecting Whitechapel Road to Old Montague Street and is adjacent to Hopetown Hostel and residential properties. There had been a persistent high volume of anti-social behaviour (ASB) complaints for a few years in that area.

A PSPO provides power for Police and designated Council officers to take action by use of Fixed Penalty Notices or other enforcement actions, if individuals behave in contravention of the order. The location also now has 24/7 recorded CCTV coverage. The cameras monitoring this area are a priority for our CCTV control room here in the Council and they will advise Police and council THEO's of any breaches of the order to enable appropriate action to be taken straight away. The CCTV team also advise Police and Council officers of any anti-social activities which are recorded so it can be used to identify offenders.

Recently, one offender was recorded on CCTV. He was identified by the ASB Team, found to be in breach of a probation order and was arrested on 19<sup>th</sup> November last year for a number of offences and breach of his probation.

The six week appeal period has now passed and there have been no objections or challenges to the Council's first PSPO. The PSPO's require a considerable amount of work in terms of research, public consultation and implementation.

**Supplementary question from Councillor John Pierce**

Would you agree that the previous Mayor and his cabinet, particularly his lead for tackling these issues across the borough were asleep at the wheel for the last five years?

**Councillor Shiria Khatun's response to supplementary question**

I absolutely concur with you Councillor Pierce, particularly it is very concerning, because the previous Mayor, from what I know, lives in Old Montague Street and this area has been subjected to ASB and many other issues for a number of years, so yes it has been neglected and under the new Mayor it has now received a lot of attention that the area has not received in the past.

**8.12 Question from Councillor Rabina Khan**

Could the Mayor confirm if any of Tower Hamlets Children's Centres have failed OFSTED Inspections?

**Response of Councillor Rachael Saunders, Deputy Mayor and Cabinet Member for Education & Children's Services**

Following Ofsted inspections in 2014/15, 9 of our children's centres showed cause for concern and were judged to require improvement.

**Supplementary question from Councillor Rabina Khan**

As I can tell from the report, none of our children centres have failed their inspections. Two were last judged 'good' and 8 have been given 'requires improvement'. Looking at all the report it is clear that each of these centres were doing a good job and only falling down because the criteria on how they were evaluated had changed. Is it true that Tower Hamlets Labour Party passed a motion in December that the Olga Children's Centre was opened in name only and that the empty purpose building should be made available to a childcare provider in order to increase the supply of affordable childcare? Is the Labour Party proposing to privatise children's centres?

**Councillor Rachael Saunders' response to supplementary question**

I have no recollection of the motion you describe and I wouldn't usually spend Full Council discussing Labour Party motions anyway, what I can tell you though was that when we came to office what we found was a hollowed-out children's centres service. I am absolutely hole hearted about the importance of having, it was something that New Labour created, the fact that we should have an arm of the state which is about supporting families in their earliest years, partly and the bulk of our resources go to the most vulnerable families who need it most, but also because it is such an important part of cohesion and bringing communities together to have children playing with each other and parents meeting one another, so I was really frustrated when the Mayor

was elected and I took on this role to find that contrary to all of the assurances we had been given in a scrutiny review that Councillor Whitelock-Gibbs led quite shortly before, in fact the cuts that your administration made meant there was very little going on in a number of our children's centres, these Ofsted issues has not in any way been spoken about or published or discussed even in scrutiny sessions when we asked about it very specifically, and there are real challenges. So we are going to improve the children's centres services, more families and more children will use the services and we will have far more of an impact in tackling the impact of child poverty in the borough.

### **8.13 Question from Councillor Candida Ronald**

What impact will the new school funding formula have on children in Tower Hamlets?

#### **Response of Councillor Rachael Saunders, Deputy Mayor and Cabinet Member for Education & Children's Services**

London Councils have estimated almost all inner London boroughs will lose funding as a result of the new formula. The vast majority of funding for each pupil will be determined nationally, not locally and we expect full implementation by 2019/20. All schools in Tower Hamlets would lose on average 2.7%. This equates to a Primary losing £55k and a Secondary £203k. The Mayor has been campaigning on this, as have I, as have people across London, local authorities and the Labour Party more broadly.

Essentially the success story of education in Tower Hamlets is partly that of leadership and community engagement and excellent teachers, excellent head teachers and children absolutely taking responsibility for their own success supported by their families, but the other side of that success story is a Labour government which has decided that funding needs to go into the areas which needed it because of poverty. A combination of funding and leadership has meant that our young people have achieved extraordinary success, especially at GCSEs and that is now at very seriously at risk.

### **Supplementary question from Councillor Candida Ronald**

Do you believe that this Tory government are playing politics with our children's lives?

#### **Councillor Rachael Saunders' response to supplementary question**

I think that not only are the conservatives playing politics with people's lives, but they are taking money from the poorest children and giving it to the leafy suburbs and it is a scandal.

### **8.14 Question from Councillor Mahbub Alam**

Can the Mayor please list the specific activities and tasks that each of the appointed Mayoral Advisers have carried out in line with their job description which were agreed by the Council?

**Response of Mayor John Biggs**

The Mayoral Advisers have carried out a wide range of tasks and activities in relation to the areas I have asked them to advise me on, but my office does not offer a diary support so I am unable to provide precise details.

Cllr Chesterton has regularly attended meetings with planning officers and external developers, in order to provide advice to myself and the Cabinet member for Strategic Development, and has provided extensive input to the draft Local Plan and a number of other areas relating to the Isle of Dogs

Cllr Denise Jones has offered extensive advice in relation to service quality, with particular focus on contractual matters in regards to waste and street cleansing. She has represented me in meetings with Veolia, and will continue to be engaged in this area. I have asked her to lead on the development of the council's position in relation to Aldgate masterplanning, and I understand she has met with officers and Cabinet members to further that.

Cllr Helal Uddin has met with me regularly to discuss community engagement and liaison, and has helped further the development of the Council's approach to community engagement. He has met myself and other members regularly on an informal basis to discuss how the Council can further improve our work in relation to equalities, foster stronger inter-community relations.

**Supplementary question from Councillor Mahbub Alam**

Can you tell me how many hours each of the three Mayoral Advisors have worked on the specific objectives outlined in the job descriptions for their second jobs and what outcomes have been achieved because of their contribution? Can they provide full details of the items of advice provided by the three Mayoral Advisors to him and what action has been taken by him as a result? I am happy for him to answer as much as he can now, if he can, in the interests of accountability and transparency, but if he has not got the details to hand I am happy for him to write to me with further information by next week and please ensure that the details of his reply are fully recorded in the minutes.

**Mayor John Biggs' response to supplementary question**

If the member wants to write to me with that question. I have already answered that we don't provide diary support so I can't provide precise details of the activities, but I have given you an account of the work that they are doing and I am very pleased with the work that they are doing and if I wasn't pleased I would remove them from that office instantaneously.

Question 8.2 was not put due to the absence of the questioner. Questions 8.15- 8.27 were not put due to lack of time. Written responses would be provided to the questions.

## 9. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

### 9.1 Report of Cabinet: Council Tax Reduction Scheme

The Council considered the report of Corporate Director, Resources regarding the Council Tax Reduction Scheme. Additional papers for this item were circulated to all Members in an addendum to the Agenda.

Under Council Procedure Rule 14.1.8 Councillor David Edgar, Cabinet Member for Resources **moved** and Mayor John Biggs **seconded** an amendment to the recommendations requesting that should the Council make any amendments to the scheme tonight or if there were any technical changes subsequently that took place in relation to matters in the scheme, that the Corporate Director, Resources be authorised to make any technical changes to the draft Local Council Tax Reduction Scheme to ensure that the Council's approved scheme is adequately reflected and implemented.

The amendment was put to the vote and was **agreed**.

Following further debate, the recommendations as amended were put to the vote and were **agreed**.

#### **RESOLVED:**

1. That the continuation of the current Local Council Tax Reduction Scheme for 2017/18 be approved which retain the 100% support for working age households within the LCTRS scheme but that the scheme is changed to reflect the following:
  - (a) the period for which backdated claims for LCTRS can be made will be one month;
  - (b) the length of time LCTRS claims can continue whilst the recipient is abroad will be 4 weeks;
  - (c) the Council introduces a scheme in addition to LCTRS to help applicants suffering exceptional hardship;
  - (d) households with non-dependants income above £370.50 per week will be excluded from support and non-dependant deductions will apply to all other non-dependants with income below £370.50 per week (as set out in appendix 1 of the Cabinet report);
  - (e) an assumed income for self-employed earners where their self-employment earnings after one year is declared at below equivalent minimum wage levels, minimum wage levels will be assumed in the assessment of LCTRS;

- (f) the savings limit is to be lowered to £6k from £16k in order to qualify for LCTRS.
- 2 That the revised Local Council Tax Reduction Scheme for 2017/18 (which includes the changes at 1 above) at Appendix 4 be adopted. (to follow).
  3. That the Corporate Director Resources be authorised to make any technical changes to the draft Local Council Tax Reduction Scheme to ensure that the Council's approved scheme is adequately reflected and implemented.

## 9.2 Report of Cabinet: Late Night Levy

The Council considered the report of the Corporate Director, Place on the proposed Late Night Levy. The Council noted that the Mayor in Cabinet on 10<sup>th</sup> January 2017 agreed the recommendations subject to bringing forward the proposed start date to 1 June 2017.

Following debate, the recommendations were put to the vote and were **agreed**.

### **RESOLVED:**

1. That the Late Night Levy be adopted;
2. That the levy commencement period should be the 1<sup>st</sup> June 2017.
3. That the commencement time should be from midnight
4. That the income from the levy, less collection costs, should be allocated through the Community Safety Partnership.
5. That Members of the Best Bar None Scheme receive a 30% reduction from the levy.
6. That the following premises would be exempt from the levy:
  - Premises with overnight accommodation
  - Theatres and Cinemas
  - Bingo Halls
  - Community Amateur Sports Clubs
  - Community premises
  - Premises opening past midnight for New Year's Eve only
7. That the following licensed premises would not be exempt from the levy, as :
  - Country Village Pubs

- Premises in Business Improvement Districts
- Premises that receive a small business rate relief.

## 10. TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS/EXTERNAL ORGANISATIONS (IF ANY)

There was no business to transact under this agenda item.

## 11. OTHER BUSINESS

### 11.1 Standards (Advisory) Committee - Appointment of Independent Co-opted Member

The Council considered the report of the Acting Corporate Director, Governance and Interim Monitoring Officer proposing the appointment of an Independent Co-opted Member to the Standards (Advisory) Committee

#### RESOLVED:

1. That the appointment of Ms Fiona Browne as an Independent Co-opted Member of the Standards (Advisory) Committee be approved for a term of office of four years to expire on 31 January 2021.

### 11.2 Overview and Scrutiny Committee - Appointment of Co-Opted Members

The Council considered the report of the Acting Corporate Director, Governance and Interim Monitoring Officer proposing the appointment of Overview and Scrutiny Committee Co-Opted Members.

#### RESOLVED:

1. That the following nominations for co-optees of the Overview and Scrutiny Committee be approved
  - a. Dr Philip Rice as the Church of England diocese representative;
  - b. Victoria Ekubia as the Roman Catholic diocese representative;
  - c. Asad Jaman as the Muslim faith representative; and
  - d. Shabbir Ahmed Chowdhury, Christine Trumper and Fatiha Kassouri as parent governor representatives.
2. That the appointments above will take effect immediately and will be reviewed following the Council elections in May 2018.

#### Procedural Motion

Councillor Danny Hassell **moved** and Councillor Sirajul Islam **seconded**, a procedural motion "that under Procedure Rule 14.1.3 the order of business be varied such that the next items of business be: Item 12.4 - Motion regarding

Government's failure to tackle the social care crisis; Item 12.7 - Motion regarding Scrap the fee for domestic violence victims; and Item 12.8 - Motion regarding Pink Bags & Recycling". The procedural motion was put to the vote and was **agreed**.

## 12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL

### 12.4 Motion regarding Government's failure to tackle the social care crisis

Councillor David Edgar **moved** and Councillor Danny Hassell **seconded** the motion as printed in the agenda.

Councillor Muhammed Ansar Mustaqim **moved**, and Councillor Mahbub Alam **seconded** a friendly amendment to the motion that the following be added to the resolution section of the motion:

Mayor to write a joint letter with other agreeable Group Leaders to the responsible Government Minister, highlighting Tower Hamlets' case.

Councillor David Edgar declined to accept this amendment. The amendment was put to the vote and was **defeated**.

### Guillotine Motion

At this point the meeting had sat for three hours and, with no motion to extend the meeting proposed, the guillotine came into effect. As set out in Procedure Rule 9.2, the matter being debated was concluded as if the motion, 'That the question be now put' had been moved and carried. The motion was put to the vote and was **agreed**.

### **RESOLVED:**

This council notes:

- That the Association of Directors of Adult Social Services estimates that nationally, between 2010 and 2015, £4.6bn was cut from the adult social care budget.
- The Government's announcement that it would be introducing a £240m national Adult Social Care Grant to help fund the increasing costs of social care.
- That the £240m is nowhere near what is needed to properly resolve the social care crisis.
- The £240m grant is not made up of new money; it is funded by top slicing the New Homes Bonus already given to councils. It is estimated that as a result a third of councils will actually lose money overall as a result.



- The NHB top slice means that Tower Hamlets will lose out on £4.8m of NHB in 2017/18 in order to fund the new adult social care grant but will only receive £1.5m in grant.
- This means Tower Hamlets will actually be £3.3m worse off in 2017/18 as a result of the “extra” funding for social care announced in December. This is the biggest reduction in funding in the country.
- The £3.3m reduction in funding comes on top of £58m savings the council already has to make over the next three years as a result of other government cuts to our budget.
- Government also allowed councils to raise council tax by up to 3% in order to provide additional funding for social care.

This Council believes:

- With an aging and growing population the Government should be looking for long term solutions to the social care crisis, not just moving money around and pretending it is new.
- Ministers need to do far more to meet the funding gap, but moving and relabeling pots of money, which would have gone to councils anyway, as new does nothing to achieve this. It just creates perverse situations where the fastest growing – and one of the most deprived – boroughs in the country actually loses out.
- By giving local authorities little choice but to raise council tax in order to fund social care, the Government is passing the buck and getting local authorities to do its work for it.
- Caring for our vulnerable and older citizens shouldn't be a political football. The government should be working cross-party to find long-term solutions to this care crisis.

This Council resolves:

- To call on the Government to listen to the councils and social care professionals and to properly fund the adult social care system.

## **12.9 Motion regarding Island Health Trust**

Councillor Dave Chesterton **moved** and Councillor Candida Ronald **seconded** the motion as printed in the agenda.

Councillor Peter Golds **moved**, and Councillor Chris Chapman **seconded** a friendly amendment to the motion as set out below:

Delete all after item 7 and insert:

8. There are concerns across the Isle of Dogs regarding the management of the IHT

9. These concerns need to be investigated

The Council believes that:

1. The Island Health Trust are considered to be local assets and should be considered as such
2. All funds held by the IHT are considered as public assets
3. To restore confidence locally trustees should be local with ties to the diverse community of the Isle of Dogs

The Council resolves to:

Refer the motion to the legal and adults services to establish the current situation and to bring forward recommendations to restore local accountable to this valuable asset

Councillor Dave Chesterton and Councillor Candida Ronald indicated that they accepted sentences 1-3 and 9 of the amendment and the proposed resolution and altered their motion accordingly.

Mayor John Biggs proposed an amendment to the above resolution to state:

That the Mayor and the Council's Senior Management Team in consultation with local Councillors and the Lead Members responsible for health explore the issues and carry out an investigation into the matters.

Councillor Dave Chesterton and Councillor Candida Ronald indicated that they accepted this further amendment and amended their motion accordingly.

Following debate, the motion as amended was put to the vote and was unanimously **agreed**.

#### **RESOLVED:**

The Council notes;

1. The Island Health Trust is the 'Landlord' for the Island Health Centre, located alongside the ASDA store on East Ferry Road, Isle of Dogs;
2. The Island Health Centre came about through a campaign by local people in the 1980s;
3. The Island Health Centre has been funded through a mixture of loan finance and grants from the London Docklands Development Corporation and Tower Hamlets Council;

4. The Island Health Trust's (Landlord's) main sources of income are the rent paid by the NHS and service charges paid by the Doctors. From this, the Landlord has accumulated a surplus of some £1.3m;
5. In spite of holding these substantial reserves the Landlord is charging the Practice an unaffordable service charge, equivalent to the salaries of two doctors. The Practice has now been forced to vacate the first floor of the Health Centre because it can't afford these charges. The Schools' Psychiatric Service has also been forced to move out and the Massage Therapy curtailed because of the high costs, more services are likely to follow;
6. For the first 25 years of its life the Island Health Trust (Landlord) was managed by local Trustees. Any surplus generated was used to fund local health initiatives through a modest grants programme;
7. This changed on 1 April 2016 when the Chair, Suzanne Goodband, appointed a new board entirely made up of people with no local connection: Leonie Hirst, Christian Woodhead, Barak Maoz and Ruth Brannvall (a resident of Sweden);
8. The Trust has ambitions to demolish the Island Health Centre and exploit this valuable site. They are seeking the Practice's consent to vacate the Centre to unidentified temporary accommodation to facilitate this development.
9. Serious allegations have been made by a former Trustee relating to governance and financial management of the Trust; including Trustee personal pecuniary advantage. These have been passed by the Mayor to the Charity Commissioners for investigation.
10. These concerns needed to be investigated.

The Council Believes;

1. The Island Health Centre and the land upon which it stands are public assets;
2. The £1.3m reserves held by the Island Health Trust are also a public asset;
3. The Island Health Trust must be run by local trustees, and the £1.3m invested to support patients of this Practice and health services for local people;
4. Health services locally are being badly damaged by the Trustees of the Island Health Trust;
5. The attempt by the Trustees to 'asset strip' the Island Health Centre is abhorrent;

6. The Island Health Trust are considered to be local assets and should be considered as such;
7. All funds held by the IHT are considered as public assets;
8. To restore confidence locally trustees should be local with ties to the diverse community of the Isle of Dogs;

The Council Resolves to;

1. To pursue with the Charity Commissioners the serious allegations made by a former Trustee;
2. To press the Island Health Trust to bring the Trust back under governance by local people for the benefit of local people;
3. To protect the patients of the Island Health Centre from the damage being done to local health services by the Trustees of the Island Health Trust.
4. That the Mayor and the Council's Senior Management Team in consultation with local Councillors and the Lead Members responsible for health explore the issues and carry out an investigation into the matters.

Motions 12.1 – 12.3, 12.5-8 and 12.10 were not debated due to lack of time.

### **13. URGENT MOTIONS**

The Mayor, Councillor Gulam Robbani and Councillor Rabina Khan all attempted at the meeting to move urgent motions on the proposed change of name at the Osmani School.

Following discussion and a brief adjournment, the Council agree to suspend Procedure Rule 13.1 to enable the following urgent motion to be debated without notice:

#### **13.1 Motion regarding the proposed change of Osmani School name**

Mayor John Biggs **moved** and Councillor Sirajul Islam **seconded** a procedural motion to enable an urgent motion regarding the proposed change of Osmani School name to be considered.

Following debate the motion was put to the vote and was **agreed**.

**RESOLVED**

This Council notes:

1. The Governors of Osmani School have written to parents stating their intention to change the school's name to Vallance Primary School with effect from September 2017.
2. Osmani School recently underwent a positive OFSTED inspection and has been an established community school for over thirty years.
3. Neither councillors nor the Mayor were consulted on this change in advance.
4. Changing the name of a school is down to the Governing body and the council has no power to veto over it.
5. The mayor and numerous councillors of different political groups have already spoken out against the change, expressing their disappointment and concern.
6. Government education policy means schools increasingly have to compete with one another for pupils and that those who do not get sufficient pupil numbers are at risk of becoming financially unviable.
7. A number of schools face a challenge filling their nursery rolls in the west of the borough at present.
8. The name of the school Osmani Primary School is based on M.A.G Osmani who was a well-known Army Officer who fought in World War II for the British Armed forces and is known as Bangabir – Brave Bengali Freedom Fighter.
9. The school was opened in May 1986 on the site of the former Lord Montefiore Secondary School and Commander Osmani's name was given to the school to commemorate his contribution in serving in the British Army during World War II and in the liberation of Bangladesh.
10. General Muhammad Ataul Gani Osmani was born 1<sup>st</sup> September 1918 in an affluent family in Dayamir, a village in Sylhet, Bangladesh. Following his graduation in 1938 he began a career in the Civil Service.
11. There are a number of further protest and community meetings planned and the school's Governing Body will be meeting again on 24<sup>th</sup> January.

This Council believes:

1. Schools in our community should reflect the vast range of cultures and communities who live locally.

2. General Osmani's name is an important symbol for the Bengali community in Tower Hamlets and there are a number of other schools named after notable people with connections to the borough and its residents.
3. The school's governing body was wrong not to consult with parents ahead of making their decision.
4. Whilst government policy changes and changing demographics mean schools need to do more attract pupils the school should rely on its strong OFSTED results to promote itself not abandoning its heritage.

This Council resolves:

1. To call on the Mayor and other Group leaders to write to the Governors of Osmani school expressing the council's concern at the renaming of Osmani school.
2. To call on the school to run a full consultation with parents at the school on the proposed name change.

The meeting ended at 10.20 p.m.

Speaker of the Council

## **APPENDIX A – WRITTEN RESPONSES TO QUESTIONS THAT WERE NOT PUT AT THE FULL COUNCIL MEETING (18 January 2017)**

### **6.1 Question from Abdul Motin**

Despite assurance from the Mayor at various public meetings before and after the last Mayoral election that the Mayor would not do without the residents consent; why has the Mayor in his last Cabinet papers identified the Barkentine, and Samuda Estate as a Regeneration Opportunity Area, without consulting us - the resident? Is this a print error? Or was a false promise made by the Mayor at the time of his speech to us?

### **Response from the Mayor**

Thank you for your question. I assume your question relates to the Draft Local Plan, which was approved at Cabinet for public consultation last year.

I would note that the Plan is a public consultation document for all interested parties (including residents) to consider and respond to and we welcome comments on how its content could be improved and strengthened

As regards your specific question about the Barkantine and Samuda Estates you are correct that I have made and stand by my pledge that residents must be thoroughly consulted and in agreement on any plans to significantly regenerate the area.

Whilst I accept that unfortunately the maps could be read to suggest an intention to redevelop the area, I am clear, as paragraph 5.1.7 of the report explains, that the information contained on the maps is conceptual and is not intended to be prescriptive with definite boundaries.

Although the Draft Local Plan makes clear that its contents are for consultation and discussion (and are not policy, nor do they inform planning application decisions) to avoid any further confusion on this matter I have instructed officers to ensure that the wording at the next stage of the Local Plan makes clear that I stand by my commitment to seek resident support for any significant regeneration of the Barkantine and Samuda.

## **8.2 Question from Councillor Oliur Rahman**

What is the current mayor's view about the information that Government has only admitted about 13% of the vulnerable Syrian refugees and children, of the total of 20,000 agreed by the Parliament? Also, how many families have been accommodated by Tower Hamlets so far?

### **Response from the Mayor**

It is hugely disappointing that by June 2016 the UK had received just 13% of the 20,000 Syrian refugees the Government had committed to resettle through the Syrian Vulnerable Persons Resettlement Scheme (SVPRS). This is despite indicative offers from local authorities to bring 20,000 Syrians to the UK over the 5-year period of the scheme.

Our experience in Tower Hamlets suggests that the main barrier to increasing the rate of resettlement relates to funding constraints, and it is disappointing the Government continues to rule out providing adequate resources to councils, to cover the costs of housing refugees through the programme (especially in London).

Despite this, as Mayor I committed to resettling 3 to 5 households and have allocated the funding we need. This number is similar to other London Boroughs and reflects the high costs of housing in London and the fact that the Government funding places a high risk of these additional costs falling on the council. Council officers are currently procuring a specialist provider to deliver an 'Integration Support Service' to assist them and we expect our first family will arrive in March or April (dependent on the migration process).

I should add that this council and our officers did outstanding work in relation to the resettlement of unaccompanied minors from the Calais 'jungle' in the last 3 months of 2016, when we assisted over 20 children through our Rest Centre. The Home Office commended our response to this humanitarian emergency, and the tireless work of our social services teams, Oasis UK, Salvation Army, Limehouse GP Practice. I would like to place my thanks on record to all of the individuals who supported this work.

## **8.15 Question from Councillor Rajib Ahmed**

Can the Cabinet Member inform me what activities were held as part of the 'White Ribbon' campaign, aimed at tackling violence against women and girls?

### **Response from Cllr Shiria Khatun**

'16 Days of Activism' and 'White Ribbon' are both international campaigns to end violence against women & girls (VAWG).



Both are key elements of our work for eliminating VAWG in the borough, and provide a platform for all the work undertaken locally. They support our VAWG strategy by raising awareness amongst the local population and showcasing the vast range of services available. They demonstrate Tower Hamlets' commitment to addressing and altering social norms that encourage or tolerate domestic violence and other forms of violence against women & girls.

This year's campaign reinforced and highlighted the excellent partnership working in the borough. Activities and events that took place during the 16 days involved all key partners including police, health services and third sector organisations.

In total there were 42 events with 20 partner agencies across the borough including

- Various stalls at the London Muslim Centre (LMC), with the Imam giving a sermon with an anti-VAWG/DV message
- Face to face work in LGBT social venues
- 2 stalls at Royal London Hospital
- A mannequin challenge involving 40 individuals (both professionals and public)

The Mayor and Cabinet took part in many of the events, and over 1,000 people were reached directly with 972 pledges to 'not commit, condone or remain silent about VAWG' that were signed by members of the public. This is almost 3 times as many as last year.

### **8.16 Question from Councillor Chris Chapman**

Will the Mayor update the Council as to what steps he and the local police service are undertaking to limit and investigate incidents of homophobia?

### **Response from Cllr Shiria Khatun**

Thank you Cllr Chapman. Can I start by saying that I saw the coverage of the atrocious homophobic abuse you suffered before Christmas and I was appalled. This behaviour has no place in our society, and to be blunt, should not exist in this day and age. I think it is a great credit to your character that you chose to speak out despite how you must have felt following the ordeal.

Tower Hamlets Council takes homophobia and all forms of hate crime very seriously. We work very closely with the police and other agencies to take action against offenders, support victims, and prevent future crime.

The Council takes a number of steps in this area:

- The monthly Hate Incidents Panel coordinates action in critical cases
- We commission two Violent Crime Support Workers who provide specialist support to victims of all hate crime. The

Violent Crime Workers also undertake regular outreach work, signposting and deliver training on all forms of hate crime.

- We provide guidance and training to staff on responding to hate crime
- We provide training to schools on dealing with homophobic and other forms of bullying
- The 'No Place for Hate' campaign also plays an important role. We have recruited and trained 12 local people to act as champions.

In 2015, the Council commissioned the East London Out Project (ELOP) for the development and delivery of an LGBT Community Engagement Programme. This seeks to improve the quality of life for LGBT residents living and working in the borough through ensuring their rights and interests are represented and their voices are heard;

### **8.17 Question from Councillor Shah Alam**

Can the Mayor provide an update on his pledge that he would hold Poplar Harca to account for its 600% increase in parking charges to residents?

#### **Response from the Mayor**

I have repeatedly and clearly communicated my views to Poplar Harca on the need for them to reduce the parking charge increases they had originally proposed.

I met with officers and board members of Poplar Harca to discuss parking charges on five occasions in 2016 (18<sup>th</sup> June, 19<sup>th</sup> July, 14<sup>th</sup> September, 29<sup>th</sup> November, 21<sup>st</sup> December 2016).

I have also corresponded many times by letter and email. My letter of 31<sup>st</sup> October 2016 was subsequently presented to the Poplar Harca Board when they considered the proposal to reduce parking charges.

In the end Poplar Harca is an independent body and makes its own decisions.

### **8.18 Question from Councillor Muhammad Mustaqim**

How much revenue has the Council generated from individuals and companies that undertake commercial filming, media related activities or photoshoots in the borough, for each year since 2011?

How much revenue has the Council generated from individuals and companies that undertake commercial filming, media related activities or photoshoots in the borough, for each year since 2011?

### **Response from Cllr David Edgar**

The income received from commercial filming in the borough since 2011 is as follows:

Financial Year	Actual
2011/12	£65k
2012/13	£98k
2013/14	£176k
2014/15	£334k
2015/16	£359k

There has been no income generated through other media related activities or photoshoots.

### **8.19 Question from Councillor Andrew Wood**

Will the Mayor inform the Council as to whether his administration applied for funding for new on-street residential chargepoints for plug-in electric vehicles which is available from the Department of Transport?

### **Response from Cllr Ayas Miah**

As part of the Mayor's ongoing commitment to improving air quality in the borough, we continue to examine a variety of options, including charge points.

During the Council Cabinet meeting in July 2016, we requested officers gather information from the market to determine which suppliers were available to install electric charging points on our public highway roads.

We have secured £30k funding as part of our Local Implementation Plans (LIP) towards on-street electric charging points.

We will continue to seek out pots of funding to ensure our ongoing priority of tackling air quality.

### **8.20 Question from Councilor Shafi Ahmed**

Does the Mayor think that there has been an increase of ASB in the last 2 years and does he think that crime is at its lowest?

### **Response from Cllr Shiria Khatun**

Over the last 2 years in Tower Hamlets, there has been a 3.9% reduction in anti-social behaviour calls to Police, both to the 101 number and to 999.

However we know that anti-social behaviour remains a significant concern for residents in the Borough. We are currently reviewing our approach to tackling anti-social behaviour and will be bringing forward a new strategy and

programme this year to respond to this community concern. We are currently commissioning an independent report to help us with this.

Tackling anti-social behaviour is a top priority for the Council. People in Tower Hamlets are entitled to enjoy their communities, public spaces and neighbourhoods free from anti-social behaviour.

We must also recognise that nationally there has been an increase in overall crime. The Crime Survey for England and Wales highlights that the police recorded 4.6 million offences in the year ending June 2016, an annual rise of 7%.

There is no doubt that the Conservative Government's significant cuts to policing budgets have had a real impact and mean that our police forces face a major challenge.

### **8.21 Question from Councillor Gulam Robbani**

Is the Mayor planning to go ahead with his proposal to cut the Council Tax Reduction (CTR) for thousands of the borough's poorest and most vulnerable residents as the costs incurred in chasing debts – bailiff's letters and visits, court fees and council administrative costs – vastly outweigh the sums owed by impoverished families. Will the Mayor undertake to stop this proposed cut as part of his budget?

### **Response from the Mayor**

I have not made a proposal to reduce the CTRS in the way you describe. I have proposed that we retain 100% support for working age claimants, and do not introduce a minimum payment scheme. This means Tower Hamlets will remain one of just six local authorities in London that still offers 100% support to working age claimants.

The cost to the Council of the existing CTRS is £26.5m per annum, with £19m supporting 22,551 working age households and £7.5m supporting 8,920 pensioner households. Council agreed some minor changes to the scheme, which will reduce the overall cost of the scheme by just £1.4m (5%) but will retain the 100% support and not introduce a minimum payment as most other areas have.

To support local residents who are affected by the changes of the CTR scheme, the collection process will be adapted to provide additional SMS and email reminders and personal visits before any enforcement action is taken. Experience across London when these charges have been introduced have shown that a high percentage of council taxpayers do pay on time, without the need for enforcement action.

I am also proposing in my Budget that we introduce a Tackling Poverty Fund, funded with £5m over the next three years, which will be used to support

families facing extreme hardship, and to help even more local people into employment.

## **8.22 Question from Councillor Craig Aston**

Recommendation 50 of the December Cabinet Office Report “A Democracy that works for everybody: A clear and secure Democracy,” indicates that the Government will be undertaking a review of how democratic checks and balances can be increased in local government structures where power is concentrated. The report goes on to say “that this clearly flows from the issues identified in Tower Hamlets ..which serves as a warning as to how impropriety in the process of an election can lead to issues where those elected take positions of responsibility.” The Government agrees that “such governance must include effective processes that openly and transparently hold those exercising executive responsibilities to account, and which prevent, discourage, and expose municipal corruption.”

Will the Mayor update the Council as to when the Constitutional Working Group will consider these recommendations and will he ensure that they are implemented during the course of the current administration?

## **Response from the Mayor**

Transparency, openness and acting lawfully are guiding principles of this administration and the council is supportive of measures designed to ensure democratic propriety. The Constitution Working Group is charged with bringing the Council’s Constitution up to date and in so doing will take account of the overarching principles so as to provide a Constitution which is an exemplar of propriety and best practice.

The Constitutional Working Group is not an executive body nor is it politically proportionate, being made up of two members from each political group.

Those members will make proposals to General Purposes Committee and ultimately to the Council to enable all members to contribute to the direction of travel and the detail of the provisions. It is my understanding that the first sections of the Constitutional amendments are expected to be discussed at GP Committee in the next month or two.

Constitutional changes are a matter for the Council to agree not the Mayor, but I am confident they will be agreed by GP and Council before the end of this term.

### **8.23 Question from Councillor Aminur Khan**

What is the amount of debt owed to the council in the last 12 months that has been written off?

#### **Response from Cllr David Edgar**

In the last 12 months the council has written off £13,172,233 of debts. The majority of these are historic debts, many of which were over 6 years old and very unlikely to be collected.

The vast majority of the debts which have been written off are historical and did not occur under this administration.

## 8.24 Question from Councilor Maium Miah

How much money does the Council generates per annum from properties or assets that are leased, rented or for which any kind of payment is received by the authority? What was the average percentage in the rent, lease, rates or any other amount received or claimed by the Council, for 2014/15, 2015/16, 2016/17 and planned for 2017/20 budget? I'd be grateful if you could provide simple key headline figures in a table rather than referring to webpages or excel sheets. Thank you.

### Response from Cllr David Edgar

The actual income generated by the Council from various property assets is shown in the table below.

	Hire of Premises	Rents - Dwellings	Rents - Garages	Rents - Other Land & Buildings	Service Charges	Total
	£	£	£	£	£	£
<b>2014/15</b>						
General Fund	(797,327)	(32,496,719)		(1,707,460)	(207,093)	(35,208,599)
HRA		(67,556,890)	(1,291,011)	(2,971,839)	(17,063,401)	(88,883,141)
<b>Total</b>	<b>(797,327)</b>	<b>(100,053,609)</b>	<b>(1,291,011)</b>	<b>(4,679,298)</b>	<b>(17,270,494)</b>	<b>(124,091,740)</b>
<b>2015/16</b>						
General Fund	(774,169)	(34,288,907)		(1,493,295)	(198,372)	(36,754,744)
HRA		(67,808,998)	(1,305,628)	(3,192,187)	(19,629,478)	(91,936,291)
<b>Total</b>	<b>(774,169)</b>	<b>(102,097,905)</b>	<b>(1,305,628)</b>	<b>(4,685,482)</b>	<b>(19,827,850)</b>	<b>(128,691,035)</b>
<b>2016/17 *</b>						
General Fund	(724,369)	(24,668,973)		(1,351,927)	(186,542)	(26,931,812)
HRA		(47,824,601)	(928,201)	(2,828,077)	(18,928,921)	(70,509,800)
<b>Total</b>	<b>(724,369)</b>	<b>(72,493,574)</b>	<b>(928,201)</b>	<b>(4,180,004)</b>	<b>(19,115,463)</b>	<b>(97,441,612)</b>

\* The information for 2016/17 is provided up to 9<sup>th</sup> January 2017. Leaseholder Service Charges are raised annually at the start of the financial year with Tenanted Service Charges collected weekly. The General Fund rental income for dwellings relates mainly to charges in respect of temporary accommodation.

## **Annual Increases:**

### Hire of Premises

Premises charges are reviewed in the Council's Fees and Charges report that is considered by Cabinet in January each year.

### Rents - Dwellings

Rental increases for dwellings within the Housing Revenue Account are approved by Cabinet in January each year. In accordance with Government policy, tenants' rents will be reduced by 1% per annum for each of the four years from 2016-17 to 2019-20. The rent rise for 2015-16 was based on the previous Government policy of rents increasing in line with the Consumer Price Index (CPI) +1%.

### Rents – Garages

Garage rents usually increase annually in line with inflation and in accordance with the increase in tenanted service charges - see below.

### Rents – Other Land and Buildings

The majority of non-residential properties are let on individual agreements which include rent reviews that are negotiated at fixed intervals. These reviews are based on market conditions and are specific to the particular property. Income is credited to the General Fund or Housing Revenue Account depending upon which powers the asset is held under.

### Service Charges

Leaseholder Service Charges are based on the recovery of costs incurred. An initial charge is raised in April each year, based on estimated costs. Final charges are raised in October following the end of the financial year to ensure that actual costs are recovered.

Tenant Service Charges are approved by Cabinet as part of the Rent Report in January each year, and usually increase in line with inflation. For 2017/18 the increase was 2%, with this figure also included in the HRA Medium Term Financial Strategy as the assumed annual increase for the period to 2019-20.



## 8.25 Question from Councillor Harun Miah

Since June 2015, can the current Mayor provide of the list of the following information:

How many people have been moved to areas, towns and cities, outside of Tower Hamlets?

Where have they been moved to?

How many people were placed in temporary accommodation?

How many of the above are under the age of 16?

## Response from Cllr Sirajul Islam

I presume this question refers to households in temporary accommodation. The deep housing crisis across London, the government's savage cuts to council budgets and the scarcity and growing cost of rents in London, means that it can be necessary, and in some cases beneficial to families, for some to be temporarily housed outside London.

Housing people outside London is relatively rare and currently fewer than 3% of the families in temporary accommodation are outside the capital with over 97% staying in London. However the problem of housing temporary households in properties with rents that are fully covered by Housing Benefit within London is proving more and more difficult.

This isn't anything new of course; in the last two years of the previous administration families from Tower Hamlets found themselves placed in areas as far away as Leicester, for example:

- Basildon
- Broxbourne
- Dartford
- Gravesham
- Leicester
- Maidstone
- Thurrock
- Rochester

Our plans to build over 1,000 new council homes in Tower Hamlets will help to make the situation easier but there is no doubt the Government's Housing and Planning act has made things a lot harder for councils to help those made homeless.

Barking & Dagenham	110
Barnet	21
Basildon	1
Bexley	19

Brent	15
Bromley	1
Broxbourne	3
Croydon	40
Dacorum	1
Ealing	22
Enfield	109
Epping Forest	2
Gravesham	5
Greenwich	42
Hackney	70
Haringey	29
Harrow	9
Havering	6
Hillingdon	9
Hounslow	5
Islington	2
Kensington & Chelsea	3
Lambeth	19
LBTH	998
Leicester	1
Lewisham	30
Luton	3
Maidstone	1
Medway	33
Merton	72
Newham	238
Redbridge	156
Richmond	1
Southwark	7
Sutton	5
Tendring	3
Thanet	1
Thurrock	3
Waltham Forest	53
Wandsworth	1
Watford	1
Welwyn Hatfield	2
Westminster	5
TOTAL	2157

This means fewer than 3% of families in temporary accommodation are housed outside London.

It is not currently possible to report the breakdown either of the number of people or the number of children in temporary accommodation.

### **8.26 Question from Councilor Suluk Ahmed**

Can the Mayor inform the members and residents how many requests have been received by the council as a result of its new 'Clear Up Project'?

Can a clear and concise procedure and protocol document be given to all persons and organisations that have reported any requests or against whom/which any reports or allegations have been made so that they are fully aware of how their request shall be dealt with.

In the interest of transparency, can a copy of these documents be provided to councillors please, and be published on the council's internal and website.

Can the Mayor confirm how this process can now assure complete independence from political or senior management influences, bearing in mind they are the investigators' paymasters?

### **Response from the Mayor**

The Project Team received 65 individual allegations in the period 8 September to 8 December 2016.

The Project is led by an independent Project Manager, seconded from the Civil Service. Investigators are recruited by the Project Manager without any input from Councillors or Officers. Neither the Project Manager nor any investigators have any connection with Tower Hamlets, save for their involvement with this specific project.

### **8.27 Question from Councilor Gulam Kibria Choudhury**

Can the Cabinet Member, Cllr David Edgar, provide the simple headline monetary figures of the list of asset above sold by the Council between 1998 and the current date, with a simple total headline amount for each year. I'd be most grateful if the specific information requested can be given in a simple table rather than being referred to webpages or excel sheets. Thank you.

### **Response from Cllr David Edgar**

- 1) Excludes RTB sales and other RTB-related receipts (lease extensions, discounts repaid, mortgages, additional land leases, preserved RTB receipts). Also excludes asset transfers without receipts and unattached capital receipts such as overage payments.
- 2) There is very little detail regarding transactions prior to 2008/09, especially the oldest ones, so cannot confirm that they are definitely all asset sales and not just other income treated as capital receipts (some may be lease extensions or repayments of grant for example).

3) Between early 2015 and the present all such disposals have been overseen by the Commissioners.

Year of sale	Asset	Gross Receipt (£)
2016/17	32-34 Hessel St	27,000
2016/17	11-31 Toynbee St	8,000,339
2016/17	31 Turner St	1,800,000
2016/17	327-329 Morville St	4,751,493
2016/17	2 Jubilee St	4,050,093
2016/17	Cheviot House, 227-233 Commercial Road	14,040,476
<b>2016/17 Total</b>		<b>32,669,401</b>
2015/16	296 Bethnal Green Road	555,862
2015/16	Blue Anchor pub	235,000
2015/16	38-44 Whitehorse Rd/611-613 Commercial Rd	3,000,000
2015/16	Land adjacent to 309-317 Cambridge Heath Rd	85,000
<b>2015/16 Total</b>		<b>3,875,862</b>
2014/15	Ocean Estate Block H	5,420,975
<b>2014/15 Total</b>		<b>5,420,975</b>
2013/14	Land at Lukin Street	2,900,000
2013/14	Enwonwu Sculptures	89,933
2013/14	Land at 1-94 Cotall Street, E14 6JX/Y	610,000
2013/14	Enfranchisement sale of freehold - 103-137 White Horse Lane, 1-5 Sundra Walk(odd), 1-5 Beaumont Grove(odd), 262-306 Mile End road(even)	70,000
2013/14	Queens Head PH, 8 Flamborough Street, E1	350,000
2013/14	Travelodge Site	2,910,000
<b>2013/14 Total</b>		<b>6,929,933</b>
2012/13	Limehouse Library: 638 Commercial Rd, E14 7HS	945,000
2012/13	Freehold of Besford and Dinmont House	804,500
2012/13	805 Commercial Road (CPO)	300,000
<b>2012/13 Total</b>		<b>2,049,500</b>
2011/12	Land adjacent to Shadwell Station	130,000
2011/12	Evershed House	120,000
2011/12	63A Sewardstone Road	289,664
2011/12	13 Pier Head, Wapping	1,050,041
2011/12	Ocean Estate Block F Feeder Site 3 (LIFRA)	2,778,101
2011/12	195 Swaton Road	235,759
2011/12	102 Tredegar Road	371,906
2011/12	19 Parfett Street	442,560

2011/12	117 Poplar High Street (Woodstock Terrace)	876,359
<b>2011/12 Total</b>		<b>6,294,390</b>
2010/11	Uamvar St (David House site)	363,000
2010/11	14 Menotti Street (sale of freehold)	125,000
2010/11	517a Commercial Road	45,000
2010/11	Ocean Estate Block F Feeder Site 2 (Essian St)	797,146
2010/11	Ocean Estate Block F Feeder Site 4 (Harford St)	377,229
2010/11	Ropery St dwellings	800,000
2010/11	148 Swaton Road	215,000
2010/11	156 Swaton Road	220,000
2010/11	162 Swaton Road	220,000
2010/11	170 Swaton Road	266,000
2010/11	Ocean Estate Block F Swanlea Premises Manager's House (Crossrail CPO)	6,744,489
2010/11	Essex Wharf (Crossrail CPO)	350,000
2010/11	22-28 Underwood Road	54,262
2010/11		2,750,000
<b>2010/11 Total</b>		<b>13,327,126</b>
2009/10	Former Lovatt Arms site (Thomas Road/Burdett Road)	162,000
<b>2009/10 Total</b>		<b>162,000</b>
2008/09	Blessed John Roche/Bishop Challenor	8,061,506
2008/09	British Prince Public House	305,000
2008/09	Madani school	1,330,000
2008/09	Railway Arms Public House	451,000
2008/09	Christian Street (Bishop Challenor)	10,000,000
<b>2008/09 Total</b>		<b>20,147,506</b>
2007/08	South Quay Plaza Estate (sale of freehold)	930,750
2007/08	St Matthias Centre	5,000,000
2007/08	43 Whitehorse Road	350,000
2007/08	34 Linford Drive	310,000
<b>2007/08 Total</b>		<b>6,590,750</b>
2006/07	723 Commercial Road	9,436,000
2006/07	Furze Green	2,020,862
2006/07	Whitechapel Library, 77-80 Whitechapel High St	810,000
2006/07	Alberta House Blackwall Way E14	1,100,000
2006/07	Land at 86b Newark St, E1	225,000
<b>2006/07 Total</b>		<b>13,591,862</b>
2005/06	Land at 15 Turin Street	35,000
2005/06	52-58 Commercial Road	300,000
2005/06	1 Cornwall Avenue	250,000
2005/06	303-305 Burdett Road	245,000
2005/06	12 Menotti Street	77,430
2005/06	Timberland Road	70,000

2005/06	Watney Street Car Park	46,000
2005/06	Mulberry School 6th Form site	1,600,000
<b>2005/06 Total</b>		<b>2,623,430</b>
2004/05	Land adjacent to Barkantine Health Centre	300,000
2004/05	Tower Warehouse 2-10 Wapping Lane	1,339,027
2004/05	Tower House	1,472,500
2004/05	3 Bancroft House	15,000
2004/05	Siege House	2,006,127
2004/05	2 Menotti Street	75,400
2004/05	170 Vallance Road	73,080
2004/05	172 Vallance Road	73,950
2004/05	Brunswick Arms	75,000
2004/05	Mulberry School - Cable Street site	1,609,367
<b>2004/05 Total</b>		<b>7,039,451</b>
2003/04	4 Menotti Street	69,052
2003/04	Land at Blackwall Tunnel	36,342
2003/04	55 Royal Mint Street	30,000
<b>2003/04 Total</b>		<b>135,394</b>
2002/03	Shandy Park Mosque	152,000
2002/03	Baitaul Amin Mosque	112,700
2002/03	83 Cannon St Road	75,000
2002/03	13 Chesil Court	23,520
<b>2002/03 Total</b>		<b>363,220</b>
2001/02	27-31 Westferry Road	400,000
2001/02	149-153 Cannon Street Road	140,000
2001/02	5 Deancross Street	100,000
2001/02	65 Cudworth Street	121,000
2001/02	Rose and Punchbowl	38,379
2001/02	88 Bishopsway	26,749
2001/02	Flora Close	75,000
2001/02	18 Chesil Court	25,600
2001/02	12 Cavell Street	25,000
2001/02	Glengall Causeway	28,625
2001/02	Mowlem School NB: We still own the school so this must have been another patch of land (no details available)	240,518
2001/02	Fairfoot Library	35,525
2001/02	John Morley Sol	336,600
2001/02	The Whitechapel Centre, Myrdle Street	950,000
<b>2001/02 Total</b>		<b>2,542,996</b>
2000/01	Cudworth Street /Collingworth	204,000
2000/01	86 Bishops Way	32,388
2000/01	90/92 Clinton Road	268,000
2000/01	19 Chesil Court	28,446
2000/01	100 Hamlets Way	6,000

2000/01	Land at Pollards Street	6,000
2000/01	98 Bishops Way	16,581
2000/01	Mosque Lease	500,000
2000/01	Haverfield Road	285,000
2000/01	Farrance Street	200,000
<b>2000/01 Total</b>		<b>1,546,415</b>
1999/00	Chater House	2,209,268
1999/00	Ujima HA	3,537
1999/00	Keeling House	1,130,000
1999/00	575/577 Manchester Road	72,000
1999/00	1/8 Ford Square	27,500
1999/00	19 Mulberry House	21,000
1999/00	82 Bishops Way	20,000
1999/00	94 Bishops Way	10,744
1999/00	12 Chesil Court	10,744
1999/00	14 Chesil Court	10,446
1999/00	49 Bazely Street	83,000
1999/00	3 Chesil Court	6,445
1999/00	Braintree Street Site (tranche)	35,000
1999/00	Central Garage	3,250,000
1999/00	Seabright St Depot	70,000
1999/00	49 Nelson Street	100,001
1999/00	255/259 Westferry Road	27,000
1999/00	85 Hesperus Crescent	19,500
<b>1999/00 Total</b>		<b>7,106,185</b>
1998/99	Grand Union Cooperative	200,000
1998/99	81 Hewison St	50,000
1998/99	6 Chesil Court	6,850
1998/99	Quaker Street	65,000
1998/99	697 Commercial Rd	82,000
1998/99	13 Swinbourne Hse	19,949
1998/99	34 Sewardstone	21,600
1998/99	2 Montford Hse	21,000
1998/99	38 Fane House	6,451
1998/99	Chesil Court	32,985
1998/99	Beehive PH	56,000
1998/99	Weaversfield School	300,000
1998/99	208 Cable Street	17,750
1998/99	209 Cable Street	159,750
1998/99	James Olley Hse	200,000
1998/99	274/280 Bishopsgate	57,000
1998/99	Fawcett Library	100,000
1998/99	Island Gardens Station	134,200
<b>1998/99 Total</b>		<b>1,530,535</b>
1997/98	37 Stepney Green	505,000
1997/98	Kirtland Centre	115,000
1997/98	St Mary St Michael	40,000

1997/98	Bombay Grab	103,900
1997/98	191 Whitechapel Road	138,000
1997/98	66 Brick Lane	51,000
1997/98	Land At Hadleigh St	20,000
1997/98	DLR Millwall Park	13,000
1997/98	St Leonards	1,299,760

<b>1997/98 Total</b>	<b>2,285,660</b>
<b>Grand Total</b>	<b>136,232,591</b>



## LONDON BOROUGH OF TOWER HAMLETS

## MINUTES OF THE COUNCIL

HELD AT 7.05 P.M. ON WEDNESDAY, 22 FEBRUARY 2017 (BUDGET COUNCIL)

THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5  
CLOVE CRESCENT, LONDON, E14 2BG**Members Present:**

Mayor John Biggs	Councillor Clare Harrison
Councillor Khaled Uddin Ahmed	Councillor Danny Hassell
Councillor Rajib Ahmed	Councillor Sirajul Islam
Councillor Shafi Ahmed	Councillor Denise Jones
Councillor Suluk Ahmed	Councillor Aminur Khan
Councillor Ohid Ahmed	Councillor Rabina Khan
Councillor Sabina Akhtar	Councillor Shiria Khatun
Councillor Mahbub Alam	Councillor Abjol Miah
Councillor Shah Alam	Councillor Ayas Miah
Councillor Amina Ali	Councillor Harun Miah
Councillor Abdul Asad	Councillor Md. Maium Miah
Councillor Craig Aston	Councillor Mohammed Mufti Miah
Councillor Asma Begum	Councillor Abdul Mukit MBE
Councillor Rachel Blake	Councillor Muhammad Ansar Mustaqim
Councillor Chris Chapman	Councillor Joshua Peck
Councillor Dave Chesterton	Councillor John Pierce
Councillor Andrew Cregan	Councillor Oliur Rahman
Councillor Julia Dockerill	Councillor Gulam Robbani
Councillor David Edgar	Councillor Candida Ronald
Councillor Marc Francis	Councillor Rachael Saunders
Councillor Amy Whitelock Gibbs	Councillor Helal Uddin
Councillor Peter Golds	Councillor Andrew Wood
Councillor Shafiqul Haque	

**The Speaker of the Council, Councillor Khaled Uddin Ahmed in the Chair****1. APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillor Gulam Kibria Choudhury.

Apologies for lateness were received on behalf of Councillors Julia Dockerill, Joshua Peck, Amina Ali and Rachel Blake

The Speaker of the Council adjourned the meeting for 10 minutes at 7:05pm to allow additional time for Members to arrive at the meeting. The meeting reconvened at 7:15pm.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No Declarations of Disclosable Pecuniary Interests were made.

**3. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE CHIEF EXECUTIVE**

The Speaker of the Council reported that Members may be aware that Victoria Ekubia, a Co-opted Member of the Council's Overview and Scrutiny Committee, sadly passed away recently. Victoria was a valued member of the Committee. He expressed condolences to her friends and family on behalf of the Council.

Councillor John Pierce, the Chair of the Committee also paid tribute to Victoria and made a short statement on behalf of a fellow Co-opted Member of the Committee reflecting on Victoria's achievements. He advised that a service would be held on Tuesday 28<sup>th</sup> February 2017 at 2pm at the Church of Our Lady and St Catherine of Siena on Bow Road. All were welcomed to attend.

The Council then held a minutes silence in memory of the loss.

**4. TO RECEIVE PETITIONS****4.1 Petition regarding discrimination to women and minority groups**

Apsana Begum and Catherine O'Mahony addressed the meeting on behalf of the petitioners, and responded to questions from Members. Councillor Sirajul Islam, Statutory Deputy Mayor and Cabinet Member for Housing Management & Performance then responded to the matters raised in the petition.

He advised that the Council took seriously its duty to promote equality and diversity and accordingly, took all reasonable steps to consult residents, where, necessary in preparing plans and listened to residents views. Furthermore, Equality Impact Assessments had been completed for the proposals. To illustrate these points, he drew attention to the specific measures in the plans to help under - represented groups.

**RESOLVED:**

1. That the petition be referred to the Corporate Director, Resources for a written response within 28 days.

**4.2 Petition regarding the Council Tax**

Sultana Begum and Hugo Pierre addressed the meeting on behalf of the petitioners, and responded to questions from Members. Councillor David Edgar, Cabinet Member for Resources then responded to the matters raised in the petition.

He drew attention to the impact of government cuts on Council services and the need for additional income to protect services including social care services. When subject to consultation, a good percentage of the respondents stated that they were supportive of a rise in the Council Tax to protect services. He also advised that the budget proposals included a number of measures to help residents facing financial problems. In addition, the Council Tax Reduction Scheme should also help residents. He also provided reassurances about the Council Tax collection process.

**RESOLVED:**

1. That the petition be referred to the Corporate Director, Resources for a written response within 28 days.

**4.3 Petition regarding Cuts to Children's Services**

Candace Macintyre addressed the meeting on behalf of the petitioners, and responded to questions from Members. Mayor John Biggs then responded to the matters raised in the petition. He reported that tackling child poverty was a key priority of his Administration and that there were a range of measures in the budget that should help alleviate the problem, targeting resources to tackle poverty. For example, there would be additional support for the Children's stay and play service to improve access to the service. He also explained that whilst changes have been made to the service, overall, the number of play and stay sessions provided should broadly remain unchanged.

He stated that he was willing to continue to meet with residents to further improve services.

**RESOLVED:**

1. That the petition be referred to the Corporate Director, Resources for a written response within 28 days.

**5. BUDGET AND COUNCIL TAX 2017/18**

Mayor John Biggs **moved**, the budget proposals of the Mayor and Executive as set out in the agenda pack. Councillor David Edgar **seconded** the proposals. It was noted that the covering report for the February Cabinet meeting was circulated in Members as an addendum.

Three amendments were moved as follows:

- (i) Amendment **proposed** by Councillor Ohid Ahmed and **seconded** by Councillor Oliur Rahman
- (ii) Amendment **proposed** by Councillor Andrew Wood and **seconded** by Councillor Chris Chapman

- (iii) Amendment **proposed** by Councillor Rabina Khan and **seconded** by Councillor Abdul Asad. [Note – a minor amendment was noted to the tabled paper]

Following debate, the amendment proposed by Councillor Ohid Ahmed was put to a recorded vote and was **defeated**.

Councillors recorded their votes on the amendment as follows:-

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Shafi Ahmed			x	
Ohid Ahmed	x			
Rajib Ahmed		x		
Suluk Ahmed	x			
Khales Uddin Ahmed		x		
Sabina Akhtar		x		
Mahbub Alam	x			
Shah Alam			x	
Amina Ali		x		
Abdul Asad			x	
Craig Aston		x		
Asma Begum		x		
Rachel Blake		x		
Chris Chapman		x		
Dave Chesterton		x		
Gulam Kibria Choudhury				x
Andrew Cregan		x		
Julia Dockerill		x		
David Edgar		x		
Marc Francis		x		
Amy Whitelock Gibbs		x		
Peter Golds		x		
Shafiqul Haque				x
Clare Harrisson		x		
Danny Hassell		x		
Sirajul Islam		x		
Denise Jones		x		
Aminur Khan			x	
Rabina Khan			x	
Shiria Khatun		x		
Abjol Miah			x	
Ayas Miah		x		
Harun Miah	x			
Mohammed Maium Miah	x			
Mohammed Mufti Miah			x	
Mohammed Abdul Mukit		x		
Muhammed Ansar	x			

Mustaquim				
Joshua Peck		x		
John Pierce		x		
Oliur Rahman	x			
Gulam Robbani	x			
Candida Ronald		x		
Rachael Saunders		x		
Helal Uddin		x		
Andrew Wood		x		
Total Votes	8	28	7	

The amendment proposed by Councillor Andrew Wood was put to a recorded vote and was **defeated**.

Councillors recorded their votes on the amendment as follows:-

Councillor	For	Against	Abstain	Absent
Shafi Ahmed		x		
Ohid Ahmed		x		
Rajib Ahmed		x		
Suluk Ahmed		x		
Khales Uddin Ahmed		x		
Sabina Akhtar		x		
Mahbub Alam		x		
Shah Alam		x		
Amina Ali		x		
Abdul Asad		x		
Craig Aston	x			
Asma Begum		x		
Rachel Blake		x		
Chris Chapman	x			
Dave Chesterton		x		
Gulam Kibria Choudhury				x
Andrew Cregan		x		
Julia Dockerill	x			
David Edgar		x		
Marc Francis		x		
Amy Whitelock Gibbs		x		
Peter Golds	x			
Shafiqul Haque				x
Clare Harrisson		x		
Danny Hassell		x		
Sirajul Islam		x		
Denise Jones		x		
Aminur Khan		x		
Rabina Khan		x		
Shiria Khatun		x		
Abjol Miah		x		

Ayas Miah		x		
Harun Miah		x		
Mohammed Maium Miah		x		
Mohammed Mufti Miah		x		
Mohammed Abdul Mukit		x		
Muhammed Ansar Mustaquim		x		
Joshua Peck		x		
John Pierce		x		
Oliur Rahman		x		
Gulam Robbani		x		
Candida Ronald		x		
Rachael Saunders		x		
Helal Uddin		x		
Andrew Wood	x			
Total Votes	5	38	0	

The amendment proposed by Councillor Rabina Khan was put to a recorded vote and was **defeated**.

Councillors recorded their votes on the amendment as follows:-

Councillor	For	Against	Abstain	Absent
Shafi Ahmed	x			
Ohid Ahmed			x	
Rajib Ahmed		x		
Suluk Ahmed			x	
Khales Uddin Ahmed		x		
Sabina Akhtar		x		
Mahbub Alam			x	
Shah Alam	x			
Amina Ali		x		
Abdul Asad	x			
Craig Aston		x		
Asma Begum		x		
Rachel Blake		x		
Chris Chapman		x		
Dave Chesterton		x		
Gulam Kibria Choudhury				x
Andrew Cregan		x		
Julia Dockerill		x		
David Edgar		x		
Marc Francis		x		
Amy Whitelock Gibbs		x		
Peter Golds		x		
Shafiqul Haque				x
Clare Harrisson		x		
Danny Hassell		x		

Sirajul Islam		x		
Denise Jones		x		
Aminur Khan	x			
Rabina Khan	x			
Shiria Khatun		x		
Abjol Miah			x	
Ayas Miah		x		
Harun Miah			x	
Mohammed Maium Miah			x	
Mohammed Mufti Miah			x	
Mohammed Abdul Mukit		x		
Muhammed Ansar Mustaquim			x	
Joshua Peck		x		
John Pierce		x		
Oliur Rahman			x	
Gulam Robbani			x	
Candida Ronald		x		
Rachael Saunders		x		
Helal Uddin		x		
Andrew Wood		x		
Total Votes	5	28	10	

The substantive budget proposals were then put to a recorded vote and were **agreed**.

Councillors recorded their votes on the budget proposals as follows:-

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>	<b>Absent</b>
Shafi Ahmed		x		
Ohid Ahmed		x		
Rajib Ahmed	x			
Suluk Ahmed		x		
Khales Uddin Ahmed	x			
Sabina Akhtar	x			
Mahbub Alam		x		
Shah Alam		x		
Amina Ali	x			
Abdul Asad		x		
Craig Aston		x		
Asma Begum	x			
Rachel Blake	x			
Chris Chapman		x		
Dave Chesterton	x			
Gulam Kibria Choudhury				x
Andrew Cregan			x	
Julia Dockerill		x		
David Edgar	x			

Marc Francis	x			
Amy Whitelock Gibbs	x			
Peter Golds		x		
Shafiqul Haque				x
Clare Harrisson	x			
Danny Hassell	x			
Sirajul Islam	x			
Denise Jones	x			
Aminur Khan		x		
Rabina Khan		x		
Shiria Khatun	x			
Abjol Miah	x			
Ayas Miah	x			
Harun Miah		x		
Mohammed Maium Miah		x		
Mohammed Mufti Miah	x			
Mohammed Abdul Mukit	x			
Muhammed Ansar Mustaquim		x		
Joshua Peck	x			
John Pierce	x			
Oliur Rahman		x		
Gulam Robbani		x		
Candida Ronald	x			
Rachael Saunders	x			
Helal Uddin	x			
Andrew Wood		x		
Total Votes	24	18	1	

(Note: Councillor Shafiqul Haque was not present for the voting on the amendments or the substantial budget proposals)

### **Extension of time limit for the meeting**

During the consideration of the budget proposals, Councillor Oliur Rahman **moved**, and Councillor Peter Golds **seconded**, a procedural motion that “under Procedure Rule 15.11.7 the meeting be extended for up to an additional 30 minutes to enable the consideration of the remaining items of business on the agenda. The procedural motion was put to the vote and was **agreed**.”



**RESOLVED:**

That Council: -

**General Fund Revenue Budget and Council Tax Requirement 2017-18**

1. To agree a General Fund revenue budget of £338.896m and a total Council Tax Requirement for Tower Hamlets in 2017-18 of £85.836m as set out in the table below.

<u>Service Area</u>	<b>Total</b> 2016-17 £'000	<b>Savings</b>		<b>Growth</b>		<b>Adjustments</b> £'000	<b>Total</b> 2017-18 £'000
		<b>Approved</b> £'000	<b>New</b> £'000	<b>Approved</b> £'000	<b>New</b> £'000		
Health, Adults & Community	93,150	(241)	(3,012)	3,403	419	-	93,719
Public Health	35,314	-	(678)	(1,354)	-	1,553	34,835
Children Services	97,641	-	(2,193)	419	5,680	120	101,667
Place	69,438	-	(1,944)	658	610	1,797	70,559
Governance	9,731	-	(4)	-	563	-	10,290
Resources	17,146	-	(4,665)	250	580	1,667	14,978
<b>Net Service Costs</b>	<b>322,421</b>	<b>(241)</b>	<b>(12,496)</b>	<b>3,376</b>	<b>7,852</b>	<b>5,137</b>	<b>326,049</b>
<b>Other Net Costs</b>							
Capital Charges	7,854	-	-	(419)	-	-	7,435
Levies	1,742	-	-	-	-	-	1,742
Pensions	18,960	-	(1,000)	1,500	(1,500)	-	17,960
Other Corporate Costs	7,868	241	(6,900)	(4,815)	2,148	(21,123)	(22,581)
<b>Total Other Net Costs</b>	<b>36,424</b>	<b>241</b>	<b>(7,900)</b>	<b>(3,734)</b>	<b>648</b>	<b>(21,123)</b>	<b>4,556</b>
<b>Inflation</b>	<b>3,141</b>	<b>-</b>	<b>-</b>	<b>5,500</b>	<b>(350)</b>	<b>-</b>	<b>8,291</b>
<b>Total Financing Requirement</b>	<b>361,985</b>	<b>-</b>	<b>(20,396)</b>	<b>5,142</b>	<b>8,150</b>	<b>(15,986)</b>	<b>338,896</b>
<b>Funding</b>							
Government Funding	(68,665)	-	-	14,707	-	-	(53,958)
Retained Business Rates	(125,339)	-	(20,318)	14,350	-	-	(131,307)
Council Tax	(76,884)	-	(8,953)	-	-	-	(85,837)
Collection Fund Surplus							
- Council Tax	(1,278)	-	(1,000)	1,278	-	-	(1,000)
- Retained Business Rates	(2,597)	-	-	2,597	-	-	-
Core Grants							
- Public Health Grant	(36,883)	-	-	909	-	-	(35,974)
- NHB	(21,617)	-	(5,000)	7,287	-	-	(19,330)
- Education Services Grant	(3,799)	-	-	1,027	-	-	(2,772)
- Improved Better Care fund	-	-	(1,640)	-	-	-	(1,640)
- Adult Social Care Support Grant	-	-	(1,500)	-	-	-	(1,500)
- Local Lead Flood	-	-	(32)	-	-	-	(32)
Reserves							
- General Fund (Corporate)	(2,080)	-	-	-	-	(4,014)	(6,094)
- Earmarked (Directorate)	-	-	-	-	-	-	-
- General Fund (Smoothing)	-	-	-	-	-	-	-
<b>Total Financing</b>	<b>(339,141)</b>	<b>-</b>	<b>(38,444)</b>	<b>42,155</b>	<b>-</b>	<b>(4,014)</b>	<b>(339,443)</b>

2. To agree a Council Tax for Tower Hamlets in 2017-18 of £966.80 at Band D resulting in a Council Tax for all other band taxpayers, before any discounts, and excluding the GLA precept, as set out in the table below:-

This incorporates a 1.99% general increase on the previous year and a 3% increase in respect of the Adult Social Care 'Precept' announced by the government during its recent budget announcements.

BAND	PROPERTY VALUE		RATIO TO BAND D	LBTH COUNCIL TAX FOR EACH BAND £
	FROM £	TO £		
A	0	£40,000	6/9	644.54
B	40,001	52,000	7/9	751.96
C	52,001	68,000	8/9	859.38
D	68,001	88,000	9/9	966.80
E	88,001	120,000	11/9	1,181.65
F	120,001	160,000	13/9	1,396.49
G	160,001	320,000	15/9	1,611.34
H	320,001	And over	18/9	1,933.61

3. To agree that for the London Borough of Tower Hamlets in 2017-18:-
- (a) The Council Tax for Band D taxpayers, before any discounts, and including the GLA precept, shall be **£1,246.82** as shown below: -.

	£ (Band D, No Discounts)
LBTH	966.80
GLA	<u>280.02</u>
Total	<u>1,246.82</u>

- (b) The Council Tax for taxpayers in all other bands, before any discounts, and including the GLA precept, shall be as detailed in the table below: -

BAND	PROPERTY VALUE		RATIO TO BAND D	LBTH £	GLA £	TOTAL £
	FROM £	TO £				
A	0	40,000	6/9	644.54	186.68	831.22
B	40,001	52,000	7/9	751.96	217.79	969.75
C	52,001	68,000	8/9	859.38	248.91	1,108.29
D	68,001	88,000	9/9	966.80	280.02	1,246.82
E	88,001	120,000	11/9	1,181.65	342.25	1,523.89
F	120,001	160,000	13/9	1,396.49	404.47	1,800.97
G	160,001	320,000	15/9	1,611.34	466.70	2,078.04
H	320,001	And over	18/9	1,933.61	560.04	2,493.65

4. To approve the statutory calculations of this Authority's Council Tax Requirement in 2017-18, detailed in Appendix A to the motion, undertaken by the Corporate Director Resources (Chief Financial Officer) in accordance with the requirements of Sections 31 to 36 of the Local Government Finance Act 1992.
5. To note the Capital Strategy and to the intention to undertake a comprehensive review of the Council's approach to the prioritisation and governance of capital expenditure based on the outcomes based budgeting methodology already adopted for the revenue elements of the MTFs.
6. To approve the Treasury Management Strategy Statement, the Annual Investment Strategy and the Minimum Revenue Provision Policy Statement as presented to Cabinet on 7 February 2017.
7. To approve the General Fund Capital and Revenue Budgets and Medium Term Financial Plan 2017-2020 as recommended by the Mayor in Cabinet on 7 February as set out in the report of the Mayor in Cabinet and summarised in the tables below.

#### Summary of Medium Term Financial Plan 2016-2020

	2016-17 £'000	2017-18 £'000	2018-19 £'000	2019-20 £'000
Net Service Costs	350,346	361,985	338,895	329,415

Growth				
- Approved	27,563	(16,344)	3,506	3,174
- New	-	8,500	(1,757)	-
Savings				
- Approved	(4,000)	-	-	-
- New	(17,423)	(20,396)	(15,460)	(15,773)
Inflation	5,500	5,150	4,231	4,440
<b>Total Funding Requirement</b>	<b>361,985</b>	<b>338,896</b>	<b>329,415</b>	<b>321,256</b>
Government Funding (RSG)	(68,665)	(53,958)	(43,795)	(33,281)
Retained Business Rates	(125,339)	(131,307)	(135,194)	(139,555)
Council Tax	(76,884)	(85,837)	(90,180)	(93,814)
Collection Fund Surplus				
- Council Tax	(1,278)	(1,000)	-	-
- Retained Business Rates	(2,597)	-	-	-
Core Grants	(62,299)	(61,248)	(48,807)	(51,378)
Earmarked Reserves (Mayoral priority)	(2,080)	(6,094)	(5,980)	(5,384)
<b>Total Funding</b>	<b>(339,141)</b>	<b>(339,443)</b>	<b>(323,956)</b>	<b>(323,413)</b>
Budget Gap (excluding use of Reserves)	22,845	(548)	5,459	(2,157)
Unallocated Contingencies	-	-	-	-
Budgeted Reserve Contribution GF smoothing (Approved Feb 2016)	(22,845)	-	-	-
Budgeted Reserve Contribution	-	548	(5,459)	2,157
<b>Unfunded Gap</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
	<b>31/03/2017</b>	<b>31/03/2018</b>	<b>31/03/2019</b>	<b>31/03/2020</b>
<b>Balance on General Fund Reserves (£000s)</b>	<b>31,100</b>	<b>31,648</b>	<b>26,189</b>	<b>28,346</b>

## Detailed Analysis of the Medium Term Financial Plan by Service Area 2016-17 to 2019-20

Service	Total	Savings		Growth		Adjustments	Total	Savings		Growth		Adjustments	Total	Savings		Growth		Adjustments	Total
	2016-17 £'000	Approved £'000	New £'000	Approved £'000	New £'000	£'000	2017-18 £'000	Approved £'000	New £'000	Approved £'000	New £'000	£'000	2018-19 £'000	Approved £'000	New £'000	Approved £'000	New £'000	£'000	2019-20 £'000
Health, Adults & Community	93,150	(241)	(3,012)	3,403	419	-	93,719	-	(1,985)	2,057	-	-	93,791	-	(2,245)	-	2,125	-	93,672
Public Health	35,314	-	(678)	(1,354)	-	1,553	34,835	-	(749)	(581)	-	-	33,505	-	(411)	(730)	-	-	32,364
Children Services	97,641	-	(2,193)	419	5,680	120	101,667	-	(2,012)	-	(135)	-	99,519	-	(2,967)	-	(414)	(370)	95,768
Place	69,438	-	(1,944)	658	610	1,797	70,559	-	(1,485)	714	(136)	(114)	69,538	-	(2,921)	-	577	(225)	66,969
Governance	9,731	-	(4)	-	563	-	10,290	-	(4)	-	-	-	10,286	-	(4)	-	-	-	10,282
Resources	17,346	-	(4,665)	250	580	1,667	15,178	-	(3,275)	-	(252)	-	11,651	-	(2,525)	-	-	(1)	9,125
<b>Net Service Costs</b>	<b>322,621</b>	<b>(241)</b>	<b>(12,496)</b>	<b>3,376</b>	<b>7,852</b>	<b>5,137</b>	<b>326,249</b>	<b>-</b>	<b>(9,510)</b>	<b>2,190</b>	<b>(523)</b>	<b>(114)</b>	<b>318,291</b>	<b>-</b>	<b>(11,074)</b>	<b>(730)</b>	<b>2,288</b>	<b>(596)</b>	<b>308,180</b>
<b>Other Net Costs</b>																			
Capital Charges	7,854	-	-	(419)	-	-	7,435	-	-	-	-	-	7,435	-	-	-	-	-	7,435
Levies	1,742	-	-	-	-	-	1,742	-	-	-	-	-	1,742	-	-	-	-	-	1,742
Pensions	18,960	-	(1,000)	1,500	(1,500)	-	17,960	-	-	1,000	(1,000)	-	17,960	-	-	1,000	(1,000)	-	17,960
Other Corporate Costs	7,668	241	(6,900)	(4,815)	2,148	(21,123)	(22,781)	-	(5,950)	430	(234)	-	(28,535)	-	(4,700)	3,500	(1,288)	-	(31,023)
<b>Total Other Net Costs</b>	<b>36,224</b>	<b>241</b>	<b>(7,900)</b>	<b>(3,734)</b>	<b>648</b>	<b>(21,123)</b>	<b>4,356</b>	<b>-</b>	<b>(5,950)</b>	<b>1,430</b>	<b>(1,234)</b>	<b>-</b>	<b>(1,398)</b>	<b>-</b>	<b>(4,700)</b>	<b>4,500</b>	<b>(2,288)</b>	<b>-</b>	<b>(3,886)</b>
<b>Inflation</b>	<b>3,141</b>	<b>-</b>	<b>-</b>	<b>5,500</b>	<b>(350)</b>	<b>-</b>	<b>8,291</b>	<b>-</b>	<b>-</b>	<b>5,500</b>	<b>(1,269)</b>	<b>-</b>	<b>12,522</b>	<b>-</b>	<b>-</b>	<b>5,500</b>	<b>(1,060)</b>	<b>-</b>	<b>16,962</b>
<b>Total Financing Requirement</b>	<b>361,985</b>	<b>-</b>	<b>(20,396)</b>	<b>5,142</b>	<b>8,150</b>	<b>(15,986)</b>	<b>338,896</b>	<b>-</b>	<b>(15,460)</b>	<b>9,120</b>	<b>(3,026)</b>	<b>(114)</b>	<b>329,415</b>	<b>-</b>	<b>(15,774)</b>	<b>9,270</b>	<b>(1,060)</b>	<b>(596)</b>	<b>321,256</b>
<b>Funding</b>																			
Government Funding (RSG)	(68,665)	-	-	14,707	-	-	(53,958)	-	-	10,163	-	-	(43,795)	-	-	10,514	-	-	(33,281)
Retained Business Rates	(125,339)	-	(20,318)	14,350	-	-	(131,307)	-	(4,100)	214	-	-	(135,194)	-	(4,600)	238	-	-	(139,555)
Council Tax	(76,884)	-	(8,953)	-	-	-	(85,837)	-	(4,343)	-	-	-	(90,180)	-	(3,634)	-	-	-	(93,814)
Collection Fund Surplus	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- Council Tax	(1,278)	-	(1,000)	1,278	-	-	(1,000)	-	-	1,000	-	-	-	-	-	-	-	-	-
- Retained Business Rates	(2,597)	-	-	2,597	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Core Grants</b>																			
- Public Health Grant	(36,883)	-	-	909	-	-	(35,974)	-	-	581	-	-	(35,393)	-	-	730	-	-	(34,663)
- NHB	(21,617)	-	(5,000)	7,287	-	-	(19,330)	-	(5,000)	20,407	-	-	(3,923)	-	(5,000)	5,741	-	-	(3,182)
- Education Services Grant	(3,799)	-	-	1,027	-	-	(2,772)	-	-	1,026	-	-	(1,746)	-	-	1,026	-	-	(720)
- Improved Better Care fund	-	-	(1,640)	-	-	-	(1,640)	-	(6,071)	-	-	-	(7,711)	-	(5,066)	-	-	-	(12,777)
- Adult Social Care Support Grant	-	-	(1,500)	-	-	-	(1,500)	-	-	1,500	-	-	-	-	-	-	-	-	-
- Local Lead Flood	-	-	(32)	-	-	-	(32)	-	(2)	-	-	-	(34)	-	(2)	-	-	-	(36)
<b>Reserves</b>																			
- General Fund (Corporate)	(2,080)	-	-	-	-	(4,014)	(6,094)	-	-	-	-	114	(5,980)	-	-	-	-	596	(5,384)
- Earmarked (Directorate)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
- General Fund (Smoothing)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Financing</b>	<b>(339,141)</b>	<b>-</b>	<b>(38,444)</b>	<b>42,155</b>	<b>-</b>	<b>(4,014)</b>	<b>(339,443)</b>	<b>-</b>	<b>(19,517)</b>	<b>34,891</b>	<b>-</b>	<b>114</b>	<b>(323,956)</b>	<b>-</b>	<b>(18,302)</b>	<b>18,249</b>	<b>-</b>	<b>596</b>	<b>(323,413)</b>

**APPENDIX A**

**LONDON BOROUGH OF TOWER HAMLETS  
COUNCIL 22<sup>nd</sup> FEBRUARY 2017  
BUDGET & COUNCIL TAX STATUTORY CALCULATIONS**

**SETTING THE AMOUNT OF COUNCIL TAX FOR THE COUNCIL'S AREA**

1. That the revenue estimates for 2017-18 be approved.
2. That it be noted that, at its meeting on 10<sup>th</sup> January 2017, Cabinet calculated 88,784 as its Council Tax base for the year 2017-18 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")]
3. That the following amounts be now calculated by the council for the year 2017-18 in accordance with Section 31 to 36 of the Local Government Finance Act 1992 as amended and the Local Authorities (Alteration of Requisite Calculations) (England) Regulations 2011:
  - (a) £1,289,163,591 Being the aggregate of the amounts which the council estimates for the items set out in Section 31A(2) of The Act. [Gross Expenditure]
  - (b) £1,203,326,974 Being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of The Act. [Gross Income]
  - (c) £85,836,618 Being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of The Act, as its council tax requirement for the year. (Item R in the formula in Section 31B of The Act). [Council Tax Requirement]
  - (d) £966.80 Being the amount at 3(c) above (Item R), all divided by Item T (2 above), calculated by the Council, in accordance with Section 31B(1) of The Act, as the basic amount of its Council Tax for the year. [Council Tax]

**APPENDIX A**

**LONDON BOROUGH OF TOWER HAMLETS  
COUNCIL 22<sup>nd</sup> FEBRUARY 2017  
BUDGET & COUNCIL TAX STATUTORY CALCULATIONS**

(e)	VALAUTION BAND	LBTH £
	A	644.54
	B	751.96
	C	859.38
	D	966.80
	E	1,181.65
	F	1,396.49
	G	1,611.34
	H	1,933.61

Being the amount given by multiplying the amount at 3(d) above by the number which, in the proportion set out in Section 5(1) of The Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of The Act, as the amount to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

**APPENDIX A**

**LONDON BOROUGH OF TOWER HAMLETS  
COUNCIL 22<sup>nd</sup> FEBRUARY 2017  
BUDGET & COUNCIL TAX STATUTORY CALCULATIONS**

4. That it be noted that for the year 2017-18 the Greater London Authority has stated the following amounts in precepts issued to the council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<b>VALUATION BAND</b>	<b>GLA £</b>
A	186.68
B	217.79
C	248.91
D	280.02
E	342.25
F	404.47
G	466.70
H	560.04

5. That, having calculated the aggregate in each case of the amounts at 3(d) and 4 above, the council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2017-18 for each of the categories of dwellings shown below:-

<b>VALUATION BAND</b>	<b>TOTAL COUNCIL TAX £</b>
A	831.22
B	969.75
C	1,108.29
D	1,246.82
E	1,523.89
F	1,800.97
G	2,078.04
H	2,493.65

6. That the council hereby determines in accordance with Section 52ZB of the Local Government Finance Act 1992, that its relevant basic amount of Council Tax for 2017-18 is not excessive in accordance with the principles approved by the Secretary of State under Section 52ZC of the Local Government Finance Act 1992. As the billing authority, the council has not been notified by a major precepting authority that its basic amount of Council



Tax for 2017-18 is excessive and that the billing authority is not required to hold a referendum in accordance with Section 52ZK of the Local Government Finance Act 1992

**6. REVIEW OF PROPORTIONALITY AND ALLOCATION OF PLACES ON COMMITTEES AND PANELS OF THE COUNCIL 2016/17**

**Guillotine Motion**

At this point at the meeting, the guillotine came into effect. As set out in Procedure Rule 9.3, all remaining reports on the agenda were deemed formally moved and seconded and were put to the vote with no further discussion.

The Council considered the report of the Acting Corporate Director, Governance and Interim Monitoring Officer (circulated in a supplementary agenda) reviewing the Council's proportionality and allocation of places on committees following recent changes to political groups on the Council. The recommendations were put to the vote under the guillotine procedure at Council Procedure Rule 9 and were **agreed**.

**RESOLVED:**

1. That the review of proportionality as at section 3 of the report be noted and the allocation of seats on committees and panels for the remainder of the Municipal Year 2016/17 be agreed as set out at paragraph 4.2 of the report.
2. That the committees and panels established for the municipal year 2016/17 as listed in paragraph 4.2 be noted as agreed at the Annual Council meeting held on Wednesday 18 May 2016.
3. That Members and deputies be appointed to serve on those committees and panels in accordance with nominations from the political groups to be notified to the Acting Corporate Director, Governance.
4. That the Acting Corporate Director, Governance be authorised to approve the appointment of ungrouped Councillors to any committee places not allocated by the Council to a political group, after consultation with those Councillors and the Speaker of the Council.
5. That the proposed new committee structures for the Overview and Scrutiny and General Purposes Sub-Committees be agreed as set out in Paragraph 4.4 of the report

The meeting ended at 10.45 p.m.

Speaker of the Council

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# Agenda Item 5

Non-Executive Report of the:  <b>Council</b>  22 March 2017	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White, Acting Corporate Director, Governance	<b>Classification:</b> Unrestricted
<b>Petitions to be Presented to Council</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Committee Services Manager, Democratic Services.
<b>Wards affected</b>	All wards

## SUMMARY

1. The Council's Constitution provides for up to three petitions to be presented at each ordinary Council meeting. These are taken in order of receipt. This report sets out the valid petitions submitted for presentation at the Council meeting on Wednesday 22 March 2017
2. The deadline for receipt of petitions for this meeting is noon on Thursday 16 March 2017. However, at the time of agenda despatch the maximum number of petitions has already been received as set out overleaf.
3. The text of the petitions received for presentation to this meeting are set out in the attached report. In each case the petitioners may address the meeting for no more than three minutes. Members may then question the petitioners for a further four minutes. Finally, the relevant Cabinet Member or Chair of Committee may respond to the petition for up to three minutes.
4. The petition will then be referred to the relevant Corporate Director for attention who will provide a written response within 28 days.
5. Members, other than a Cabinet Member or Committee Chair responding at the end of the item, should confine their contributions to questions and not make statements or attempt to debate.

## **5.1 Compensation for no heating and hot water in Killick Way, Ocean Estate Tower Hamlets (Petition from Muhammad Raihan Shohid and others)**

Residents of Killick Way, Ocean Estate were without hot water and heating in one of the coldest spells of the year due to the leak to a communal pipe, which was the case for well over a month.

Local families with young children, elders and infirm suffered detrimental impact on their health and welfare. In addition, this situation created an unnecessary stress and unbearable financial strain on the families who were already struggling due to the increase in Council Tax, other expenses and were/are 'just about managing'. The situation, arising from incompetence, lack of care, planning and coordination has made the matter worse for them.

We request urgent action, intervention and leadership from the Council and its current Mayor.

We urge the Mayor of Tower Hamlets to do the following in order to help us:

1. Show the same level of support and commitment he showed in regards to One Housing;
2. Write to the Chief Executive of East Thames, Yvonne Arrowsmith, who sits with the Mayor John Biggs on his Housing Policy Commission at Tower Hamlets Council and ask East Thames to offer a fair compensation to the tenants and leaseholders in their respective rent and rates for the duration of time they suffered as a result of this problem, which should also take into account the astronomical increase in the electricity bills they had to endure due to the use of portable electricity heaters as a last result to keep warm.
3. Refer East Thames to the Housing regulator; and
4. Meet with our Independent Group Ward Councillor, Mahbub Alam, who has been campaigning tirelessly on the issue and who visited affected families regularly, to update him of the progress.

## **5.2 Tower Hamlets Nursery Schools (Petition from Rachel Ellis and others)**

To call on Tower Hamlets Council

To urge the government to recognise the school status of State nursery schools & fund them accordingly.

Why is this important?

Nursery Schools in Tower Hamlets and across the country are under threat of closure due to government plans for the future funding of childcare.

State nursery schools have very good outcomes with regard to closing the achievement gap and supporting children with special needs. State nursery schools are legally required to employ highly-qualified teaching staff, who are proven to give young children the best opportunities for academic achievement and enabling social mobility.

## **5.3 Construction/building work in Aston Street E14 (Petition from Adm Azim Khan Chowdhury and others)**


We the undersigned residents of Lorne House, Cromarty House and surrounding buildings in Tower Hamlets call upon Mayor John Biggs to immediately address the following issues in regards to the construction work taking place in Aston Street, E14. We have been working with our Ward Councillor Mahbub Alam who has raised this issue with the Council, together with some of us who have directly complained to the construction staff, but nothing has changed.

We have urgent and serious concerns about the complete lack of planning, thought, health and safety issues, nuisance and negative impact on our health as well as to school going children who have to pass this dreadful construction site everyday affecting their lungs - causing allergies and adverse skin reaction since there is no barrier or cover around the construction site. Our cars are covered with dust and debris from the construction site. Some of us who have lived in various parts of London for over more than 25 years and have never seen such disregard, planning and lack of respect for residents and the neighbourhood.

We ask Mayor John Biggs to help our ward Councillor Mahbub Alam in resolving this matter for us and to ensure that the builders/construction company immediately addresses the issues set out above.

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# Agenda Item 6

Non-Executive Report of the:  <b>Council</b>  22 March 2017	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White, Acting Corporate Director, Governance	<b>Classification:</b> Unrestricted
<b>Questions Submitted by the Public</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Committee Services Manager, Democratic Services.
<b>Wards affected</b>	All wards

## SUMMARY

1. Set out overleaf are any questions submitted by members of the public, for response by the Mayor or appropriate Cabinet Member at the Council Meeting on 22 March 2017.
2. The Council's Constitution sets a maximum time limit of twenty minutes for this item.
3. A questioner who has put a question in person may also put one brief supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. Supplementary questions and Members' responses to written and supplementary questions are each limited to two minutes.
4. Any question which cannot be dealt with during the twenty minutes allocated for public questions, either because of lack of time or because of non-attendance of the questioner or the Member to whom it was put, will be dealt with by way of a written answer.
5. Unless the Speaker of Council decides otherwise, no discussion will take place on any question, but any Member of the Council may move, without discussion, that the matter raised by a question be referred for consideration by the Cabinet or the appropriate Committee or Sub-Committee.

## **QUESTIONS**

1 public question has been submitted as set out below:-

### **6.1 Question from Abu Talha Chowdhury**

Can the Mayor outline under what circumstances and in which areas, together with relevant Acts, could the local authority intervene in the schools maintained by the authority - and separately how it differs from a school run by a trust or as a free school?



<p>Non-Executive Report of the:</p> <p><b>Council</b></p> <p>22 March 2017</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Graham White, Acting Corporate Director, Governance</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Questions submitted by Members of the Council</b></p>	

<p><b>Originating Officer(s)</b></p>	<p>Matthew Mannion, Committee Services Manager, Democratic Services.</p>
<p><b>Wards affected</b></p>	<p>All wards</p>

## SUMMARY

1. Set out overleaf are the questions that were submitted by Members of the Council for response by the Mayor, the Speaker or the Chair of a Committee or Sub-Committee at the Council meeting on Wednesday 22 March 2017
2. In accordance with Council Procedure Rule 12.2 as amended, questions relating to Executive functions and decisions taken by the Mayor are put to the Mayor unless he delegates such a decision to another Member, 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.
3. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. Council Procedure Rule 12.5 provides for an answer to take the form of a written answer circulated to the questioner, a reference to a published work or a direct oral answer.
5. There is a time limit of thirty minutes at the Council meeting for consideration of Members' questions with no extension of time allowed and any questions not put within this time are dealt with by way of written responses.
6. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

## **MEMBERS' QUESTIONS**

28 questions have been received from Members of the Council as follows:-

### **8.1 Question from Councillor Sabina Akhtar**

The National Audit Office recently published a report highlighting the major cost pressures that schools face. What assessment has been made of the savings required by schools in Tower Hamlets, including the changes to the school funding formula?

### **8.2 Question from Councillor Oliur Rahman**

In response to my previous council question at 18 January 2017 meeting about vulnerable Syrian refugee children, the Mayor said that he is committed to resettling 3 to 5 households and has allocated funding the council need - will he update us on exactly how many vulnerable Syrians children does his commitment translate into, and how many have now been settled?

### **8.3 Question from Councillor Denise Jones**

What action has the Mayor taken to challenge the Government's damaging business rate increase?

### **8.4 Question from Councillor Andrew Wood**

Given the imminent closure of Marsh Wall & Eastferry road for gas works for five weeks starting the 27th March what has the Mayor done to ensure that construction sites in the area have adapted their plans, that people dependent on the 135 & D6 buses can still access transport and that disruption is minimised. Also given that this is the 2nd major utility related digging up of Marsh Wall in the last 8 months what assurances do we have that this will not happen again next year?

### **8.5 Question from Councillor Amina Ali**

What new facilities are now available in the newly refurbished Ocean Children's Centre?

### **8.6 Question from Councillor Rabina Khan**

Can the Mayor ensure that leaseholders and freeholders will secure a like for like property in the future regenerated scheme of what is known as "Project Stone"?

### **8.7 Question from Councillor Danny Hassell**

Can the lead member please update me on what work is being undertaken by the council and its partners to improve safety along Cantrell Road (the pedestrian path running alongside Tower Hamlets Cemetery Park between Knapp Road and Bow Common Lane) and what specific actions will be taken to improve safety here?

### **8.8 Question from Councillor Ohid Ahmed**

Will the Mayor provide official crime rate figures (overall) for each year since 2010 until present (2017) for the Borough? And will the Mayor confirm that Anti-Social Behaviour is a priority for him which is backed up by his utmost focus and required leadership?

### **8.9 Question from Candida Ronald:**

What assessment has the Council made of the Government's Budget, as announced on 8<sup>th</sup> March, and its impact on Tower Hamlets?

### **8.10 Question from Councillor Chris Chapman**

The Labour controlled Manchester City Council is ceasing the 20mph limit that was implemented in some areas of the City. The reason being that it made almost no difference to speeds. Manchester Road, Tower Hamlets is increasingly dangerous because of the unenforced and indeed almost unenforceable 20mph speed limit. Will the Mayor bring Manchester Road in line with Manchester and scrap this scheme?

### **8.11 Question from Councillor Helal Uddin**

The London Food Board has named Tower Hamlets as a leading borough in tackling food poverty issues, and the GLA has awarded the Council £5,000 to develop a food poverty action plan to build on this work. Can members be updated about this plan?

### **8.12 Question from Councillor Abdul Asad**

Has the Mayor met with the petitioners following the Budget Meeting on 22<sup>nd</sup> February to discuss with them their concerns and how the council could work with them to address the issues they highlighted related to children's centres, nurseries and young people's services?

### **8.13 Question from Councillor John Pierce**

Can the Mayor update us on the Council's progress to meet the second goal of the OSC Transparency Commission to 'publish all data by default wherever possible'?

### **8.14 Question from Councillor Mahbub Alam**

How would the Mayor describe Poplar HARCA's relationship with the Council and the Mayor, as well as its performance?

### **8.15 Question from Councillor M. Abdul Mukit:**

Tower Hamlets has a successful night-time economy which has major benefits but also needs careful management. What is the Lead Member doing to tackle drug abuse and the associated anti-social behaviour?

### **8.16 Question from Councillor Peter Golds**

Isle of Dogs residents continue to express concern at the loss of the three houses on Eastferry Road which were illegally pulled down, the future of the Victorian Pier Tavern, which although recently refused demolition could still be in danger and finally the future of the 110 year old, Cubitt Town Library, which is again under threat. Will the Mayor update the council as to what is being done to reassure Islanders about these valuable local assets?

### **8.17 Question from Councillor Aminur Khan**

Will the Mayor state how many Tower Hamlets Council run nurseries he plans to privatise?

### **8.18 Question from Councillor Md Maium Miah**

Will the Mayor update us on the total amount of cuts that were approved in his budget in February 2016 but were not achieved in the year by February 2017?

### **8.19 Question from Councillor Julia Dockerill**

Tower Hamlets has huge financial resource at its disposal from unspent s106 contributions. Yet all too many small parks, green spaces and leisure facilities in our borough look shabby and neglected. The Mayor has previously advised me that the council team with responsibility for improving our green spaces hasn't the capacity to deliver improvements. This being so, would he now look into contracting out more of these projects so that residents actually get the amenity improvements that local development is meant to pay for?

### **8.20 Question from Councillor Shafi Ahmed**

Can the Mayor clarify if he is closing 18, 10, 8 or no Youth Centres?

### **8.21 Question from Councillor Muhammad Ansar Mustaqim**

Will the Mayor update as to what is the average percentage of built-in inflation in the Council contracts of £1m and above?

### **8.22 Question from Councillor Craig Aston**

What is the Council's intention towards the Council owned green space known as the Limehouse Triangle on Salmon Lane. Given the known scarcity of green space in the Borough should this space not be used as part of the Borough's green grid rather than for housing?

### **8.23 Question from Councillor Shah Alam**

Can the Mayor state how many staff will lose their jobs through the cuts to the Careers Centre?

### **8.24 Question from Councillor Suluk Ahmed**

Will the Mayor inform exactly how many staff – not just full-time equivalent figure - will lose their jobs due to his budget cuts approved last month? Can he confirm the total number of staff – part-time or full time - have lost their job since June 2015?

### **8.25 Question from Councillor Harun Miah**

What funding amounts and for which specific service areas remained unallocated in 2015/16 and 2016/17?

### **8.26 Question from Councillor Gulam Kibria Choudhury**

Does the Council have no statutory, welfare and/or moral responsibility to keep a record as to precisely how many people – not families – are currently housed in temporary accommodation – particularly children under the age of 16?

Will the Mayor undertake to ensure that this record is kept and monitored immediately to avoid potential abuse and impropriety that the Council can be liable for?

### **8.27 Question from Councillor Gulam Robbani**


Will the Mayor share with residents and elected members the following:

- a) the Council's new communications strategy?
- b) the Council's campaigns schedule for 2017/18?
- c) if the Mayor has asked the communications team 'not' to send the standard daily media monitoring alerts to the elected members other than his administration? If he has not, will he ask the Head of Service to immediately start sending the daily media alerts to 'all' elected councillors?
- d) the Council's protocol and the legislation relating to the journalists or media filming the public full council meetings provided they give notice and are non-disruptive?
- e) the legislation and the Council's protocol to allow residents to undertake democratic, peaceful and non-disruptive protests at public meetings?
- f) if the Mayor has asked the Council's security to overzealously remove innocuous banners or display cards from the residents and discourage them when they come to peacefully and democratically voice their concerns at the council's public meetings? if the Mayor has not done so, can he explain why is this taking place under his administration that residents are being discouraged? Will he ensure that clear instruction is given to the council's security, facility and members team – particularly security - 'not to discourage the peaceful and civic democratic engagement', and continue to be courteous and helpful to all residents when they come to attend the council meetings?

### **8.28 Question from Councillor Andrew Cregan**

What is the Mayor doing to address the borough's recycling rate of 21% - one of the poorest in the UK?

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Decision Report Cover Sheet:  <b>Council</b>  22 March 2017	 <b>TOWER HAMLETS</b>
<b>Cover Report of:</b> Matthew Mannion, Committee Services Manager	<b>Classification:</b> Unrestricted
<b>Localism Act 2011 – Pay Policy Statement 2017/18</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Committee Services Manager (Cover Report)
<b>Wards affected</b>	All Wards

**Summary**

The Localism Act 2011 – Pay Policy Statement 2017/18 was presented to General Purposes Committee on 25 January 2017 where it was agreed by the Committee. It is now presented to Council for final approval.

The Report and Appendices are attached to this Cover Sheet.

**Recommendations:**

The Council is recommended to:

1. Agree the Pay Policy Statement 2017/18.

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Non-Executive Report of the:  <b>General Purposes Committee</b>  25 January 2017	
<b>Report of:</b> Zena Cooke, Corporate Director Resources	<b>Classification:</b> Unrestricted
<b>Localism Act 2011 – Pay Policy Statement 2017/18</b>	

<b>Originating Officer(s)</b>	Stuart Young, Interim Divisional Director HR and Transformation
<b>Wards affected</b>	All wards

## Summary

Under Section 38(1) of the Localism Act 2011, the council is required to adopt a pay policy statement for each financial year.

The council's first pay policy statement was adopted for 2012/13 and subsequent pay policy statements were agreed for 2013/14, 2014/15, 2015/16 and 2016/17 (Appendix 2). A statement for 2017/18 (draft attached as Appendix 1) should be approved and adopted by 31<sup>st</sup> March 2017 to enable it to be published as soon as is practical in the new financial year.

The Local Government Transparency Code 2015 (Appendix 3) includes further guidance regarding 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 2017/18 pay policy statement and a Local Government Transparency Code 2016 is also yet to be published.

Should guidance or a 2016 Code be published after the 2017/18 pay policy has been considered by the GP Committee and/or Full Council, which requires minor amendments to be made to the pay policy statement, it is proposed that the GP Committee delegate the authority to make such amendments to the Chief Executive after consultation with the Divisional Director (HR and Transformation), the Chair of the GP Committee and the Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to the GP Committee for consideration.

The draft 2017/18 pay policy statement is included at Appendix 1 for consideration by the GP Committee. The proposed statement has to be approved and adopted by the end of March 2017. The meeting of Full Council, during which the statement will be considered for adoption, will be held on 22<sup>nd</sup> March 2017.

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 8 – Legal comments. The model pay policy produced for schools could be reviewed for 2017/18 to include a commitment to pay London Living Wage.

### **Recommendations:**

The General Purposes Committee is recommended to:-

1. Consider the draft pay policy statement, proposing any changes to be made and, subject to such changes, recommend that Full Council agrees the draft statement.
2. Agree that if any minor changes to the 2017/18 pay policy statement are required as a result of future government guidance or a Local Government Transparency Code 2016, these amendments be delegated to the Chief Executive, after consultation with the Divisional Director (HR and Transformation), the Chair of the GP Committee and the 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. In addition to the Act, 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 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 REPORT**

- 3.1 The pay policy statement must set out the authority's policies for the financial year relating to the remuneration of its officers. This 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, but 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 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' and the statement details the council's current arrangements; using the definitions contained in the Act and associated guidance. The Act also requires the council to have regard to statutory guidance entitled 'Openness and accountability in local pay' under the Transparency Agenda. The original guidance was published in 2012, with updated guidance published in February 2013, which stated that the pay policy statement should 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 Assistant Directors.
- 3.5 The draft 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. The government have consulted on changes to the Code for 2016 but at the time of writing, the results have not been published. Should any minor changes to the 2017/18 pay policy statement be required as a result of the publication of a Local

Government Transparency Code 2016, these amendments could be made by the Chief Executive, after consultation with the Divisional Director (HR and Transformation), the Chair of the GP Committee and the 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, but 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 statement. The ratio last year was 1:6.7 and this year is 1:6.1.
- 3.7 For the 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 was included. This ratio last year was 1:10.87 and this year is 1:10.90. 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 1:6.1. This is the same as the figure already used. (Please note that this figure will be updated in March, when a full tax year can be taken into consideration, to ensure it is accurate and up to date).
- 3.9 When considering the 2015-16 pay policy in January 2015, 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. The model pay policy provided to schools could be revised for 2017/18 to include pay multiples.
- 3.10 Once other councils have published their pay policies, there will be a further report to GP Committee including benchmarking information as to how the council's pay multiples compare to those of other London boroughs.

### **London Living Wage**

- 3.11 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.”

- 3.12 The London Living Wage (LLW) increases annually and the latest rise was announced on 31<sup>st</sup> October 2016. The LLW rate increased from £9.40 to £9.75 per hour.
- 3.13 The council has 6 months in which to apply the new LLW rates, i.e. by 30th April 2017. It is proposed the new rate is introduced from 1<sup>st</sup> April 2017. Whilst the council’s standard procurement documentation does not stipulate when contractors are required to apply the LLW, it is further proposed to align the increase for third party service providers with directly employed workers.
- 3.14 The lowest paid staff in the council are currently paid at the London Living Wage rate of £9.40 per hour. It is proposed that from 1<sup>st</sup> April 2017, the lowest paid staff are moved on to spinal column point (SCP) 6, which will equate to £9.99 per hour – an increase of 59p per hour or SCP 7, which will equate to £10.07 per hour, depending on their length of service.
- 3.15 SCPs 6 and 7 have not been used for a number of years due to past increases in the LLW, prior to the 2 year pay award being agreed, which meant the LLW rate surpassed the hourly rates for these points. Following the 2 year pay award agreed last year, SCPs 6 and 7 are both now back above the LLW rate and it is therefore proposed that they start to be used again.
- 3.16 Prior to the 2 year pay award agreed last year, the lowest paid staff had progressed to SCP 8, which at that time was the lowest point above the LLW rate. It was therefore agreed that last year, as the pay award was pending, staff who had been receiving SCP 8 (£9.35 per hour) would receive an increase to the actual LLW rate (£9.40 per hour).
- 3.17 The Trade Unions requested that SCPs 6 and 7 are not reintroduced as they are seeking to increase the pay of those paid at the lower end of the pay scales. However, as the 2016-18 pay award is weighted so that the biggest hourly increase is at the lower end of the pay spine, SCPs 6 and 7 are now above the LLW rate.
- 3.18 There are currently 561 staff who are receiving the LLW. This figure excludes staff who were on SCP 8 but their substantive post grade is Scale1A2, as they will remain on SCP 8, or progress to SCP 9 if they have the requisite service. The 561 staff have a substantive post grade of Scale1A1 and have only previously progressed to SCP 8 due to the LLW increases.
- 3.19 In relation to the 561 staff receiving the LLW, it is proposed that as SCPs 6 and 7 are now above the LLW, they be moved back on to SCP 6 or 7 as appropriate. Staff who have the service to have progressed to the top of Scale1A1 grade will be placed on SCP 7 and those who have not will be placed on SCP 6.

- 3.20 Although this approach means reducing the SCP that these staff were previously on, they will receive an actual pay increase of at least 59p per hour. This approach also means that staff are once again receiving pay in line with the evaluated grade for their post.
- 3.21 Many of the 561 employees work part time, meaning that there are 325 full-time equivalents. The maximum cost increase (based on the current rate of £9.40 per hour) of this approach, assuming all staff were to be paid on SCP 7 (which would apply to the overwhelming majority), would be £399,425 per annum.
- 3.22 Although the 2017-18 Pay Policy does not specifically say which SCP these staff should be placed on, it does say that “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.” This approach complies with that principle.
- 3.23 It is proposed that as well as moving staff currently paid on LLW whose substantive grade is Scale1A1 on to SCPs 6 and 7 as appropriate, that new starters in posts graded Scale1A1 are placed on a starting point of SCP 6, which is the lowest SCP in the grade.
- 3.24 The significant increase of the hourly rate at the lower end of the pay scale means that SCPs 6 and 7 can be reintroduced, relieving the concertina effect that was occurring in the lower grades.
- 3.25 If, however, staff were paid at the London Living Wage rate of £9.75 per hour instead of being placed on the appropriate SCP, the cost (based on the assumptions in 3.21 above) would be around £207,480.
- 3.26 It is likely that by 2018 the current pay spine will not be fit for purpose. Given this, a Task and Finish Group looking at a future pay spine for London, taking into account, amongst other things, the concertina effect that rises to the LLW is having on the bottom of the current pay spine, has been established and some initial work done. The council is represented on this group, which may be called on to do further work in 2017, depending on how national discussions about amendments to the pay spine progress.

## **Future Legislative Changes**

### **Change expected by end of 2016/early 2017 - Repayment of Public Sector Exit Payments**

- 3.26 The Small Business, Enterprise and Employment Act 2015 became law on 26<sup>th</sup> March 2015. The Act includes provision for secondary legislation in relation to the repayment of public sector exit payments. Draft Repayment of Public Sector Exit Payments Regulations 2015 have been created, which are due to come into force in late 2016/early 2017.

- 3.27 The Regulations will mean that individuals earning more than £80,000, who receive an exit payment and then take a new job anywhere in the public sector within a year, either on or off payroll, will have to repay, to the employer who made the payment, all or part of their exit payment.
- 3.28 In anticipation of the regulations, a separate paragraph was included in the Pay Policy for 2016-17, under section 12.5 – re-employment following redundancy/early retirement, to cover the requirement in the regulations as follows: -

*“Any employee or office holder who earns above the threshold set out in the Repayment of Public Sector Exit Payments Regulations 2016, will be required to repay in full or part (as set out in the Regulations), 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, once the Regulations are operable. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.”*

### **Change expected in 2017 – Public Sector Exit Payment Cap**

- 3.29 At present there is no limit on public sector exit payments. The government announced on 23<sup>rd</sup> May 2015 that it intends to end six figure exit payments for public sector workers. The government therefore proposes to introduce a cap of £95k on the total value of exit payments.
- 3.30 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. The cap of £95k on the total value of the exit payment would apply whether these benefits are taken individually or in combination.
- 3.31 Where multiple payments are made, these will be aggregated to be measured against the £95k cap. At present, it is proposed that the following will not be in scope: -
- Compensation payments in respect of death or injury attributable to employment, serious ill health and ill health retirement and certain fitness related requirements
  - Payments made to conclude/settle litigation, including claims for unfair dismissal and/or breach of contract
- 3.32 It is proposed that waivers would be available in exceptional cases and will require the approval of Full Council. There will be a requirement for the council to maintain records and publish annual details of all exit payments made within the financial year

- 3.33 Draft Public Sector Exit Payment Regulations 2016 have been created by the Treasury, in exercise of the power conferred upon them by section 153A(1) of the Small Business, Enterprise and Employment Act 2015. However, these are still in draft form and an implementation date is yet to be set. The LGA has advised it is awaiting further legislative developments and guidance will be issued in due course.
- 3.34 At present, it is unclear how the proposals set out in the Regulations will override either the statutory or contractual rights of employees. It is likely that further legislation will be required to give effect to these proposals where they override contractual provisions. The proposals may also require legislative amendments to the Local Government Pension Scheme.
- 3.35 The proposed changes are aimed at senior managers within the public sector. However, there will be a greater impact on employees with longer service, even at middle income level, in relation to the cost of providing unreduced pension benefits.
- 3.36 It is not proposed to add anything to the pay policy at this stage with regard to these proposals. If changes are needed once the final regulations are implemented and their impact is clear, they will be made at that time.
- 3.37 A further report and guidance will be produced on these regulations and their impact once the final details are known.

### **Trade Union Consultation**

- 3.38 The draft pay policy and this report have been shared with Unison, GMB and Unite for their comments but none were received.

## **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The MTFs includes a provision of £1.6m in 2017/18 to cover increases in employee costs as a result of pay inflation and changes in London Living Wage (LLW).
- 4.2 Aside from that, the other recommendations within the report are not expected to lead to any additional financial commitments for the council. However, there will be some additional administrative responsibilities arising from these changes which will need to be managed through existing resources.

## **5. LEGAL COMMENTS**

- 5.1 The legal considerations are set out in the body of the report and therefore there are no additional legal implications arising.

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 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.

## **7. BEST VALUE (BV) IMPLICATIONS**

7.1 This report sets out the council's pay policy for 2017/18, 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.

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

8.1 There are no implications.

## **9. RISK MANAGEMENT IMPLICATIONS**

9.1 The draft statement describes existing policies and practice. Any risks, e.g. from proposing changes in the future to pay and benefits, would be assessed at the time.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

10.1 There are no implications.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

Repayment of Public Sector Exit Payments

#### **Appendices**

Appendix 1 – Draft Pay Policy Statement 2017/18

Appendix 2 – Pay Policy Statement 2016/17

Appendix 3 – Local Government Transparency Code 2015

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#### **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:**

- Stuart Young, Interim Divisional Director, HR and Transformation 020 7364 5918

**London Borough of Tower Hamlets  
Pay Policy statement 1 April 2017 – 31 March 2018**

**1 Introduction**

The Localism Act 2011 requires Local Authorities to produce a pay policy statement every financial year. This requirement is part of the Government's drive towards public sector transparency.

The Pay Policy Statement sets out the Council's current policies and practice in relation to pay for all parts of the workforce. The statement excludes school based employees. The Statement is made available on the Council's website, which also includes separately published salary information for senior managers as part of the Government's Transparency Code.

**2 Scope**

The policy addresses the requirements of the Localism Act and addresses key areas of pay and remuneration.

The Localism Act defines senior executives, and in this statement they are the Chief Executive/Head of Paid Service, Directors and the Monitoring Officer (who make up the Corporate Management Team) in addition to Directors and Divisional Directors.

**3 Pay and grading structure**

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.

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.

There are also a number of staff who have retained their existing terms and conditions following TUPE transfers into the organisation.

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.

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.

Above LPO8, local grades are in place for senior staff as follows:

- LP09 - evaluated under a local variation to the GLPC job evaluation Scheme
- Chief Officers, Deputy Chief Officers (Divisional Directors and senior executives) and Key Chief Officers - evaluated under the Joint Negotiating Committee for Chief Officers job evaluation scheme

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.

New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.

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 How the Council's management team is structured**

The Council's Corporate Management Team is led by the Chief Executive/Head of Paid Service, supported by a number of Chief Officers reporting to the Chief Executive/Head of Paid Service. All statutory roles are at this level of the organisation, with the exception of the Director of Public Health.

Divisional Directors (Deputy Chief Officers) in each Directorate report to a member of the Corporate Management Team.

#### **5 Senior Executive remuneration**

Pay for senior executives who are members of the Corporate Management Team is made up of three elements:

- Basic pay (defined by a locally agreed grade)
- London weighting allowance
- Travel allowance payment

In addition, Returning Officer fees are payable to the Chief Executive in respect of elections or referenda where fees are not funded by the Council. 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.

Divisional Directors (Deputy Chief Officers) receive basic pay (defined by a locally agreed grade).

Senior salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [\(Link\)](#)

## **6 Senior appointments**

All salary packages for posts at Chief Officer or Deputy Chief Officer level are in line with locally agreed pay scales.

## **7 Lowest paid employees**

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.

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.

The council's Apprentices are paid at the London Living Wage rate.

The council will implement the increase to the London Living Wage on 1<sup>st</sup> April 2017 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.

## **8 National pay bargaining**

Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.

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.

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

## **9 Incremental progression**

Incremental progression is on an annual basis for those staff who are not at the top of their grade. As per national conditions of service, progression is automatic for all staff (subject to general satisfactory performance) except Divisional Directors and Chief Officers who have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

## **10 Additional payments and allowances**

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.

Acting up and honoraria payments are made to individual staff as appropriate using clear criteria, and where a clear business need is identified.

The Council has a staff relocation package, available to new entrants to the Council's employment, but subject to tight eligibility criteria.

The Council also has the ability to pay market supplements for recruitment and retention purposes, where there is a strong business case and appropriate criteria are met.

The Council does not operate a performance related pay scheme or bonus scheme.

## **11 Pensions**

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.

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.

## **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 Chief Officers and to all staff. In certain circumstances, individuals may also qualify for early release of their pension.

### *12.2 Redundancy packages*

When it is proposed to delete a post at Chief Officer, Key Chief Officer or Deputy Chief Officer level, a report is submitted to the Council's GP Committee for consideration. If the proposal will result in a postholder receiving a severance package, the costs of such a package are included in the report.

### *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 Negotiated exits – settlements*

If it is determined that a negotiated settlement is appropriate for a senior executive in circumstances which do not amount to a dismissal, the Service Head (Human Resources & Transformation) will deal with the detail, and the Council's Chief Executive/Head of Paid Service after consultation with the Monitoring Officer (or in circumstances where it is not appropriate for one or other to be involved, the Chief Financial Officer) will consider whether the terms of the offer constitute value for money and are appropriate, fair and reasonable in the circumstances, and the proposed settlement shall then be subject to the agreement of the General Purpose Committee.

### *12.5 Re-employment following redundancy/early retirement*

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.

To allow for exceptional circumstances, when it might be necessary to reemploy someone sooner than set out above, a Director, in conjunction with the Service Head HR and Transformation, and after consultation with the Chair of the General Purpose Committee, has authority to waive the 1 or 2 year requirement (as appropriate), provided there is justification.

Any employee or office holder who earns above the threshold set out in the Repayment of Public Sector Exit Payments Regulations 2016, will be required to repay in full or part (as set out in the Regulations), 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, once the Regulations are operable. This

requirement can only be waived in exceptional circumstances and by a decision of Full Council.

### **13 Pay multiples / comparisons**

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.

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 1:6.1.

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 1:10.9.

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**

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**

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy Statement for each subsequent financial year. The Council's next Statement is scheduled to be for 2018/19 and will be submitted to Full Council for approval by 31 March 2018.

Should changes to 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 an appropriate recommendation was made to Full Council.



**London Borough of Tower Hamlets  
Pay Policy statement 1 April 2016 – 31 March 2017**

**1 Introduction**

The Localism Act 2011 requires Local Authorities to produce a pay policy statement every financial year. This requirement is part of the Government's drive towards public sector transparency.

The Pay Policy Statement sets out the Council's current policies and practice in relation to pay for all parts of the workforce. The statement excludes school based employees. The Statement is made available on the Council's website, which also includes separately published salary information for senior managers as part of the Government's Transparency Code.

**2 Scope**

The policy addresses the requirements of the Localism Act and addresses key areas of pay and remuneration.

The Localism Act defines senior executives, and in this statement they are the Chief Executive/Head of Paid Service, Corporate Directors and the Monitoring Officer (who make up the Corporate Management Team) in addition to Directors and Service Heads.

**3 Pay and grading structure**

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.

The Council also employs some staff on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth & 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.

There are also a number of staff who have retained their existing terms and conditions following TUPE transfers into the organisation.

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.

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.

Above LPO8, local grades are in place for senior staff as follows:

- LP09 - evaluated under a local variation to the GLPC job evaluation Scheme
- Chief Officers, Deputy Chief Officers (Service Heads and senior executives) and Key Chief Officers - evaluated under the Joint Negotiating Committee for Chief Officers job evaluation scheme

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.

New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.

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 How the Council's management team is structured**

The Council's Corporate Management Team is led by the Chief Executive/Head of Paid Service, supported by a number of Chief Officers reporting to the Chief Executive/Head of Paid Service. All statutory roles are at this level of the organisation, with the exception of the Director of Public Health.

Service Heads (Deputy Chief Officers) in each Directorate report to a member of the Corporate Management Team.

#### **5 Senior Executive remuneration**

Pay for senior executives who are members of the Corporate Management Team is made up of three elements:

- Basic pay (defined by a locally agreed grade)
- London weighting allowance
- Travel allowance payment

In addition, Returning Officer fees are payable to the Chief Executive in respect of elections or referenda where fees are not funded by the Council. 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.

Service Heads (Deputy Chief Officers) receive basic pay (defined by a locally agreed grade).

Senior salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [http://www.towerhamlets.gov.uk/lgnl/council\\_and\\_democracy/Transparency/transparency.aspx](http://www.towerhamlets.gov.uk/lgnl/council_and_democracy/Transparency/transparency.aspx)

## **6 Senior appointments**

All salary packages for posts at Chief Officer, Key Chief Officer or Deputy Chief Officer level are in line with locally agreed pay scales.

## **7 Lowest paid employees**

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.

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.

The council's Apprentices are paid at the London Living Wage rate.

The council will implement the increase to the London Living Wage on 1<sup>st</sup> April 2016, by temporarily paying the London Living Wage to employees on Scale point 8, until a national pay agreement is implemented, at which point the increased salary will be backdated.

In the event that no pay award is agreed for 2016, those staff will be moved up to spinal column point 9.

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.

## **8 National pay bargaining**

Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.

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.

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

## **9 Incremental progression**

Incremental progression is on an annual basis for those staff who are not at the top of their grade. As per national conditions of service, progression is automatic for all staff (subject to general satisfactory performance) except Service Heads and Chief Officers who have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

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The Council will have regard to its pay ratios and keep them under review, seeking to balance the following:

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### **15 Review**

The Localism Act 2011 requires relevant authorities to prepare a Pay Policy

Statement for each subsequent financial year. The Council's next Statement is scheduled to be for 2017/18 and will be submitted to Full Council for approval by 31 March 2017.

Should changes to 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 an appropriate recommendation was made to Full Council.

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Department for  
Communities and  
Local Government

# Local Government Transparency Code 2015



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# 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 Deloitte<sup>1</sup> 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 survey<sup>2</sup> 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 Panel<sup>3</sup> 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 MORI<sup>4</sup> found that the more citizens feel informed, the more they tend to be satisfied with public services and their local authorities.

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<sup>1</sup> "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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198905/bis-13-743-market-assessment-of-public-sector-information.pdf)

<sup>2</sup> "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](http://www.local.gov.uk/documents/10180/11541/Local_Government_Transparency_Survey_2012.pdf/dd4c24ed-20ba-4feb-b6eb-fea21e4af049)

<sup>3</sup> "Citizens Panel Summer 2011 Survey Results Data Transparency" Bedford Borough Council, August 2011 (unpublished)

<sup>4</sup> "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](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 assets<sup>5</sup>. 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 practices<sup>6</sup>
  - **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.

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<sup>5</sup> Nationally, local authorities' estate (all forms of land and buildings) is estimated to be worth about £220 billion.

<sup>6</sup> 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 received<sup>7</sup> 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 Corruption<sup>8</sup>. 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 2014<sup>9</sup> 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.

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<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/266815/Transparency\\_Code\\_Government\\_Response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266815/Transparency_Code_Government_Response.pdf) (see paragraph 37)

<sup>8</sup> <http://www.cipfa.org/services/counter-fraud-centre/code-of-practice>

<sup>9</sup> 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”<sup>10</sup> 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’ privacy<sup>11</sup>.
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 \*\*\*).

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<sup>10</sup> <https://www.gov.uk/set-up-a-social-enterprise>

<sup>11</sup> [http://ico.org.uk/for\\_organisations/data\\_protection/topic\\_guides/anonymisation](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 guidance<sup>12</sup> on transparency (eg. technical guidance notes, best practice examples and case studies) to help local authorities comply with this Code.

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<sup>12</sup> <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 2014<sup>13</sup> 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 £500<sup>14</sup>. This includes items of expenditure<sup>15</sup>, consistent with Local Government Association guidance<sup>16</sup>, 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.

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<sup>13</sup> 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.

<sup>14</sup> The threshold should be, where possible, the net amount excluding recoverable Value Added Tax.

<sup>15</sup> 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.

<sup>16</sup> <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 expenditure<sup>17</sup>
- amount<sup>18</sup>
- 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
- amount<sup>19</sup>
- Value Added Tax that cannot be recovered
- summary of the purpose of the expenditure, and
- merchant category (eg. computers, software etc).

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<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> 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 services<sup>20</sup> with a value that exceeds £5,000<sup>21, 22</sup>. 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 contract<sup>23</sup>, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000<sup>24</sup>. 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 contract<sup>25</sup>
- 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 number<sup>26</sup>.

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<sup>20</sup> This includes contracts for staff who are employed via consultancy firms or similar agencies.

<sup>21</sup> The threshold should be, where possible, the net amount excluding recoverable Value Added Tax.

<sup>22</sup> Tenders for framework agreements should be included, even though there may be no initial value.

<sup>23</sup> This includes contracts for staff who are employed via consultancy firms or similar agencies.

<sup>24</sup> The threshold should be, where possible, the net amount excluding recoverable Value Added Tax.

<sup>25</sup> 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.

<sup>26</sup> 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 2014<sup>27</sup> 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 month<sup>28</sup> 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.

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<sup>27</sup> 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.

<sup>28</sup> 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 Number<sup>29</sup>
- 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<sup>30</sup>
- 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 postcode<sup>31</sup>).

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<sup>29</sup> 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).

<sup>30</sup> 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.

<sup>31</sup> 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](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 etc<sup>32</sup>.
- 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 Account<sup>33</sup>.

39. The following social housing stock data must be published:

- valuation data to be listed at postal sector level<sup>34</sup> (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 guidance<sup>35</sup>) 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.

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<sup>32</sup> 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.

<sup>33</sup> 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.

<sup>34</sup> 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](http://www.postcodeaddressfile.co.uk/products/postcodes/postcodes_explained.htm)

<sup>35</sup> *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](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:

<b>Valuation Band Range</b>	<b>Intervening bands value</b>
< £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 number<sup>36</sup>
- 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 organisation<sup>37</sup>. 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).

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<sup>36</sup> For example, this might be the company or charity registration number.

<sup>37</sup> 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<sup>38, 39</sup>. 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<sup>38,40</sup>.

## 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)<sup>41</sup>:

- 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.

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<sup>38</sup> 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.

<sup>39</sup> 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](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/212559/parkinginforcepolicy.pdf)

<sup>40</sup> 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.

<sup>41</sup> 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 Act<sup>42</sup>, 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.

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<sup>42</sup> 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](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 work<sup>43</sup>:

- number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014<sup>44</sup>, or similar powers<sup>45</sup>
- 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).

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<sup>43</sup> The definition of fraud is as set out by the Audit Commission in *Protecting the Public Purse*.

<sup>44</sup> S.I. 2014/899.

<sup>45</sup> 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 Finder<sup>46</sup>, 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 £5,000<sup>47</sup>
- 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.

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<sup>46</sup> 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/>

<sup>47</sup> 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 (m<sup>2</sup>) 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 (m<sup>2</sup>) should convert measurements to Gross Internal Area using appropriate conversion factors<sup>48</sup> 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 services<sup>49</sup>
- 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).

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<sup>48</sup> 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>

<sup>49</sup> <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 SPARQL<sup>21</sup>)
- 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 appropriate<sup>50</sup>, alongside open and machine-readable format, within six months of this Code being issued.

**Shehla Husain**  
**A Senior Civil Servant in the Department for Communities and Local Government**

**Department for Communities and Local Government**  
**27 February 2015**

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<sup>50</sup> 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><b>Expenditure exceeding £500</b></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"> <li>• individual invoices</li> <li>• grant payments</li> <li>• expense payments</li> <li>• payments for goods and services</li> <li>• grants</li> <li>• grant in aid</li> <li>• rent</li> <li>• credit notes over £500</li> <li>• transactions with other public bodies.</li> </ul> <p>For each individual item of expenditure the following information must be published:</p> <ul style="list-style-type: none"> <li>• date the expenditure was incurred</li> <li>• local authority department which incurred the expenditure</li> <li>• beneficiary</li> <li>• summary of the purpose of the expenditure</li> <li>• amount</li> <li>• Value Added Tax that cannot be recovered</li> <li>• merchant category (eg. computers, software etc).</li> </ul>	<ul style="list-style-type: none"> <li>• 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).</li> <li>• 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.</li> <li>• publish the total amount spent on remuneration over the period being reported on.</li> <li>• classify purpose of expenditure using the Chartered Institute of Public Finance and Accountancy Service Reporting Code of Practice to enable comparability between local authorities.</li> </ul>

Information title	Information which must be published	Information recommended for publication
<b>Government Procurement Card transactions</b>	<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"> <li>• date of the transaction</li> <li>• local authority department which incurred the expenditure</li> <li>• beneficiary</li> <li>• amount</li> <li>• Value Added Tax that cannot be recovered</li> <li>• summary of the purpose of the expenditure</li> <li>• merchant category (eg. computers, software etc).</li> </ul>	<ul style="list-style-type: none"> <li>• 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.</li> </ul>
<b>Procurement information</b>	<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"> <li>• reference number</li> <li>• title</li> <li>• description of the goods and/or services sought</li> <li>• start, end and review dates</li> <li>• local authority department responsible.</li> </ul> <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"> <li>• reference number</li> <li>• title of agreement</li> <li>• local authority department responsible</li> </ul>	<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"> <li>• 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)</li> <li>• every invitation to tender for contracts to provide goods and/or services with a value that exceeds £500 instead of £5,000</li> <li>• details of invitations to quote where there has not been a formal invitation to tender</li> <li>• all contracts in their entirety where the value of the contract exceeds £5,000</li> </ul>

Information title	Information which must be published	Information recommended for publication
	<ul style="list-style-type: none"> <li>• description of the goods and/or services being provided</li> <li>• supplier name and details</li> <li>• sum to be paid over the length of the contract or the estimated annual spending or budget for the contract</li> <li>• Value Added Tax that cannot be recovered</li> <li>• start, end and review dates</li> <li>• whether or not the contract was the result of an invitation to quote or a published invitation to tender</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>• company registration number at Companies House</li> <li>• details of invitations to tender or invitations to quote that are likely to be issued in the next twelve months</li> <li>• details of the geographical (eg. by ward) coverage of contracts entered into by the local authority</li> <li>• details of performance against contractual key performance indicators</li> <li>• 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).</li> </ul>
<b>Local authority land</b>	<p>Annual publication</p> <p>Publish details of all land and building assets including:</p> <ul style="list-style-type: none"> <li>• all service and office properties occupied or controlled by user bodies, both freehold and leasehold</li> <li>• any properties occupied or run under Private Finance Initiative contracts</li> <li>• all other properties they own or use, for example, hostels, laboratories, investment properties and depots</li> <li>• garages unless rented as part of a housing tenancy agreement</li> <li>• surplus, sublet or vacant properties</li> <li>• undeveloped land</li> <li>• serviced or temporary offices where contractual or actual occupation exceeds three months</li> <li>• all future commitments, for example under an agreement for lease, from when the contractual commitment is made.</li> </ul>	<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"> <li>• the size of the asset measured in Gross Internal Area (m<sup>2</sup>) 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</li> </ul>

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"> <li>• rent free properties provided by traders (such as information booths in public places or ports)</li> <li>• operational railways and canals</li> <li>• operational public highways (but any adjoining land not subject to public rights should be included)</li> <li>• assets of national security</li> <li>• information deemed inappropriate for public access as a result of data protection and/or disclosure controls (eg. such as refuge houses).</li> </ul> <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"> <li>• Unique Property Reference Number</li> <li>• 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</li> <li>• name of the building/land or both</li> <li>• street number or numbers - any sets of 2 or more numbers should be separated with the '-' symbol (eg. 10-15 London Road)</li> <li>• street name – this is the postal road address</li> <li>• post town</li> </ul>	<p>each floor level. Local authorities using Net Internal Area (m<sup>2</sup>) should convert measurements to Gross Internal Area using appropriate conversion factors and state the conversion factor used</p> <ul style="list-style-type: none"> <li>• the services offered from the asset, using the services listed in the Effective Services Delivery government service function list <a href="http://doc.esd.org.uk/FunctionList/1.00.html">http://doc.esd.org.uk/FunctionList/1.00.html</a> (listing up to five main services)</li> <li>• 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</li> <li>• 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</li> <li>• total building operation (revenue) costs as defined in the corporate value for money indicators for public services</li> </ul>

Information title	Information which must be published	Information recommended for publication
	<ul style="list-style-type: none"> <li>• United Kingdom postcode</li> <li>• 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</li> <li>• 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"> <li><i>for freehold assets:</i> <ul style="list-style-type: none"> <li>○ occupied by the local authority</li> <li>○ ground leasehold</li> <li>○ leasehold</li> <li>○ licence</li> <li>○ vacant (for vacant properties, local authorities should not publish the full address details and should only publish the first part of the postcode)</li> </ul> </li> <li><i>for leasehold assets:</i> <ul style="list-style-type: none"> <li>○ occupied by the local authority</li> <li>○ ground leasehold</li> <li>○ sub leasehold</li> <li>○ licence</li> </ul> </li> <li><i>for other assets:</i> <ul style="list-style-type: none"> <li>○ free text description eg. rights of way, access etc.</li> </ul> </li> </ul> </li> <li>• whether or not the asset is land only (without permanent buildings) or it is land with a permanent building.</li> </ul>	<ul style="list-style-type: none"> <li>• 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)</li> <li>• functional suitability rating using the scale: <ul style="list-style-type: none"> <li>○ good – performing well and operating efficiently (supports the needs of staff and the delivery of services)</li> <li>○ satisfactory – performing well but with minor problems (generally supports the needs of staff and the delivery of services)</li> <li>○ poor – showing major problems and/or not operating optimally (impedes the performance of staff and/or the delivery of services)</li> <li>○ unsuitable – does not support or actually impedes the delivery of services</li> </ul> </li> <li>• energy performance rating as stated on the Display Energy Certificate under the Energy Performance of Buildings (England and Wales) Regulations 2012 (as amended).</li> </ul>



Information title	Information which must be published	Information recommended for publication
<b>Social housing asset value</b>	<p>Annual publication</p> <p>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"> <li>• total number of homes</li> <li>• the aggregate value and mean value of the dwellings for both existing use value (social housing) and market value, and</li> <li>• percentage of homes that are vacant and that are tenanted.</li> </ul> <p>Information to be published at a general level:</p> <ul style="list-style-type: none"> <li>• an explanation of the difference between the tenanted sale value of homes within the Housing Revenue Account and their market sale value, and</li> <li>• an assurance that the publication of this information is not intended to suggest that tenancies should end to realise the market value of properties.</li> </ul> <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>	
<b>Grants to voluntary, community and social enterprise organisations</b>	<p>Annual publication</p> <p>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"> <li>• 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</li> <li>• by publishing a separate list or register.</li> </ul>	<ul style="list-style-type: none"> <li>• 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).</li> </ul>

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"> <li>• date the grant was awarded</li> <li>• time period for which the grant has been given</li> <li>• local authority department which awarded the grant</li> <li>• beneficiary</li> <li>• beneficiary's registration number</li> <li>• summary of the purpose of the grant</li> <li>• amount</li> </ul>	<ul style="list-style-type: none"> <li>• 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).</li> </ul>
<b>Organisation chart</b>	<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"> <li>• grade</li> <li>• job title</li> <li>• local authority department and team</li> <li>• whether permanent or temporary staff</li> <li>• contact details</li> <li>• salary in £5,000 brackets, consistent with the details published for Senior Salaries</li> <li>• salary ceiling (the maximum salary for the grade).</li> </ul>	<p>Local authorities should publish:</p> <ul style="list-style-type: none"> <li>• charts including all employees in the local authority whose salary exceeds £50,000</li> <li>• the salary band for each employee included in the chart(s)</li> <li>• information about current vacant posts, or signpost vacancies that are going to be advertised in the future.</li> </ul>
<b>Trade union facility time</b>	<p>Annual publication</p> <p>Publish the following information:</p> <ul style="list-style-type: none"> <li>• total number (absolute number and full time equivalent) of staff who are union representatives (including general, learning and health and safety representatives)</li> <li>• total number (absolute number and full time equivalent) of union representatives who devote at least 50 per cent of their time to union duties</li> <li>• names of all trade unions represented in the local authority</li> </ul>	

Information title	Information which must be published	Information recommended for publication
	<ul style="list-style-type: none"> <li>• 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</li> <li>• 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).</li> </ul>	
<b>Parking account</b>	<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"> <li>• 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</li> <li>• a breakdown of how the authority has spent a surplus on its parking account.</li> </ul>	
<b>Parking spaces</b>	<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"> <li>• free parking spaces available in the local authority's area and which are provided directly by the local authority, and</li> <li>• parking spaces where charges apply that are available in the local authority's area and which are provided directly by the local authority.</li> </ul> <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
<b>Senior salaries</b>	<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"> <li>• the number of employees whose remuneration in that year was at least £50,000 in brackets of £5,000</li> <li>• details of remuneration and job title of certain senior employees whose salary is at least £50,000</li> <li>• employees whose salaries are £150,000 or more must also be identified by name.</li> <li>• 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.</li> </ul>	
<b>Constitution</b>	<p>Annual publication</p> <p>Local authorities must publish their Constitution on their website.</p>	
<b>Pay multiple</b>	<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"> <li>• 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)</li> <li>• 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</li> <li>• exclude changes in pension benefits, which due to their variety and complexity cannot be accurately included in a pay multiple disclosure.</li> </ul>	

Information title	Information which must be published	Information recommended for publication
<b>Fraud</b>	<p>Annual publication</p> <p>Publish the following information:</p> <ul style="list-style-type: none"> <li>• number of occasions they use powers under the Prevention of Social Housing Fraud (Power to Require Information) (England) Regulations 2014, or similar powers</li> <li>• total number (absolute and full time equivalent) of employees undertaking investigations and prosecutions of fraud</li> <li>• total number (absolute and full time equivalent) of professionally accredited counter fraud specialists</li> <li>• total amount spent by the authority on the investigation and prosecution of fraud</li> <li>• total number of fraud cases investigated.</li> </ul>	<p>Local authorities should publish:</p> <ul style="list-style-type: none"> <li>• total number of cases of irregularity investigated</li> <li>• total number of occasions on which a) fraud and b) irregularity was identified</li> <li>• total monetary value of a) the fraud and b) the irregularity that was detected, and</li> <li>• total monetary value of a) the fraud and b) the irregularity that was recovered.</li> </ul>
<b>Waste contracts</b>	<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](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](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

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>							



Non-Executive Report of the:  <b>Council</b>  22 <sup>nd</sup> March 2017	
<b>Report of:</b> Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Revision of the Council's Constitution – Parts 1 to 3</b>	

<b>Originating Officer(s)</b>	Paul Greeno
<b>Wards affected</b>	All

### Summary

As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15.01(a) of the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes of the Constitution.

### Recommendations:

Council is recommended to:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Approve the revised Part 1 Summary and Explanation of the Constitution in Appendix 2 with the revisions shown as tracked changes;
3. Approve the revised Part 2 Articles of the Tower Hamlets Constitution in Appendix 3 with the revisions shown as tracked changes; and
4. Approve the revised Part 3 Responsibility for Functions of the Tower Hamlets Constitution in Appendix 4 to 12 with the revisions shown as tracked changes.

## **1. REASONS FOR THE DECISIONS**

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to Part 2, Article 15 of the Constitution it is a Monitoring Officer role to review the Constitution.
- 1.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.
- 1.3 The last published constitution is from 28 January 2015 and therefore decisions taken by the Council since that date 2015 as well as changes in legislation or corrections of matters of fact have not been incorporated. Further, the Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 1.4 Although the vast majority of changes could be made by the Monitoring Officer using delegated powers, it has been decided that as this is a complete review to report the changes through a Member Constitutional Working Party, General Purposes Committee and then to Council to approve all changes

## **2. ALTERNATIVE OPTIONS**

- 2.1 Council could decide not to approve the proposed revisions.

## **3. DETAILS OF REPORT**

### **The Purpose of the Review**

- 3.1 As the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. Pursuant to the Constitution, it is a Monitoring Officer role to review the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect. In that regard, a key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes the Constitution.
- 3.2 The purpose of the Constitution is to set out how the council operates; how decisions are made; and the procedures which are followed to ensure that decision making is efficient, transparent and accountable to local people. It is

therefore important that the Constitution is kept up-to-date so that it can continue to achieve that purpose.

- 3.3 The last published constitution is from 28 January 2015 and therefore decisions taken by the Council since that date 2015 as well as changes in legislation or corrections of matters of fact have not been incorporated. Further, the Constitution has not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 3.4 The review is ongoing but has been completed in respect of Parts 1 to 3.

#### **Monitoring Officer Review**

- 3.5 As to the completed part of the review in respect of Parts 1 to 3, 423 changes have been identified. A spreadsheet has been prepared (see Appendix 1) that sets out the various revisions and the reason for them.
- 3.6 There are a number of changes (referred to in entry number 1) that have been made and the purpose of which is to correct grammar (e.g. the addition of the definite article), numbering corrections, or typographical errors and due to the nature of the changes that have been made, these have not specifically recorded in the spreadsheet at Appendix 1. Further all the changes reflecting the Council's recent structural change (see entry number 2) have not been individually recorded.
- 3.7 The vast majority of these changes reflect either changes in legislation or changes to correct matters of fact. There are more substantive changes however and these have been discussed at meetings of the Constitutional Working Party ('CWP') on 17<sup>th</sup> January 2017 (Part 1 and 2) and 27<sup>th</sup> February 2017 (Part 3) and then at General Purposes Committee on 8<sup>th</sup> March 217 (Parts 1 to 3).
- 3.8 The revisions as shown in the spreadsheet and as tracked changes in Appendices 2 to 11 have been agreed by CWP and General Purposes Committee.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

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

#### **5. LEGAL COMMENTS**

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

## **6. ONE TOWER HAMLETS CONSIDERATIONS**

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

## **7. BEST VALUE (BV) IMPLICATIONS**

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

## **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

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

## **9. RISK MANAGEMENT IMPLICATIONS**

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

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 10.1 There are no crime and disorder reductions implications.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 – Spreadsheet of Revisions
- Appendix 2 – Revised Part 1
- Appendix 3 – Revised Part 3
- Appendix 4 – Revised Part 3.1.1
- Appendix 5 – Revised Parts 3.1.2 to 3.2
- Appendix 6 – Revised Part 3.3
- Appendix 7 – Revised Part 3.4
- Appendix 8 – Revised Parts 3.5 to 3.6

- Appendix 9 – Revised Parts 3.7 to 3.8
- Appendix 10 – Revised Part 3.9
- Appendix 11 – Revised Part 3.10
- Appendix 12 – Revised Parts 3.11 to 3.12

**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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CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
1				All	Minor changes to correct grammar (e.g. the addition of the definite article), numbering or typographical errors and due to the nature of the change have been made and not specifically recorded in this spreadsheet	Factual change
2				All	Where appropriate changes to the names of the Directorates to reflect the new Corporate Structure	Factual change
3				Part 1 Paragraph 1.3	Removal of words: "51 Councillors"	Factual change - reflect that the Council now comprises 45 Councillors and not 51
4				Part 1 Paragraph 1.3	Removal of words: "from May 2014"	Factual change - superfluous words
5				Part 1 Paragraph 1.3	Addition of words "of 17 December 2014, 29 April 2015 and 16 January 2017"	Factual change - date of original Direction as well as dates of additional Directions added
6				Part 1 Paragraph 1.4	Addition of the words "The Mayor is responsible for the Council's main executive decision-making powers and the overall delivery of Council services." after the words "Executive Members meet together as the 'Cabinet'"	Factual change - reflects the fact that the Mayor is responsible for the main decision making powers
7				Part 1 Paragraph 1.4	Addition of a paragraph "The other executive decision-making bodies are: <ul style="list-style-type: none"> <li>• The King George's Field Charity Board to the administer the affairs of the King George's Field, Mile End charity of which the Council is the sole trustee; and</li> <li>• The Grants Determination Sub-Committee."</li></ul>	Factual change - reflects the fact that both of these are also executive decision making bodies
8				Part 1 Paragraph 1.4	Delete the word "major" before the word "Key" and remove the parenthesis and inverted commas from around the word "Key" as well as deleting the word "major" and replacing with "Key" where it also appears in this paragraph	Factual change - Executive decisions which are Key decisions go to Cabinet for discussion and the use of the word "major" is superfluous

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
9				Part 1 Paragraph 1.4	Start new paragraph with words "When Key decisions are to be discussed"	Grammatical change
10				Part 1 Paragraph 1.4	Addition of the words "the King George's Field Charity Board, or the Grants Determination Sub-Committee " after the words "the Cabinet" and before the words "this will"	Factual change - reflects the fact that both of these are also executive decision making bodies
11				Part 1 Paragraph 1.4	Start new paragraph with the words "The Executive"	Grammatical change
12				Part 1 Paragraph 1.4	Addition of a paragraph "The Health and Wellbeing Board is a statutory committee under the provisions of Health and Social Care Act 2012 but does have certain executive functions and if this Board is making a Key decision then this will published in advance and the meeting generally is open for the public to attend, except where personal or confidential matters are being discussed."	Factual change - reflects the fact that the Health and Wellbeing Board has Executive functions
13				Part 1 Paragraph 1.4	Addition of the words "including both the King George's Field Charity Board and the Grants Determination Sub-Committee " after the words "The Executive" and before the words "has (and which is changed to have) to make decisions"	Factual change - reflects the fact that both of these are also executive decision making bodies
14				Part 1 Paragraph 1.6	Start new paragraph with words "The Overview and Scrutiny Committee has a strategic and"	Grammatical change
15				Part 1 Paragraph 1.8	Addition of words "Sub-Committees/" between the words "Committees/ Panels"	Factual change - to reflect wording in other parts of the Constitution
16				Part 1 Paragraph 1.8	Removal of the words "the Council's question time" and insertion of the words "Council meetings"	Factual change - reflects the fact that there is no Council's question time and that participation is at Council meetings
17				Part 1 Paragraph 1.8	Addition of the words "Executive Committees/ Sub-Committees," between the words "Cabinet," and "Executive Members"	Factual change - to reflect that there are other Executive Committees/ Sub-Committees



CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
18				Part 1 Paragraph 1.8	Delete the a paragraph "attend meetings of the Cabinet where key decisions are being discussed or decided"	Factual change - this is duplication as reference to attending Cabinet meetings is mentioned earlier in this paragraph
19				Part 1 Paragraph 1.8	Addition of the words "other non-executive Committees/ Sub-Committees" between the words "Council," and "the Mayor"	Factual change - to reflect that there are other non-executive Committees/ Sub-Committees
20				Part 1 Paragraph 1.8	Addition of the words "Executive Committees/ Sub-Committees," between the words "Mayor/ Cabinet," and "Executive Members"	Factual change - to reflect that there are other Executive Committees/ Sub-Committees
21				Part 1 Paragraph 1.8	Addition of words "- raise a public interest concern with the Council's Monitoring Officer if they have evidence which they think shows malpractice, wrongdoing, illegality or risk in the Council and which is not appropriate for consideration under another Council procedure;"	Factual change - to reflect introduction of Whistleblowing Policy that provides a mechanism for members of the public to raise such
22				Part 1 Appendix	Appendix to Part 1 - Addition of Directions of 29 April 2015 and 16 January 2017 and headings to confirm dates Directions made	Factual change - reflect that Directions of 29 April 2015 and 16 January 2017 apply
23				2 - Article 1.03 (Paragraph 2)	Insert new paragraph 2 "ensure that the roles and responsibilities of the executive, non-executive, scrutiny and officer functions are clearly defined and documented, with clear delegation arrangements"	Factual change - to highlight that one of the functions of the Constitution is to clearly define and document roles
24				2 - Article 1.03 (Re-numbered paragraph 6)	Delete the words "decisions to be taken efficiently and effectively" and replace with the words "effective and transparent decisions to be taken"	Factual change - to highlight the Council's new transparency protocol
25				2 - Article 2.01	Removal of words: "51 Councillors"	Factual change - reflect that the Council now comprises 45 Councillors and not 51
26				2 - Article 2.01	Removal of words: "from May 2014"	Factual change - superfluous words
27				2 - Article 2.03	Number paragraphs 1 through to 7	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
28				2 - Article 2.05	Removal of words "or a meeting of the Councillor's relevant Local Area Partnership (LAP) Steering Group, whether or not the Councillor concerned has been appointed to their relevant Steering Group"	Factual change - superfluous words as the Council no longer has such steering groups
29				2 - Article 3.01 (Voting and Petitions)	Addition of the words ", subject to the detailed provisions laid down in procedures adopted by those bodies" at the end of the paragraph	Factual change - reflects the fact that there are procedures for the presentation of petitions
30				2 - Article 3.01 (Information (ii))	Addition of the words "except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private"	Factual change - reflects the fact that citizens are not entitled to attend all Cabinet meetings
31				2 - Article 3.01 (Information (iii))	Insert new paragraph (iii) "(iii) attend meetings of the King George's Field Charity Board and the Grants Determination Sub-Committee except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private"	Factual change - reflects the fact that these are Executive Bodies
32				2 - Article 3.01 (Information re-numbered (iv))	Addition of the words "the Health and Wellbeing Board, the King George's Field Charity Board, the Grants Determination Sub-Committee" after the words "the Mayor, Executive" and before the word "appropriate Member"	Factual change - reflects these meetings can also make key decisions
33				2 - Article 3.01 (Information re-numbered (iv))	Addition of the words "or officer" after the words "appropriate Member" and before the words "and when"	Factual change - reflects the fact that officers can make key decisions
34				2 - Article 3.01 (Information re-numbered (vi))	Addition of the words "/ Sub-Committees" between the words "Licensing Committees" and "in favour"	Factual change - reflects that citizens can speak at Licensing Committees and Licensing Sub-Committees
35				2 - Article 3.01 (Participation)	Removal of the words "the Council's question time" and insertion of the words "Council meetings"	Factual change - reflects the fact that there is no Council's question time and that participation is at Council meetings
36				2 - Article 3.01 (Complaints (ii))	Addition of words "and Housing Ombudsman "	Factual change - reflect that there is also a Housing Ombudsman

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
37				2 - Article 3.01 (Complaints (iii))	Addition of words "or to raise a public interest concern if they have evidence which they think shows malpractice, wrongdoing, illegality or risk in the Council and which is not appropriate for consideration under another Council procedure"	Factual change - to reflect introduction of Whistleblowing Policy that provides a mechanism for members of the public to raise such
38				2 - Article 3.02	Addition of the words "/ Sub-Committees/ Panels" between the words "Committees" and "or"	Factual change - to reflect that good behaviour applies to all Council meetings including Sub-Committees and Panels
39				2 - Article 4.01(a)	Having separate tables for those plans and strategies required by statute and those that are discretionary and which full Council has determined will form part of the policy framework	Factual change - considered that those required by statute should be listed on their own
40				2 - Article 4.01(a)	Delete the word "(Note:" and replace with the words "The Table below shows"; delete the word "marked *" and replace with the word "that"; and the deletion of all the discretionary strategies: Housing, Environmental, Employment, Enterprise, Waste and Open Space	Best Practice as considered that only those strategies that are required by statute should form part of the Policy Framework
41				2 - Article 4.01(a)	Addition of plans and strategies required by statute: Annual Library Plan; Local Transport Plan; and Youth Justice Plan	Legal change - these plans are required to be present by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)
42				2 - Article 4.01(a)	Removal of Sustainable Community Strategy from Table listing those plans and strategies required by statute	Legislative change - section 4 of Local Government Act 2000 repealed
43				2 - Article 4.01(c)	Deletion of words "to the Secretary of State" between words "or not)" and "for approval" and addition of the words "for which a levy would be payable to the Secretary of State" between the words "to a person" and "under the"	Legislative change - reflects the fact that section 135 of the Leasehold Reform, Housing and Urban Development Act 1993, and which required Secretary of State approval, has been repealed but that section 136 and which requires the payment of a levy to the Secretary of State is still extant

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
44				2 - Article 4.02(a)	Addition of the words "(except where the power to make any change is delegated to either the General Purposes Committee or the Monitoring Officer as set out in this Constitution)"	Factual change - to reflect that General Purposes Committee and the Monitoring Officer have delegated authority to make certain changes
45				2 - Article 4.02(b)	Deletion of the words "or any application to the Secretary of State in respect of any housing land transfer"	Legislative change - reflects the fact that section 135 of the Leasehold Reform, Housing and Urban Development Act 1993, and which required Secretary of State approval, has been repealed
46				2 - Article 4.02(d)	Addition of words "Sub-Committees/" between the words "Committees/ Panels"	Factual change - to reflect wording in other parts of the Constitution
47				2 - Article 4.02(n)	Addition of words "Sub-Committees/" between the words "Committees/ Panels"	Factual change - to reflect wording in other parts of the Constitution
48				2 - Article 5	Tidy up of section dealing with events outside the Borough	Factual change - general tidy up
49				2 - Article 5	The addition of the words the Council "and the Deputy Speaker" and after the word "and" before the word "will" addition of the words "the Speaker will"	Factual change - to reflect the fact that the Deputy Speaker is also elected annually
50				2 - Article 5 (paragraph number 1)	Removal of the word "officer" and after the word "advice" add the words "from the Monitoring Officer"	Factual change - to reflect the fact that it is for the Monitoring Officer to interpret the Constitution and therefore for the Monitoring Officer to advise the Speaker

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
51				2 - Article 6.01	Removal of words "section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act; by sections 119 to 128 of the Local Government and Public Involvement in Health Act 2007; and by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee" and addition of words "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)"	Legislative change - to reflect changes in legislation
52				2 - Article 6.02(i)	Change so that it reads "Review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive"	Legislative change - to reflect wording in section 9F(2)(a) of Local Government Act 2000
53				2 - Article 6.02(iii)	Change so that it reads "Make reports or recommendations to the full Council and/or the Mayor, DCLG Commissioners or the Executive in connection with the discharge of any functions which are the responsibility of the Executive"	Legislative change - to reflect wording in section 9F(2)(b) of Local Government Act 2000
54				2 - Article 6.02(iv)	Addition of new (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"	Legislative change - to reflect wording in section 9F(2)(c) of Local Government Act 2000
55				2 - Article 6.02(v)	Addition of new (v) "Make reports or recommendations to the full Council and/or the Mayor or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive"	Legislative change - to reflect wording in section 9F(2)(d) of Local Government Act 2000

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
56				2 - Article 6.02(vi)	Change so that it reads "Make reports or recommendations to the full Council and/or the Mayor or the Executive on matters affecting the Council's area or its inhabitants"	Legislative change - to reflect wording in section 9F(2)(e) of Local Government Act 2000
57				2 - Article 6.02(vii)	Delete the words "by the Executive DCLG Commissioners"	Legislative change - to reflect section 9F(4) of Local Government Act 2000 that the Overview & Scrutiny Committee can review or scrutinise any decision made but not implemented
58				2 - Article 6.03	Add new sub-paragraph (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 to be taken into account by the decision maker when making the decision on the matter"	Factual change - to reflect that Overview and Scrutiny also has a pre-scrutiny role
59				2 - Article 6.03	Addition of sub-paragraph (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"	Factual change - reflects the specific role that Overview and Scrutiny has on petitions
60				2 - Article 6.04	Delete the word "six" and delete the words "service areas" and replace with the word "portfolios"	Factual change - reflect the fact that there is no need to specify the number and that the term portfolios is used instead of service areas
61				2 - Article 6.04	Replace with new Directorate names and place all lead areas in alphabetical order	Factual change - reflects current names of Scrutiny Lead area and placed alphabetically for ease of reference
62	Council	21/09/2016	1.1	2 - Article 7	Addition of the word "Statutory" before the words "Deputy Mayor" where it appears in this Article	Factual change to reflect the fact that the Council has 3 Deputy Mayors but only 1 who is the Statutory Deputy Mayor
63	Council	21/09/2016	1.1	2 - Article 7.02	Addition of new paragraph at the end of this Article stating "The King George's Field Charity Board is also a Committee of the Executive and which has executive decision making powers"	Factual change - reflects the fact that the King George's Field Charity Board is an Executive Body

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
64	Council	05/12/2016	1.1	2 - Article 7.02	Change the final paragraph so that it reads "The King George's Field Charity Board and the Grants Determination Sub-Committee are also Executive Bodies having executive decision making powers"	Factual change - reflects the fact that the Grants Scrutiny Sub-Committee is an Executive Body
65	Council	21/09/2016	1.1	Article 7.03	New paragraph "The Mayor will exercise strategic political leadership by developing and communicating clearly to citizens, businesses and service users the authority's purpose and vision and its intended policy outcomes. In developing strategic policy the Mayor will work closely with the Chief Executive and have regard to advice tendered."	Change to reflect best working practice relating to making decisions
66				2 - Article 9.05(1)	At the end of this paragraph addition of the words "The Investigation and Disciplinary Sub-Committee shall have the same Membership and quorum of the Standards Advisory Committee"	Factual change - the Investigation and Disciplinary Sub-Committee does not have a stated Membership or quorum and therefore this is to be the same Membership and quorum of the Standards Advisory Committee
67				2 - Article 10.01	Addition of the word "Strategic" between the words "Hamlets" and "Partnership"	Factual change - reflects the fact that this relates to the Strategic Partnership and should not be confused with the Tower Hamlets Partnership and which relates to a separate Partnership
68				2 - Article 10.01(b)	Addition of words "Fair and"	Factual change - reflects current wording as per Community Plan 2015
69				2 - Article 10.01(b)	Removal of words "through education and vibrant local enterprise"	Factual change - reflects current wording as per Community Plan 2015
70				2 - Article 10.01	Addition of the words: "In order to deliver its vision, the Partnership will review and establish arrangements to support its operation including executive support, development and delivery of initiatives, engagement with stakeholders as well as performance management."	Factual change - due to the current uncertainty as to Community Plan Delivery Groups and how residents will engage, this wording gives flexibility to the partnership to attend to those arrangements itself

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
71				2 - Article 10.02	Delete in its entirety	Factual change - reflects current uncertainty as to exact number of Community Plan Delivery Groups (CPDGs) as well as recognising that there is currently a review of composition and functions of the Partnership underway and the addition of the words to the end of Article 10.01 address compositions and functions in any event
72				2 - Article 11.02(a)	Addition of words "and/ or their Executives"	Factual change - reflects that arrangements could be with Executives of other Authorities
73				2 - Article 11.02(b)	Addition of words "and/ or their Executives"	Factual change - reflects that arrangements could be with Executives of other Authorities
74				2 - Article 11.02(c)	Addition of words "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, then every person appointed to the joint committee by the Executive may be a member of the Executive or of the Council"	Legislative change - to reflect the exceptions in regulation 12(3) of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012
75				2 - Article 11.02(c)	Removal of the words "and those Members need not reflect the political composition of the authority as a whole"	Factual change - due to amendment to (c) this has been incorporated as a new (d) for ease of reference
76				2 - Article 11.02(d)	Addition of new (d) "The political balance requirements do not apply to the appointments in (c) above"	Legislative change - to reflect the wording in regulation 12(3) of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012
77				2 - Article 11.03	Replace heading "London Councils" with heading "Current Joint Committees"	Factual change - change to reflect that this paragraph relates to joint committees
78				2 - Article 11.03	Replace "section 20" with "section 9EB"	Legislative change - to reflect repeal of section 20 and insertion of section 9EB



CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
79				2 - Article 11.03	Removal of the words "has established joint arrangements with the other thirty two London Borough Councils and is a member of the following joint committees which shall have delegated authority to discharge the functions of the Council in relation to the matters shown below" and replace with "is a member of a number of joint committees under the umbrella of London Councils (formerly known as the Association of London Government or the ALG). These are- <ul style="list-style-type: none"> <li>• London Councils' Committee (known as the Leaders' Committee)</li> <li>• London Councils' Grants Committee</li> <li>• London Council's Pensions CIV Sectoral Joint Committee</li> <li>• London Councils' Transport and Environment Committee"</li> </ul>	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be mover to Part 3 of the Constitution. Also addition of London Council's Pensions CIV Sectoral Joint Committee and which has been omitted
80				2 - Article 11.03	Addition of the words "Additionally, the Council is also a member of the following joint committees: <ul style="list-style-type: none"> <li>• Inner North East London Joint Health Overview and Scrutiny Committee</li> <li>• Joint Committee of the Six Growth Boroughs</li> <li>• London Housing Consortium"</li> </ul>	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be mover to Part 3 of the Constitution. Also that Joint Committee of Six Growth Boroughs has replaced the Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs
81				2 - Article 11.03	Addition of the words "These Joint Committees shall have delegated authority to discharge the functions of the Council as per the terms of reference for these joint committees as set out in Part 3 of this Constitution"	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be mover to Part 3 of the Constitution
82				2 - Article 11.03	Removal of bulleted paragraphs commencing "London Councils Leaders' Committee"	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be mover to Part 3 of the Constitution

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
83				2 - Article 11.03	Removal of bulleted paragraphs commencing "London Councils Transport and Environment Committee"	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be moved to Part 3 of the Constitution
84				2 - Article 11.03	Removal of bulleted paragraphs commencing "London Councils Grants Committee"	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be moved to Part 3 of the Constitution
85				2 - Article 11.04	Removal of this Article	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be moved to Part 3 of the Constitution
86				2 - Article 11.05	Removal of this Article	Factual change - reflects that the Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs no longer exists and that the intention that the functions and terms of reference for its successor Committee, the Joint Committee of the Six Growth Boroughs, be moved to Part 3 of the Constitution.
87				2 - Article 11.06	Removal of this Article	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be moved to Part 3 of the Constitution
88				2 - Article 11.07	Change "07" to "04"	Factual change - renumbering due to the removal of Articles 11.04 to 11.06
89				2 - Article 11.08	Change "08" to "05"	Factual change - renumbering due to the removal of Articles 11.04 to 11.06
90				2 - Article 11.08(b)	in 08(b) and which now becomes 05(b) the removal of the words "reserved to full Council" and the words "for full Council or the Mayor or Executive as appropriate depending upon whether or not the powers or functions are the responsibility of the Executive" added	Factual change - reflects who the decision should rest with depending on whether or not the function is an Executive one
91				2 - Article 11.09	Change "09" to "06"	Factual change - renumbering due to the removal of Articles 11.04 to 11.06

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
92				2 - Article 12.01(c)	Remove words "[Note: The Council has appointed the Corporate Director, Communities, Localities and Culture to act as the Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
93				2 - Article 12.02 (paragraph (a))	The removal of words "as required, on the manner in which" and replace with the word "how"; the removal of the word "is" and replace with "are"; the addition of the words "and discharged" after the word "co-ordinated"; and the addition of the word "those" after the words "the discharge of"	Factual change - to tidy up wording of paragraph
94				2 - Article 12.03(a)	Addition of the words "(see Article 15 for more detail on this function)" at the end of this paragraph	Factual change - reflects the fact that more detail on this function is contained in Article 15

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
95	Council	21/09/2016	1.1	2- Article 12.03 (paragraph (b))	<p>Replace existing paragraph with (b) with "<b>Ensuring lawfulness and fairness of decision making.</b> After consulting with the Head of the Paid Service and Chief Finance Officer, the Monitoring Officer will report in writing to the Mayor in relation to an executive function or to the Council in relation to a non-executive function, if s/he considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. The report must be considered within twenty-one (21) days at a meeting of either Council or the Executive as appropriate.</p> <p>As soon as practicable after either the Council or the Mayor and/or the Executive has considered the Monitoring Officer's report, it shall prepare and publish a report that will include:</p> <ul style="list-style-type: none"> <li>(i) what action it has taken in response to the report;</li> <li>(ii) what action it proposes to take in response to the report and when it proposes to take that action;</li> <li>(iii) the reasons for taking that action, or the reasons for not taking any action." </li></ul>	Change made due to addition of paragraph (d) in new Article 12.06 so that it provides the same avenue of reporting and with same time frames etc.

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
96				2- Article 12.03 (paragraph (b))	<p>Reword so that it now reads: "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, s/he will, after consulting with the Head of the Paid Service and Chief Finance Officer 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 twenty-one (21) days at a meeting of either Council or the Executive as appropriate.</p> <p>As soon as practicable after Council or the Mayor and/or the Executive has considered the Monitoring Officer's report, it shall prepare and publish a report that will include:</p> <ul style="list-style-type: none"> <li>(i) what action it has taken in response to the report;</li> <li>(ii) what action it proposes to take in response to the report and when it proposes to take that action;</li> <li>(iii) the reasons for taking that action, or the reasons for not taking any action.</li> </ul>	Factual change - following discussions at General Purposes Committee that the wording of Part 2, Article 12.06(d) could be improved, it was considered that the wording on this Article could also be improved

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
97	Council	21/09/2016	1.1	2- Article 12.04 (paragraph (a))	<p>Delete words after "report" and replace with "in writing to the Mayor in relation to an executive function or to the Council in relation to a non-executive function, and to the Council's external auditor if s/he considers that any proposal, decision or course of action will involve 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. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. The report must be considered within twenty-one (21) days at a meeting of either Council or the Executive as appropriate.</p> <p>As soon as practicable after Council or the Mayor and/or the Executive has considered the Chief Finance Officer's report, it shall prepare and publish a report that will include:</p> <ul style="list-style-type: none"> <li>(i) what action it has taken in response to the report;</li> <li>(ii) what action it proposes to take in response to the report and when it proposes to take that action;</li> <li>(iii) the reasons for taking that action, or the reasons for not taking any action.</li> </ul>	Change made due to addition of paragraph (d) in new Article 12.06 so that it provides the same avenue of reporting and with same time frames etc.

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
98				2- Article 12.04 (paragraph (a))	<p>Reword so that it now reads: "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 twenty-one (21) days at a meeting of either Council or the Executive as appropriate.</p> <p>As soon as practicable after Council or the Mayor and/or the Executive has considered the Chief Finance Officer's report, it shall prepare and publish a report that will include:</p> <ul style="list-style-type: none"> <li>(i) what action it has taken in response to the report;</li> <li>(ii) what action it proposes to take in response to the report and when it proposes to take that action;</li> <li>(iii) the reasons for taking that action, or the reasons for not taking any action.</li> </ul>	Factual change - following discussions at General Purposes Committee that the wording of Part 2, Article 12.06(d) could be improved, it was considered that the wording on this Article could also be improved
99	Council	21/09/2016	1.1	2 - Article 12.06	New entry	Factual change - to set out functions of the Chief Executive

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
100				2 - Article 12.06(d)	<p>Reword so that it now reads: "(c) If the Chief Executive considers that any proposal, decision or omission raises a significant concern on his/her behalf then the s/he 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 twenty-one (21) days at a meeting of either Council or the Executive as appropriate.</p> <p>As soon as practicable after Council or the Mayor and/or the Executive has considered the Chief Executive's report, it shall prepare and publish a report that will include;</p> <p>(i) what action it has taken in response to the report;</p> <p>(ii) what action it proposes to take in response to the report and when it proposes to take that action;</p> <p>(iii) the reasons for taking that action, or the reason for not taking any action.</p> <p>The exercise of this function needs to be considered in conjunction with Part 2, Articles 12.03(b) (Function of the Monitoring Officer to ensure lawfulness and fairness of decision making and 12.04(a) (Function of the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making).</p>	Factual change - following discussions at General Purposes Committee that the wording of this part could be improved
101	Council	21/09/2016	1.1	2- Article 12.07	Re-numbered Article 12.06	Factual change - due to addition of new paragraph 12.06
102				2 - Article 13.02	Add "(f) take account of all relevant matters; (g) discount irrelevant matters;"	Factual change - reflects full principles of decision making



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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
103				2 - Article 13.03(a)	Addition of words " <b>with the exception of Part 2, Article 4.02(a) where the power to make certain changes to the Constitution is delegated to the General Purposes Committee and the Monitoring Officer</b> "	Factual change - to reflect that fact that both General Purposes and the Monitoring Officer has power to make relevant changes to the Constitution
104				2 - Article 13.03(b)	In paragraph (i) add the word "relevant before the words "local authority" where they appear	Legislative change - reflects the actual wording of Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012
105				2 - Article 13.03(b)	In paragraph (i) delete the words "in the borough" and replace with the words "or electoral divisions in the area of the relevant local authority"	Legislative change - reflects the actual wording of Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012
106				2 - Article 13.03(b)	At the end of paragraph (b) add the words "In determining the meaning of "significant" for the purposes of paragraph (a) above regard must be had to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000"	Legislative change - to reflect Regulation 8(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012
107				2 - Article 13.03(b)	Deletion of the entirety of paragraph (iii)	Factual change - the bullet points do not relate to the criteria at (i) and are more guidelines for officers when deciding not to exercise a delegation and these points will therefore be included in Part 3.8 - Delegated Decision-Making - General Principles
108				2 - Article 13.08	Addition of the word "Panel" between the words "Sub-Committee" and "or an officer"	Factual change - word Panel had been omitted
109				2 - Article 13.09(a)	Delete the word "will"	Factual change - superfluous words
110				2 - Article 13.09(b)	Delete the word "will"	Factual change - superfluous words
111				2 - Article 14.04	Addition of the word "some" between the words "or" and "other"	Factual change - addition of this word is consistent with the wording in 14.05 and also makes better sense

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112				2 - Article 15.01	Change the heading by removing the words "Duty to" and amending the rest of the heading so that it reads "Monitoring and Reviewing the Constitution"	Factual change - reflects that this is better described as a function of the monitoring officer as opposed to a duty
113				2 - Article 15.02(a)	Delete the words "Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer. However non material changes may be approved by the General Purposes Committee on the recommendation of the Monitoring Officer." and insert in their stead: (i) The Monitoring Officer can approve all changes to the Constitution that reflect decisions taken by the Council or changes in legislation or to correct matters of fact; (ii) The Monitoring Officer can recommend to General Purposes Committee for approval non-material changes to the Constitution; and (iii) All other changes can only be approved by full Council.	Factual change - reflects that this both the Monitoring Officer and the General Purposes Committee can approve changes to the Constitution in certain circumstances
114				2 - Article 16 (Procedure to suspend (i))	Removal of word "one" before the word "half"	Factual change - superfluous word
115				2 - Article 16 (Rules of Suspension (i))	Addition of words "as well as Cabinet and all other Committees and Sub-committees to which Rule 5.2 of the Council Procedure Rules applies"	Factual change - reflects that relevant parts of the Council Procedure Rules also apply to Cabinet and other Committees and Sub-committees of the Council
116				3.1.1.1 A Entry No. 9	Addition of words "[Section 76 has been repealed and the Regulations have been revoked and replaced with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184)]2	Legislative change - to show legislative change

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117				3.1.1.1 A Entry No. 15	Addition of words "[The Regulations have been revoked and replaced with the Town and Country Planning (Control of Advertisements) (England) Order 2007 (S.I. 2007/783)]"	Legislative change - to show legislative change
118				3.1.1.1 A Entry No. 25	Deletion of entry no. 25	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
119				3.1.1.1.A Entry No. 26	Deletion of the words "and conservation area consent."	Legislative change - reflect amendment to this entry by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
120				3.1.1.2.B Entry No. 3	Deletion of words "Greater London Authority functions" and replace with the words "this function is performed by Transport for London (the Public Carriage Office)"	Factual change - reflects that such licensing now undertaken by Transport for London (the Public Carriage Office)
121				3.1.1.2.B Entry No. 4	Deletion of words "Greater London Authority functions" and replace with the words "this function is performed by Transport for London (the Public Carriage Office)"	Factual change - reflects that such licensing now undertaken by Transport for London (the Public Carriage Office)
122				3.1.1.2.B Entry No. 5	Deletion of words "Greater London Authority functions" and replace with the words "this function is performed by Transport for London (the Public Carriage Office)"	Factual change - reflects that such licensing now undertaken by Transport for London (the Public Carriage Office)
123				3.1.1.2.B Entry No. 6	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
124				3.1.1.2.B Entry No. 7	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
125				3.1.1.2.B Entry No. 8	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
126				3.1.1.2.B Entry No. 9	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
127				3.1.1.2.B Entry No. 10	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change

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128				3.1.1.2.B Entry No. 11	Addition of the words "[This area of law is now governed by the Gambling Act 2005]"	Legislative change - to show legislative change
129				3.1.1.2.B Entry No. 12	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
130				3.1.1.2.B Entry No. 13	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
131				3.1.1.2.B Entry No. 14	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
132				3.1.1.2.B Entry No. 14A	Removal of words "Functions relating to licensing" and replace with words "Any function of a licensing authority"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
133				3.1.1.2.B Entry No. 14A	Removal of words "Sections 5 to 8 of the" before the words "Licensing Act 2003" and additions of with words "Any function of a licensing authority" after the words "Licensing Act 2003"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
134				3.1.1.2.B Entry No. 14AZA	New entry	Legislative change - reflects new entry inserted by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
135				3.1.1.2.B Entry No. 14AB	Replace existing words in 1st column with the words "Functions relating to exchange of information"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
136				3.1.1.2.B Entry No. 14AC	Replace existing words in 1st column with the words "Functions relating to occasional use notices"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

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137				3.1.1.2.B Entry No. 15	The addition of the words the Council "[On 26 March 2014 the Council of London Borough of Tower Hamlets resolved that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 shall apply in the London Borough of Tower Hamlets area and which shall come into force on 1 June 2014 and therefore this power relates to all sex establishments (i.e. a sexual entertainment venue, sex cinema, a hostess bar, or a sex shop)]"	Legislative change - to show legislative change
138				3.1.1.2.B Entry No. 15	Addition of the words "If objection -" before the words "Licensing Committee" and after the words "Licensing Committee" add the words "If no objection Corporate Director, Place"	Factual change - for consistency as in all other Licensing functions in respect of determination of applications that where there are no objections, the Corporate Director, Place has delegated authority
139				3.1.1.2.B Entry No. 17	Removal of the words "London Local Authorities Act 1991" and replace with words "Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
140				3.1.1.2.B Entry No. 17	Addition of the words "[The Council of London Borough of Tower Hamlets adopted the provisions of Part II of the London Local Authorities Act 1991 to become effective from 13 July 1992 and therefore it is this legislation that contains the power to Licence]"	Factual change - reflects the correct legislation for such licensing
141				3.1.1.2.B Entry No. 20	Addition of words "Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982,"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

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142				3.1.1.2.B Entry No. 20	Addition of words "[The Council of London Borough of Tower Hamlets adopted the provisions of Part III of the London Local Authorities Act 1990 to become effective from 11 March 1991 and therefore it is this legislation that contains the power to Licence]"	Factual change - reflects the correct legislation for such licensing
143				3.1.1.2.B Entry No. 21	Removal of words "Licensing Act 2003" and replace with words "Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
144				3.1.1.2.B Entry No. 21	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
145				3.1.1.2 B Entry No. 22	Deletion of entry no. 22	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
146				3.1.1.2 B Entry No. 23	Addition of words "[These provisions have been repealed and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
147				3.1.1.2 B Entry No. 23	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
148				3.1.1.2 B Entry No. 25	Addition of the words "[This area of law is now governed by the Scrap Metal Dealers Act 2013]"	Legislative change - to show legislative change
149				3.1.1.2 B Entry No. 28	Addition of words "[This Act has been repealed and this is no longer a function undertaken by local authorities.]"	Legislative change - to show legislative change
150				3.1.1.2 B Entry No. 34	Addition of words "[These provisions have been repealed and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
151				3.1.1.2 B Entry No. 34	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function

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152				3.1.1.2 B Entry No. 36	Addition of words "[The Regulations were revoked by the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)]"	Legislative change - to show legislative change
153				3.1.1.2 B Entry No. 36	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
154				3.1.1.2 B Entry No. 37	Addition of words "[The Regulations have been revoked and such applications are now under the Commons Registration (England) Regulations 2014 (S.I. 2014/3038)]"	Legislative change - to show legislative change
155				3.1.1.2 B Entry No. 42	Addition of words "[This Act has been repealed]"	Legislative change - to show legislative change
156				3.1.1.2 B Entry No. 43	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
157				3.1.1.2 B Entry No. 43	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
158				3.1.1.2 B Entry No. 44	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
159				3.1.1.2 B Entry No. 44	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
160				3.1.1.2 B Entry No. 45	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
161				3.1.1.2 B Entry No. 45	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
162				3.1.1.2 B Entry No. 46	Addition of words "[These Regulations have been revoked and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change

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163				3.1.1.2 B Entry No. 46	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
164				3.1.1.2 B Entry No. 56	Addition of words "[This Act has been repealed and this is no longer a function undertaken by local authorities]"	Legislative change - to show legislative change
165				3.1.1.2 B Entry No. 56	Delete words "Corporate Director, Communities, Localities and Culture" and replace with "Not a local authority function"	Factual change - reflect that this is no longer a local authority function
166				3.1.1.2 B Entry No. 57	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
167				3.1.1.2 B Entry No. 58	Delete the word "Products" and replace with the word "Preparations"	Legislative change - reflects actual wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
168				3.1.1.2 B Entry No. 58	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
169				3.1.1.2 B Entry No. 59	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
170				3.1.1.2 B Entry No. 60	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
171				3.1.1.2 B Entry No. 61	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
172				3.1.1.2 B Entry No. 62	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
173				3.1.1.2 B Entry No. 63	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change



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174				3.1.1.2 B Entry No. 64	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
175				3.1.1.2 B Entry No. 65	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
176				3.1.1.2 B Entry No. 66	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
177				3.1.1.2 B Entry No. 67	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
178				3.1.1.2 B Entry No. 68	Addition of words "[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]"	Legislative change - to show legislative change
179				3.1.1.2 B Entry No. 69	Addition of words "[Repealed by virtue of section 35 of the London Local Authorities Act 2007 as the Council has resolved under section 2 of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act of 1982 as amended by section 27 of the Policing and Crime Act 2009 is to apply to its area]"	Legislative change - to show legislative change
180				3.1.1.2 B Entry No. 71	Addition of words "[This area of law is now governed by the Scrap Metal Dealers Act 2013]"	Legislative change - to show legislative change
181				3.1.1.2 B Entry No. 72	Addition of words "[The Regulations have been revoked and the Commons Registration (England) Regulations 2014 (S.I. 2014/3038) are now the appropriate Regulations]"	Legislative change - to show legislative change
182				3.1.1.2 B Entry No. 73	Deletion of entry no. 73	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

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183				3.1.1.2 B Entry No. 74	Deletion of entry no. 74	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
184				3.1.1.4 D Entry No. 1	Deletion of the words "General Purposes Committee" and replace with the words "This function is currently the subject of the Directions made by the Secretary of State and it is for the DCLG Commissioners to appoint"	Factual change - reflects the fact that this is covered by the Directions and the function is for the DCLG Commissioners
185				3.1.1.4 D Entry No. 2	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
186				3.1.1.4 D Entry No. 3	Deletion of the words "Not applicable to London borough councils" and replace with the word "Council"	Legislative change - reflects the fact that following amendments by the the Local Government and Public Involvement in Health Act 2007 this does now apply to London Boroughs
187				3.1.1.4 D Entry No. 4	Deletion of the words "Not applicable to London borough councils" and replace with the word "Council"	Legislative change - reflects the fact that following amendments by the the Local Government and Public Involvement in Health Act 2007 this does now apply to London Boroughs
188				3.1.1.4 D Entry No. 5	Deletion of the words "Not applicable to London borough councils" and replace with the word "Council"	Legislative change - reflects the fact that following amendments by the the Local Government and Public Involvement in Health Act 2007 this does now apply to London Boroughs
189				3.1.1.4 D Entry No. 6	Deletion of the words "General Purposes Committee" and replace with the words "This function is currently the subject of the Directions made by the Secretary of State and it is for the DCLG Commissioners to appoint"	Factual change - reflects the fact that this is covered by the Directions and the function is for the DCLG Commissioners
190				3.1.1.4 D Entry No. 8	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
191				3.1.1.4 D Entry No. 9	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
192				3.1.1.4 D Entry No. 10	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
193				3.1.1.4 D Entry No. 11	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
194				3.1.1.4 D Entry No. 13	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
195				3.1.1.4 D Entry No. 14	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
196				3.1.1.4 D Entry No. 17	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
197				3.1.1.4 D Entry No. 18	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
198				3.1.1.4 D Entry No. 19	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
199				3.1.1.4 D Entry No. 20	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
200				3.1.1.4 D Entry No. 22	Deletion of the words "Service Head, Democratic Services" and replace with words "Chief Executive"	Factual change - reflects that Chief Executive is now returning officer
201				3.1.1.6 EB Entry No. 1	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
202				3.1.1.6 EB Entry No. 2	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
203				3.1.1.6 EB Entry No. 3	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
204				3.1.1.6 EB Entry No. 4	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
205				3.1.1.6 EB Entry No. 5	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
206				3.1.1.6 EB Entry No. 6	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
207				3.1.1.6 EB Entry No. 7	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
208				3.1.1.6 EB Entry No. 8	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
209				3.1.1.6 EB Entry No. 9	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
210				3.1.1.11 I Entry No. 1	Deletion of word "or" before word "bridleway" and addition of words "or restricted byway" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
211				3.1.1.11 I Entry No. 2	Deletion of word "and" before word "bridleway" and addition of words "and restricted byways" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
212				3.1.1.11 I Entry No. 4	Deletion of word "and" before word "bridleway" and addition of words "and restricted byways" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
213				3.1.1.11 I Entry No. 5	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
214				3.1.1.11 I Entry No. 8	Deletion of word "and" before word "bridleway" and addition of words "and restricted byways" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
215				3.1.1.11 I Entry No. 14	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
216				3.1.1.11 I Entry No. 15	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
217				3.1.1.11 I Entry No. 19	Deletion of word "or" before word "bridleway" and addition of words "or restricted byway" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
218				3.1.1.11 I Entry No. 20	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
219				3.1.1.11 I Entry No. 21	Addition of words "[This area of law is not currently in force]"	Factual change - to reflect current legal position
220				3.1.1.11 I Entry No. 27	Deletion of entry no. 27	Legislative change - reflect the fact that this entry was deleted by an amendment to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
221				3.1.1.11 I Entry No. 30	Addition of the words "[The correct year of the Act is 1985 and not 1981 as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ]"	Factual change - to reflect actual legal position
222				3.1.1.11 I Entry No. 31	Deletion of word "or" before word "bridleway" and addition of words "or restricted byway" after the word "bridleway"	Legislative change - reflects current wording of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
223				3.1.1.11 I Entry No. 35	Addition of words "[This area of law is now governed by the Marine and Coastal Access Act 2003]"	Legislative change - to show legislative change
224				3.1.1.11 I Entry No. 37	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
225				3.1.1.11 I Entry No. 42	Addition of the words "[This area of law is now governed by the Licensing Act 2003]"	Legislative change - to show legislative change
226				3.1.1.11 I Entry No. 44B	Addition of words "[This area of law is now governed by the Paragraphs 11 and 13A of Schedule 1A to the Local Government Act 2000]"	Legislative change - to show legislative change
227				3.1.1.11 I Entry No. 45	Addition of words "[This area of law is now governed by the Accounts and Audit Regulations 2015 (S.I. 2015/ 234 ]"	Legislative change - to show legislative change
228				3.1.1.11 I Entry No. 47	Addition of words "[The correct name of the Regulations is the Town and Country Planning (Trees) Regulations 1999 and not as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ]"	Factual change - to reflect actual legal position
229				3.1.1.11 I Entry No. 47	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
230				3.1.1.11 I Entry No. 49	Addition of words "[Replaced by public spaces protection orders under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014]"	Legislative change - to show legislative change
231				3.1.1.11 I Entry No. 50	Addition of words "[Repealed by the Police Reform and Social Responsibility Act 2011]"	Legislative change - to show legislative change
232				3.1.2 Entry No. 2	Deletion of entry no. 2	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
233				3.1.2 Entry No. 3	Deletion of entry no. 3	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
234				3.1.2 Entry No. 4	Deletion of entry no. 4	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
235				3.1.2 Entry No. 5	Deletion of entry no. 5	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
236				3.1.2 Entry No. 6	Deletion of entry no. 6	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is no longer a local authority function
237				3.1.2 Entry No. 7	Deletion of entry no. 7	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
238				3.1.2 Entry No. 8	Deletion of entry no. 8	Factual change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
239				3.1.2 Entry No. 9	Deletion of entry no. 9	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
240				3.1.2 Entry No. 12	Replace the word "Policies" with "Measures"	Legislative change - reflects that the power in section 5 is about steps that Council can take as opposed to creating policy
241				3.1.2 Entry No. 12	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
242				3.1.2 Entry No. 13	Deletion of entry no. 13	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
243				3.1.2 Entry No. 14	Deletion of entry no. 14	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
244				3.1.2 Entry No. 21	Deletion of entry no. 21	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
245				3.1.2 Entry No. 23	Replace Part "VI" with Part "IV"	Factual change - to reflect actual legal position as Part IV is relevant Part of Act
246				3.1.2 Entry No. 24	Deletion of entry no. 24	Factual change - no such power
247				3.1.2 Entry No. 28	Replace "1955" with "1956"	Factual change - to reflect actual year of Act
248				3.1.2 Entry No. 29	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
249				3.1.2 Entry No. 31	Deletion of entry no. 31	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
250				3.1.2 Entry No. 32	Deletion of entry no. 32	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
251				3.1.2 Entry No. 34	Deletion of entry no. 34	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
252				3.1.2 Entry No. 36	Deletion of entry no. 36	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
253				3.1.2 Entry No. 37	Deletion of entry no. 37	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
254				3.1.2 Entry No. 38	Deletion of entry no. 38	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
255				3.1.2 Entry No. 41	Deletion of entry no. 41	Factual change - duplication with entry no. 12
256				3.1.2 Entry No. 42	Deletion of entry no. 42	Legislative change - reflect the fact that all section 4 does is amend section 19 of the Greater London Council (General Powers) Act 1972



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257				3.1.2 Entry No. 43	Deletion of entry no. 43	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and the matter is now covered by Public General legislation so no longer a Local Act function
258				3.1.2 Entry No. 44	Deletion of entry no. 44	Factual change - reflect the fact that this power is already covered in Part 3.1.1.2 B (20) of the Constitution
259				3.1.2 Entry No. 47	Former entry no. 47 and which is now no. 26 addition of words "in cemeteries"	Factual change - reflect the fact that these words are missing
260				3.1.2 Entry No. 52	Former entry no. 52 and which is now no. 31 addition of word "water"	Factual change - reflect the fact that section 19 was amended by section 4 of the London Local Authorities Act 1990 (No. 2)
261				3.1.2 Entry No. 59	Deletion of entry no. 59	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and function no longer exists
262				3.1.2 Entry No. 73	Deletion of entry no. 73	Legislative change - reflect the fact that the relevant local legislation dealing with this has been repealed and function no longer exists
263				3.1.2 Entry No. 77	Replace section "44" with section "45"	Factual change - to reflect actual legal position as section 45 is relevant section of Act
264				3.1.2 Entry No. 81	Replace section "69" with section "61"	Factual change - to reflect actual legal position as section 61 is relevant section of Act
265				3.1.2 Entry No. 83	Deletion of words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
266				3.1.2	Sorting all remaining Local Act functions into alphabetical name and year of Act	Factual change - for ease of reference
267				3.1.2	Re-numbering entries 1 through to 60	Factual change - reflects that entries have been deleted and remaining entries sorted
268				3.1.3 Entry No. 1	Addition of words "As per paragraph 2 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations

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269				3.1.3 Entry No. 1	Addition of words "Corporate Director, Law, Probity and Governance"	Factual change - reflects Part 1 Article 14.03 of the Constitution and which provides "The Corporate Director, Law, Probity and Governance is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where s/he considers such action is necessary to protect the Council's interests. S/he may designate nominated officers to carry out this function on her/his behalf"
270				3.1.3 Entry No. 2	Deletion of "Subsection (1) of Section 67 of, and Schedule 18 to the School Standards and Framework Act 1998 " and replace with "Section 51A of the Education 2002 and Regulations made thereunder "	Legislative change - to show legislative change
271				3.1.3 Entry No. 6	Delete "1990" and replace with "1999"	Factual change - to reflect actual legal position as 1999 is year of Act
272				3.1.3 Entry No. 8	Addition of words "As per paragraph 19 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations
273				3.1.3 Entry No. 9	Addition of words "As per paragraph 20 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations
274				3.1.3 Entry No. 9	Deletion of words "the Local Authorities (Functions & Responsibilities) (Amendment) Regulations 2001 (SI 2212)"	Factual change - superfluous words
275				3.1.3 Entry No. 12	Addition of words "Environmental Protection Act 1990 - Section 80"	Factual change - stating legislative function
276				3.1.3 Entry No. 16	Deletion of entry no. 16	Legislative change - reflect the fact that the relevant legislation has been repealed
277				3.2 (heading "General")	Addition of words "29 April 2015 and 16 January 2017"	Factual change - reflect that Directions of 29 April 2015 and 16 January 2017 apply
278				3.2.2	Addition of words "As per paragraph 19 of Schedule 2 to the"	Factual change - reflect where this power appears in the Regulations
279				3.2.4	Addition of words "29 April 2015 and 16 January 2017"	Factual change - reflect that Directions of 29 April 2015 and 16 January 2017 apply

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280				3.3 (heading "Council and Committees/ other bodies")	Add index with headings	Factual change - for ease of reference
281				3.3 (generally)	Details of Appeals Committee and Human Resources Committee removed as now incorporated into new General Purposes Committee	Factual change - to reflect decision of full Council
282				3.3 (generally)	Details of King George's Fields Charity Board has been deleted and mover to Part 3.4	Factual change - this is an Executive Body and should therefore be included as part of the Executive
283				3.3.1	Number functions 1 through to 4 and place in separate table cell	Factual change - for ease of reference
284				3.3.1	In the delegation of functions cell addition of the word "the" before the word "Constitution"	Factual change - addition of a determiner
285				3.3.2	Under "Membership" add the words "each political group may appoint" and delete the words "may be appointed for each Councillor Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
286				3.3.2	Under "Membership" add the words "[Co-opted Members may speak but not vote except in relation to Education matters when the Church of England, Roman Catholic and Parent Governor representatives only may also vote due to their being statutory appointments]"	Factual change - reflects the fact that the co-opted members may speak but not vote except that the statutory appointees only can vote on education matters
287				3.3.2	Removal of words "section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act" and addition of words "sections 9F to 9FI of the Local Government Act 2000; or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters)"	Legislative change - to reflect changes in legislation

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288				3.3.3	Replace existing 3.3.3 with Terms of Reference for Overview and Scrutiny Grants Sub-Committee	Factual change - addition of Terms of Reference for a newly created Overview and Scrutiny Sub-Committee
289				3.3.3 (Paragraph 3)	In the heading add the words "Chair and" before the word Membership	Factual change - reflects the fact that this paragraph also sets out who Chairs the Sub-Committee
290				3.3.3 (Paragraph 3.1)	Delete the words "The membership of the Grants Sub-Committee will consist of the Chair of Overview and Scrutiny (or his nominated Deputy) as Chair of the Grants Sub-Committee, with the composition consisting of three (3) Members of the Overview and Scrutiny Committee from the administration and one (1) each from the opposition parties (five (5) in total)" and replace with the words "Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Chair of the Overview and Scrutiny Committee (or his/her nominated Deputy). The membership of the Grants Scrutiny Sub-Committee will be selected at the Annual General Meeting"	Factual change - for consistency, reflects the wording of the Terms of Reference for the Housing Scrutiny Sub-Committee
291				3.3.4	Replace existing 3.3.4 with Terms of Reference for Health Scrutiny Sub-Committee	Factual change - addition of Terms of Reference for this Overview and Scrutiny Sub-Committee with other Sub-Committees for Overview and Scrutiny
292				3.3.5	Replace existing 3.3.5 with Terms of Reference for Overview and Scrutiny Grants Sub-Committee	Factual change - addition of Terms of Reference for a newly created Overview and Scrutiny Sub-Committee
293				3.3.6	Replace existing 3.3.6 with Terms of Reference for Audit Committee	Factual change - sorting Committees etc. alphabetically
294				3.3.6	Delete the words "Members of the Council" and replace with the word "Councillors"	Factual change - simpler to use a single word

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295				3.3.6	Under "Membership" add the words "each political group may appoint" and delete the words "may be appointed for each Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
296				3.3.6	Number functions 1 through to 10 and place in separate table cell	Factual change - for ease of reference
297				3.3.6	After the words "Regulations 2011" add the words "(where savings provisions apply) and the Accounts and Audit Regulations 2015"	Legislative change - reflect the fact that the 2011 Regulations have been repealed and 2015 Regulations now in force (although there are savings provisions)
298				3.3.6	In Functions cell add a new functions at 10 as follows: "Pursuant to section 7 of the Local Audit and Accountability Act 2014 to appoint a local auditor to audit the Council's accounts"	Legislative change - reflect that the relevant part of section 7 of the Local Audit and Accountability Act 2014 came into force from 01/04/2015
299				3.3.7	Replace existing 3.3.7 with Terms of Reference for Development Committee	Factual change - sorting Committees etc. alphabetically
300				3.3.7	Delete the words "Members of the Council" and replace with the word "Councillors"	Factual change - simpler to use a single word
301				3.3.7	Under "Membership" add the words "each political group may appoint" and delete the words "may be appointed for each Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
302				3.3.7	Number functions 1 through to 3 and place in separate table cell	Factual change - for ease of reference
303				3.3.8	Replace existing 3.3.8 with Terms of Reference for Strategic Development Committee	Factual change - sorting Committees etc. alphabetically
304				3.3.8	Delete the words "Members of the Council" and replace with the word "Councillors"	Factual change - simpler to use a single word

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
305				3.3.8	Under "Membership" add the words "each political group may appoint" and delete the words "may be appointed for each Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
306				3.3.9	Replacing existing 3.3.9 with Terms of Reference for Freedom of the Borough Ad Hoc Panel	Factual change - sorting Committees etc. alphabetically
307				3.3.9	Under "Membership" delete the word "Council" and replace with the word "Panel"	Factual correction - reference should be to the Panel
308				3.3.9	Insert the word "Executive" between the words "the" and "Mayor"	Factual change - to clarify that this relates to the Executive Mayor
309				3.3.10	Replace existing 3.3.10 with Terms of Reference for General Purposes Committee (these are the Terms of Reference for the new GP Committee incorporating the Human Resources and Appeals Committees)	Factual change - sorting Committees etc. alphabetically
310				3.3.10	Delete the words "Members of the Council" and replace with the word "Councillors"	Factual change - simpler to use a single word
311				3.3.10	Under "Membership" add the words "each political group may appoint" and delete the words "may be appointed for each Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
312				3.3.10	Function 14 add "(b) In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part 2, Article 12.06(c)(ii) of this Constitution"	Factual change - Allows Chief Executive where s/he does not consider it appropriate to exercise his/ her power in cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council under Part 2, Article 12.06(c)(ii) of this Constitution to refer the matter to an extraordinary General Purposes Committee

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313				3.3.11	Replace existing 3.3.11 with Terms of Reference for Licensing Committee	Factual change - sorting Committees etc. alphabetically
314				3.3.11	Number functions 1 through to 6 and place in separate table cell	Factual change - for ease of reference
315				3.3.11	Replace function 1 with: "To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act"	Factual change - separates licensing functions under Licensing Act 2003 and Gambling Act 2005
316				3.3.11	Replace function 2 with: "To establish Sub-Committees to consider and determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, objections to temporary event notices and any applications requiring a hearing under the Licensing Act 2003 and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act"	Factual change - specifically refers to the Licensing Committee setting up Sub-Committees to consider application under Licensing Act 2003 and Gambling Act 2005
317				3.3.11	Replace function 3 with: "To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005"	Factual change - rewording of function 6 to make clear that the statements of licensing policy to be considered are under Licensing Act 2003 and Gambling Act 2005
318				3.3.11	Replace function 4 with: "To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005"	Factual change - this wording was formerly at function 3

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
319				3.3.11	Replace function 5 with: "To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) regarding the control of sex establishments within the Borough"	Factual change - specific reference made for SEV Licensing
320				3.3.11	Delete the word "None" and replace with "The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame"	Factual change - for consistency as in all other Licensing functions in respect of determination of applications that where there are no objections, the Corporate Director, Place has delegated authority
321				3.3.11	Replace function 6 with: "To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn"	Factual change - specific reference made for special treatment Licensing
322				3.3.11	New function 7: "To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution where the Function has been specifically delegated to the Licensing Committee"	Factual change - ensure that all other miscellaneous licensing functions are covered



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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
323				3.3.11	New function 8: "To determine fees and charges for the issue, approval, consent, license, permit or other registration in respect of Licensing and Registration Functions as set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution for which the Committee has responsibility"	Factual change - reflects that the Licensing Committee determines appropriate fees and charges
324				3.3.12	Replace existing 3.3.12 with Terms of Reference for Pensions Committee	Factual change - sorting Committees etc. alphabetically
325				3.3.12	Delete the words "Members of the Council" and replace with the word "Councillors"	Factual change - simpler to use a single word
326				3.3.12	Under "Membership" add the words "each political group may appoint" and delete the words "may be appointed for each Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
327				3.3.13	Replace existing 3.3.13 with Terms of Reference for Pensions Board	Factual change - reflect the fact that there is now a Pensions Board
328				3.3.14	Replace existing 3.3.14 with Terms of Reference for Standards Advisory Committee	Factual change - sorting Committees alphabetically
329				3.3.14 (Paragraph 1.1)	Deletion of words "with up to" and replace with "each political group may appoint up to" and delete the words "may be appointed for each Member"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
330				3.3.14 (Paragraph 3.1(a))	Addition of the words "comprising at least three (3) different Members of the Standards Advisory Committee (comprising two (2) of the co-opted members and one (1) Councillor)" between the words "Standards Advisory Committee" and "which shall make"	Factual change - the Investigation and Disciplinary Sub-Committee does not have a stated Membership or quorum and therefore this will be the same as the Hearings (Appeal) Sub-Committee

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
331				3.3.15	Replace existing 3.3.15 with Terms of Reference for Adoption Panel	Factual change - sorting Boards and Panels alphabetically
332				3.3.15	Replacing prior Terms of Reference for Adoption Panel for the current agreed terms	Factual change - updating Terms of Reference for current Terms
333				3.3.16	Replace existing 3.3.16 with Terms of Reference for Children's Social Care Complaint Review Panel	Factual change - sorting Boards and Panels alphabetically
334				3.3.16	Updating Terms of Reference by deleting reference to Adult Services and referencing new Regulations requiring Panel to consist of 3 independent persons and what its purpose is	Legislative change - to show that statutory requirement is only in respect of Children's Social Care and to properly reflect what the actual legal requirements are
335				3.3.17	Replace existing 3.3.17 with Terms of Reference for Private Fostering Panel	Factual change - sorting Boards and Panels alphabetically
336				3.3.17	Replacing prior Terms of Reference for Private Fostering Panel for the current agreed terms	Factual change - updating Terms of Reference for current Terms
337				3.3.18	Replace existing 3.3.18 with Terms of Reference for Safeguarding Adults Board	Factual change - sorting Boards and Panels alphabetically
338				3.3.18	Replacing prior Terms of Reference for Safeguarding Adults Board for the current agreed terms	Factual change - updating Terms of Reference for current Terms
339				3.3.19	Replace existing 3.3.19 with Terms of Reference for Safeguarding Children's Board	Factual change - sorting Boards and Panels alphabetically
340				3.3.19	Replacing prior Terms of Reference for Safeguarding Children's Board for the current agreed terms	Factual change - updating Terms of Reference for current Terms
341				3.3.20	Replace existing 3.3.20 with Terms of Reference for School Admissions Forum	Factual change - sorting Boards and Panels alphabetically
342				3.3.20	Replacing prior Terms of Reference for School Admissions Forum for the current agreed terms	Factual change - updating Terms of Reference for current Terms
343				3.3.21	Replace existing 3.3.21 with Terms of Reference for Secure Accommodation Panel	Factual change - sorting Boards and Panels alphabetically
344				3.3.21	Replacing prior Terms of Reference for Secure Accommodation Panel for the current agreed terms	Factual change - updating Terms of Reference for current Terms

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
345				3.3.22	Replace existing 3.3.22 with Terms of Reference for Standing Advisory Council on Religious Education (SACRE)	Factual change - sorting Boards and Panels alphabetically
346				3.3.22	Updating Terms of Reference for Standing Advisory Council on Religious Education (SACRE) to include number of and, where appropriate, a breakdown of the existing members and including the co-opted non-voting member	Factual change - updating Terms of Reference
347				3.3.23	Replace existing 3.3.23 with Terms of Reference for Tower Hamlets Health and Wellbeing Board	Factual change - sorting Boards and Panels alphabetically
348				3.3.23	Replacing prior Terms of Reference for Tower Hamlets Health and Wellbeing Board for the current agreed terms	Factual change - updating Terms of Reference
349				3.3.24 to 3.30	New entry	Factual change - reflects intention to tidy up Articles 11.03 to 11.06 and for functions and terms of reference for joint committees to be moved to Part 3 of the Constitution. Also that Joint Committee of Six Growth Boroughs has replaced the Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs
350	Council	05/12/2016	1.2	3.4	Addition of Terms of References for King George's Field Charity Board and Grants Determination Sub-Committee	Factual change - reflect fact that these are also Executive committees
351				3.5	Addition of the words "Chief Executive And" in the heading	Factual change - reinforcing the role of the Chief Executive
352				3.5.3	Addition of words "Part 8 of" between the words "in" and "this" in the last line of this Part	Factual change - reflect that this relates to the Part B of the Scheme of Management (Departmental Delegations) as set out at Part 8 of this Constitution
353				3.5.5	Addition of words "save where prohibited by law." at the end of the last line of this Part	Factual change - emphasis that this power cannot be exercised where legislation prohibits

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
354				3.7.2	Delete bulleted points "• policies, plans and programmes approved by or on behalf of the Council; • budget and policy framework and executive procedural rules; • officer employment procedural rules; • contract and financial procedural rules; • any statutory restrictions, statutory guidance/circulars or statutory code of practice"	These points should be expanded to better reflect those matters that officers should take into account when exercising delegated functions
355				3.7.2	Add bulleted points "• The Budget and Policy Framework; • The approved Budget; • The relevant Procedure Rules set out in Part 4 of this Constitution; • Policies, plans and programmes that have been approved on or on behalf of the Council; • Any instructions given by the Chief Executive; • Any financial advice given by the Corporate Director of Resources; • Any legal advice given by the Corporate Director of Governance; • Any statutory codes of conduct or statutory guidance, and codes and protocols as may be approved by the Council or the Mayor and Executive; and • All other parts of the Constitution (including article 13 "Decision Making")."	It is considered that these expanded points better reflect those matters that officers should take into account when exercising delegated functions
356				3.8.1	Delete the words "Head of Paid Service" and replace with the words "Chief Executive"	Factual change - recognises that Chief Executive is, in fact, the Head of Paid Service
357				3.8.2	Delete the words "Such constraints are kept to the absolute minimum necessary for internal check."	Nonsensical words
358				3.8.3	Delete the words "The officers" and replace with "Officers"	Sentence reads better

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
359				3.8.3	Delete the words "such powers" and add the words "any delegated function"	Sentence reads better
360				3.8.5	Add new 3.8.5 - Decisions need to be taken as near to the point of service delivery as possible.	Change to expand the General Principles of Delegated Decision-Making to increase transparency
361				3.8.6	Add new 3.8.6 "Managers and staff must have authority to act in line with their levels of responsibility within the organisation"	Change to expand the General Principles of Delegated Decision-Making to increase transparency
362				3.8.7	Add new 3.8.7 "All existing and newly appointed managers and staff must be advised in writing of their personal levels of delegated authority by their Directorate (this can be by provision of copies of the relevant documentation)."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
363				3.8.8	Add new 3.8.8 "Divisional Directors are responsible for and must ensure that this Scheme is fully implemented, monitored, maintained and regularly reviewed and any changes required are reported to the Corporate Director of Governance."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
364				3.8.9	Add new 3.8.9 "Directors and Divisional Directors may further delegate their powers under this Scheme to officers within their Directorate or withdraw powers but must ensure that any such is in writing and is subsequently included in the Directorate's scheme of delegations and the Monitoring Officer is notified in writing."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
365				3.8.10	Add new 3.8.10 "For the avoidance of doubt, functions delegated by reference to job titles or posts includes an officer appointed to a named post on an acting, interim or temporary basis."	Change to expand the General Principles of Delegated Decision-Making to increase transparency

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
366				3.8.11	Add new 3.8.11 "Functions delegated by reference to job titles or posts which have changed will continue in force and shall be exercised by officers whose duties include or most closely correspond to the duties of the post originally referred to."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
367				3.8.12	Add new 3.8.12 "In the absence, for whatever reason, of an officer with delegated powers under this Scheme, his/her powers may be exercised by any post holder within his/her Service or Directorate within a higher category or to any officer designated to perform the duties of the absent post holder."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
368				3.8.13	Add new 3.8.13 "The Scheme will be superseded in any case where a Council or Mayoral decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
369				3.8.14	Former 3.8.5 becomes 3.8.14	Change to expand the General Principles of Delegated Decision-Making to increase transparency
370				3.8.15	Add new 3.8.15 "Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer a matter to the Council, the Mayor, Cabinet or relevant Committee as appropriate with the agreement of the appropriate Chief Officer."	Change to expand the General Principles of Delegated Decision-Making to increase transparency

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
371				3.8.15	In new 3.8.15 also add the words "The criteria that officers may have to consider when determining whether to exercise a function could include- <ul style="list-style-type: none"> <li>• Whether the decision may incur a significant social, economic or environmental risk.</li> <li>• The likely extent of the impact of the decision both within and outside of the borough.</li> <li>• Whether the decision is likely to be a matter of political controversy.</li> <li>• The extent to which the decision is likely to result in substantial public interest."</li> </ul>	The bullet points were originally in Part 8.2(b)(iii) but these did not relate to the statutory criteria at (i) and as these are more guidelines for officers when deciding not to exercise a delegation then these points sit better here
372				3.8.16	Add new 3.8.16 "The Mayor in Cabinet or Committees may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
373				3.8.17	Add new 3.8.17 "For the avoidance of doubt, references in the Scheme to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
374				3.8.18	Add new 3.8.18 "A Chief Officer may extend or withdraw delegations as s/he considers appropriate, subject to notification to the Monitoring Officer who will ensure publication in this Constitution in due course."	Change to expand the General Principles of Delegated Decision-Making to increase transparency
375				3.9	Change heading from "Interpretation" to "Arrangement for Scheme of Management"	Factual change - reflect fact that this part of Constitution is in fact relates to the Arrangement for Scheme of Management

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
376				3.9.2	Rather than have heading underneath 3.9.1 reading "Arrangement for Scheme of Management" have this as a paragraph instead	Factual change - aesthetic change as reads better
377				3.9.2 (Part A)	In Part A – Corporate Delegations remove word "below" and add words "at Part 8.1 of this Constitution"	It is considered that the Part A of the Scheme of Management should be in Part 8 alongside the Part B Directorate Delegations Scheme
378				3.9.2 (Part B)	In Part B – Directorate Delegations change Part 8 to Part 8.2	If Part A of the Scheme of Management becomes Part 8.1 then Part B needs to become Part 8.2
379				3.9.2	Delete the words "A Chief Officer may extend or withdraw delegations as he/she considers appropriate, subject to notification to the Monitoring Officer who will ensure publication in this Constitution in due course"	Factual change - it is intended that these words be moved to Part 3.8 as part of the Delegated Decision-Making - General Principles as it is considered that it sits best there.
380				3.9.2	Deletion of the entirety of Scheme of Management - Part A: Corporate Delegations (10 pages in total)	It is considered that the Part A of the Scheme of Management should be in Part 8 alongside the Part B Directorate Delegations Scheme
381				3.10	Addition of the words "AND STATUTORY APPOINTMENTS" to the heading	Factual change - reflects the fact that the list includes statutory appointments as well as proper officers
382				3.10.1	Delete the words "The following officers have been designated "proper officers" for the following functions:" and add the words "In this Constitution the posts set out below shall be the designated Statutory and Proper Officer for the Council and those posts shall undertake the specific responsibilities attached to the role of the specific Statutory and Proper Officer."	Factual change - reflects the fact that the list includes statutory appointments as well as proper officers
383				3.10.2	New paragraph "In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in his/her absence, the Corporate Director of Governance, and in the absence of both, the Section 151 Officer, shall nominate an Officer to act in their stead."	Factual change - ensures that these functions can still be exercised in the event of a person being unable to act or a vacant post



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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
384				3.10.3	New paragraph "Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made"	Factual change - ensures that Chief Executive is Proper Officer where no appointment is made
385				3.10 (Statutory Officer Table)	Insert Statutory Officer Table	Factual change - ensure all statutory officers are identified
386				3.10 (Proper Officer Table)	Sorting all statutes into year of Act	Factual change - for ease of reference
387				3.10 (Proper Officer Table)	In appropriate cells delete words "[NB: Function allocated to Head of Paid Service until 31st October 2014.]" where it appears	Factual change - superfluous words
388				Part 3.10 (Proper Officer Table)	In appropriate cells delete words "[Note: The Council has appointed the Corporate Director, Communities, Localities and Culture to act as the Head of Paid Service until 31st October 2014.]"	Factual change - superfluous words
389				Part 3.10 (Proper Officer Table)	In new cell 2 for Schedule 29 Local Government Act 1972 delete words "Schedule 29 (para. 41) LGA 1972 " and move "Ss 9(1) and (2), 13(2)h and (3)b and 20 (b) Registration Services Act 1953" to replace it	Factual change - reflect that reference to Schedule is superfluous
390				Part 3.10 (Proper Officer Table)	In new cell 2 delete words "the officer responsible for the exercise of functions under" and replace with the words "Proper officer for Births, Deaths and Marriages"	Factual change - reflect what the proper officer function actually is
391				Part 3.10 (Proper Officer Table)	In new cell 3 for section 83(1) Local Government Act (LGA) 1972 add words "on the prescribed form"	Factual change - reflect fact that declaration of acceptance is to be on a prescribed form

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
392				Part 3.10 (Proper Officer Table)	New cell entry 12	Factual change - missing Proper Officer function
393				Part 3.10 (Proper Officer Table)	New cell entry 13	Factual change - missing Proper Officer function
394				Part 3.10 (Proper Officer Table)	New cell entry 14	Factual change - missing Proper Officer function
395				Part 3.10 (Proper Officer Table)	New cell entry 15	Factual change - missing Proper Officer function
396				Part 3.10 (Proper Officer Table)	New cell entry 16	Factual change - missing Proper Officer function
397				Part 3.10 (Proper Officer Table)	New cell entry 17	Factual change - missing Proper Officer function
398				Part 3.10 (Proper Officer Table)	New cell entry 18	Factual change - missing Proper Officer function
399				Part 3.10 (Proper Officer Table)	New cell entry 28	Factual change - missing Proper Officer function
400				Part 3.10 (Proper Officer Table)	New cell entry 30	Factual change - missing Proper Officer function
401				Part 3.10 (Proper Officer Table)	New cell entry 31	Factual change - missing Proper Officer function
402				Part 3.10 (Proper Officer Table)	New cell entry 32	Factual change - missing Proper Officer function

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NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
403				Part 3.10 (Proper Officer Table)	New cell entry 33	Factual change - missing Proper Officer function
404				Part 3.10 (Proper Officer Table)	New cell entry 34	Factual change - missing Proper Officer function
405				Part 3.10 (Proper Officer Table)	New cell entry 35	Factual change - missing Proper Officer function
406				Part 3.10 (Proper Officer Table)	New cell entry 36	Factual change - missing Proper Officer function
407				Part 3.10 (Proper Officer Table)	New cell entry 37	Factual change - missing Proper Officer function
408				Part 3.10 (Proper Officer Table)	New cell entry 38	Factual change - missing Proper Officer function
409				Part 3.10 (Proper Officer Table)	New cell entry 42	Factual change - missing Proper Officer function
410				Part 3.10 (Proper Officer Table)	New cell entry 43	Factual change - missing Proper Officer function
411				Part 3.10 (Proper Officer Table)	New cell entry 44	Factual change - missing Proper Officer function
412				Part 3.10 (Proper Officer Table)	New cell entry 45	Factual change - missing Proper Officer function
413				Part 3.10 (Proper Officer Table)	New cell entry 46	Factual change - missing Proper Officer function

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

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

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## Part 1 - Summary and Explanation

### 1.1 The Council's Constitution

This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to determine.

The Constitution contains 16 Articles in Part 2 which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of this document.

### 1.2 What's in the Constitution?

In Part 2, Article 1 commits the Council to ensuring that:

- Clear leadership is provided to the community in partnership with citizens, businesses and other organisations;
- Citizens are actively involved in decision making;
- Citizens are effectively represented by their Mayor and Councillors;
- The delivery of services to the community is improved;
- Decisions are taken efficiently and effectively;
- Decision-makers are clearly identifiable, that they explain the reasons for their decisions and can be held to public account.

Articles 2-16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- ~~The Full~~-Council (Article 4)
- The Speaker of the Council (Article 5)
- The Overview and Scrutiny Committee and Scrutiny Panels (Article 6)
- The Mayor and the Executive (Article 7)
- Regulatory and other Committees (Article 8)
- The Standards Advisory Committee and the Code of Conduct for Members (Article 9)
- Local Strategic Partnership (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)

- Decision-Making (Article 13)
- Finance, Contracts and Legal Matters (Article 14)
- Review and Revision of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

### 1.3 How the Council Operates

In October 2010 Tower Hamlets Council adopted a directly elected Mayoral form of Executive. The Council is composed of a Mayor and ~~51 Councillors~~ (45 Councillors ~~from May 2014~~). The Mayor is directly elected by the electors of the borough, normally for a four year term of office. The Mayoral election will be held on the same day as the ordinary Council elections, at which Councillors are elected to represent each of the Wards within the borough every four years. Councillors are democratically accountable to residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Mayor and Councillors are together known as 'Members' of the Council. Members have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Council's Standards Advisory Committee is responsible for advising Members on the Code of Conduct and ensuring that they receive training on the requirements of the Code, which they are required to observe in carrying out their duties and responsibilities as Members.

The Mayor and all Councillors meet together at ~~the full~~ Council meeting. Meetings of ~~the~~ Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. ~~The~~ Council appoints annually an Overview and Scrutiny Committee, Regulatory Committees, a Standards Advisory Committee, and other statutory, advisory and consultative bodies. The Mayor in turn appoints a Deputy Mayor and other Cabinet Members.

From 17 December 2014 to 31 March 2017, the Council is subject to Directions made by the Secretary of State for Communities and Local Government under Section 15 of the Local Government Act 1999 which mean that certain decisions of the Council will be taken by Commissioners appointed by the Secretary of State instead of by the Mayor or the General Purposes Committee of the Council. The DCLG Commissioners also have powers to regulate certain decisions of the Council. A copy of the Directions [of 17 December 2014, 29 April 2015 and 16 January 2017](#) is an appendix to this Part of the Constitution.

### 1.4 How Decisions are Made

The Executive is the part of the Council's structure which is responsible for most day to day decisions. The Executive is made up of the Mayor and between two and nine Councillors appointed by the Mayor. The Mayor and other Executive Members meet together as the 'Cabinet'. [The Mayor is responsible for the Council's main executive decision-making powers and the overall delivery of Council services.](#)



The other executive decision-making bodies are:

- the King George's Field Charity Board to the administer the affairs of the King George's Field, Mile End charity of which the Council is the sole trustee; and
- the Grants Determination Sub-Committee.

When ~~major~~ ("Key") decisions are to be discussed or made, these must be published in advance, in so far as they can be anticipated. If these ~~major~~ Key decisions are to be discussed with Council officers at a meeting of the Cabinet, the King George's Field Charity Board, or the Grants Determination Sub-Committee this will generally be open for the public to attend, except where personal or confidential matters are being discussed.

The Health and Wellbeing Board is a statutory committee under the provisions of Health and Social Care Act 2012 but does have certain executive functions and if this Board is making a Key decision then this will published in advance and the meeting generally is open for the public to attend, except where personal or confidential matters are being discussed.

The Executive including both the King George's Field Charity Board and the Grants Determination Sub-Committee ~~has~~ have to make decisions that are in line with the Council's Budget and Policy Framework. If it wishes to make a decision that is outside the Budget and Policy framework, this must be referred to ~~the full~~ Council to decide.

### 1.5 Dispute Resolution

Only ~~the~~ 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 ~~the~~ Council in relation to the budget and those plans and strategies, for adoption by ~~the~~ Council. If ~~the~~ Council does not agree with those proposals of the Mayor/Executive, a dispute resolution process applies as follows:-

Where ~~the~~ 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 ~~the~~ Council.

When the item is re-submitted, if ~~the~~ Council still wishes to amend the proposals, it can do so providing there are at least two-thirds ( $\frac{2}{3}$ <sup>rds</sup>) of the Councillors present and voting at the meeting in favour of the amendment(s). Where a two-thirds ( $\frac{2}{3}$ <sup>rds</sup>) majority in favour of ~~the~~ Council's amendment(s) is not achieved, then the Executive's proposals stand agreed and shall be deemed to be adopted by the Authority.

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## **1.6 Overview and Scrutiny**

There is an Overview and Scrutiny Committee which is established to review or scrutinize decisions of the Executive and conduct reviews into functions which are the responsibility of the Executive. The Overview and Scrutiny Committee may appoint Scrutiny Panels from time to time to carry out individual reviews. This Committee and Panels support the work of the Executive and the Council as a whole. They allow citizens to have a greater say in Council matters by holding investigations in public into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.

The Overview and Scrutiny Committee has a strategic and co-ordinating role over the scrutiny function and also monitors the decisions of the Mayor and Executive. The Committee may advise the Executive of key issues/questions that should be considered in relation to reports due to be considered by the Executive. In most cases it can also 'call-in' a decision that has been made by the Mayor or Executive but not yet implemented. This enables the Committee to consider whether the decision is appropriate. It may recommend that the decision be reconsidered.

## **1.7 The Council's Staff**

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. All employees are subject to a Code of Conduct and a Protocol governs the relationships between Members and officers of the Council.

## **1.8 Citizens' Rights**

Citizens have a number of rights in their dealings with the Council. These are explained further in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example as a parent of a school pupil or as an occupier of Council land or premises, they have additional rights. These are not covered in this Constitution.

Citizens have various general rights, such as to:

- vote at Mayoral and Council elections if they are eligible and registered;
- contact the Mayor or their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution;

- attend formal meetings of ~~the~~ Council, the Cabinet and Committees/ Sub-Committees/ Panels except where, for example, personal or confidential matters are being discussed;
- present petitions which may be permitted to address ~~the~~ Council, the Cabinet, Scrutiny or Regulatory Committees, participate in ~~the Council's question time Council meetings~~ and contribute to investigations by the Scrutiny Panels;
- speak in favour or against applications for planning consent or the granting of licenses by the Development or Licensing Committees;
- find out what Key Decisions are to be decided by the Mayor, Cabinet, Executive Committees/ Sub-Committees, Executive Members or officers, and when;
- ~~attend meetings of the Cabinet where key decisions are being discussed or decided;~~
- see unrestricted reports and associated background papers and any published record of decisions made by ~~the~~ Council, other non-executive Committees/ Sub-Committees, the Mayor/Cabinet, Executive Committees/ Sub-Committees, or Executive Member;
- participate in the Tower Hamlets Partnership and consultative mechanisms or service user groups, if selected or appointed to do so;
- complain to the Council about Council services, action or inaction which concern them, for the matter to be investigated under the Council's complaints processes;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints processes.
- complain to the Council's Monitoring Officer if they have evidence which they think shows that the Mayor or a Councillor has not followed the Council's Code of Conduct for Members;
- ~~- raise a public interest concern with the Council's Monitoring Officer if they have evidence which they think shows malpractice, wrongdoing, illegality or risk in the Council and which is not appropriate for consideration under another Council procedure;~~ and
- examine the Council's accounts when open for inspection and make their views known to the external auditor.

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The Council welcomes participation by its citizens in its work. Details of the rights of citizens to inspect agendas and reports and attend meetings are available at the

Town Hall, together with copies of any documents available for inspection or on the Councils website [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

DIRECTIONS OF 17 DECEMBER 2014

ANNEX A

**ACTION THE AUTHORITY IS REQUIRED TO TAKE**

In this Annex, the following expressions have the following meanings:

"statutory officers" means the head of paid service designated under section 4(1) of the Local Government and Housing Act 1989, the chief financial officer designated as having responsibility for the administration of the Authority's financial affairs under section 151 of the Local Government Act 1972, and the monitoring officer designated under section 5(1) of the Local Government and Housing Act 1989;

"the Authority" includes the Mayor, the Cabinet Members, any committee or sub-committee and any other person who has responsibility for the matter in question;

"the Direction Period" means the period beginning with the date of these Directions and ending on 31 March 2017;

"member of the Authority" includes the Mayor.

The actions to be taken by the Authority are:

- 1) Within 3 months from the date of these Directions, to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with its best value duty (to include as appropriate complying with the specific Directions set out below and putting in place robust and transparent arrangements for grant decisions), and to submit this to the Secretary of State.
- 2) To prepare under the direction of the Commissioners and submit to the Secretary of State at 6 monthly intervals thereafter during the Direction Period, a report on progress against the strategy and action plan referred to in paragraph 1, including any comments from the Commissioners about the continuing need for each of the intervention measures.
- 3) Subject to paragraph 4 below, to undertake as a matter of urgency a recruitment exercise or recruitment exercises with the aim of making by 1 April 2015 (or earlier if practicable) suitable permanent appointments to those positions the holders of which are to be designated as statutory officers and, upon such appointments being made, to designate the holder of each position as the relevant statutory officer. Such recruitment exercise(s) is/are to be conducted under the direction of, and to the satisfaction of, the Commissioners who, for the avoidance of doubt, may for these purposes approve the continuation of a recruitment exercise commenced before the date of these Directions, with or without modification. Also for the avoidance of doubt and again subject to paragraph 4 below, an existing employee of the

Authority may be appointed to a position referred to in this paragraph, provided always that such person is a suitable permanent appointment to that position.

- 4) For the Direction Period, to obtain the prior written agreement of the Commissioners to:
  - (a) any dismissal or suspension of a person who has been designated as a statutory officer (whether that person was appointed or designated as a result of the exercise referred to in paragraph 3 or otherwise);
  - (b) any appointment of a person to a position the holder of which is to be designated as a statutory officer (whether as a result of the exercise referred to in paragraph 3 or otherwise);
  - (c) any removal of the designation of any person as a statutory officer (whether that person was designated as a result of the exercise referred to in paragraph 3 or otherwise); and
  - (d) any designation of any person as a statutory officer (whether as a result of the exercise referred to in paragraph 3 or otherwise).
- 5) For the Direction Period, to obtain the prior written agreement of the Commissioners before entering into any commitment to dispose of, or otherwise transfer to third parties, any real property other than existing single dwellings for the purposes of residential occupation.
- 6) Within 3 months from the date of these Directions, to prepare a fully costed plan for the Authority's proper use of publicity and agree that plan with the Commissioners; thereafter during the Direction Period, to report to the Commissioners on the delivery of that plan at 6 monthly intervals or at such intervals as the Commissioners may direct, and adopt any recommendation of the Commissioners with respect to that plan, and for the Direction Period, to adopt any recommendations of the Commissioners in respect to publicity more generally.
- 7) Urgently and in any event by no later than 1 February 2015, to prepare and implement an action plan, in consultation with the Commissioners, to achieve improvements in relation to the processes and practices the Authority adopts for entering into contracts, including how it implements its written procurement policies and procedures; and during the Direction Period, to adopt all recommendations of the statutory officers in relation to the processes and practices to be followed in relation to entering into contracts, unless the Commissioners' prior written agreement is obtained not to do so.
- 8) To allow the Commissioners at all reasonable times access:

(i) to any premises of the authority

(ii) to any document relating to the authority, and

(iii) to any employee or member of the authority,

which appear to the Commissioners to be necessary for the purposes of carrying out their responsibilities under these Directions and any future Direction.

- 9) At the request of the Commissioners, to provide to them the views of the Authority as to the appropriate recipient and amount of any grant to which paragraph 1 of Annex B applies.
- 10) To provide the Commissioners, at the expense of the Authority, with such reasonable amenities and services and administrative support as the Commissioners may reasonably require from time to time to carry out their functions and responsibilities under these Directions; and
- 11) To pay the Commissioners' reasonable expenses and such fees as the Secretary of State determines are to be paid to them.

## ANNEX B

### FUNCTIONS OF THE AUTHORITY TO BE EXERCISED BY THE COMMISSIONERS

- 1) Subject to paragraph 2, all functions the Authority exercises relating to the making of grants under any statutory power or duty, including any grants made pursuant to section 1 of the Localism Act 2011 (local authority's general power of competence).
- 2) For the purpose of paragraph 1,
  - a) paragraph 1) does not apply to grants made for the purposes of section 23 of the Housing Grants, Construction and Regeneration Act 1996 under section 24 of that Act (i.e. Disabled Facilities Grant).
  - b) functions include any functions incidental or consequential to the making of grants other than any functions provided for by Chapter 3 of Part 1 of the Local Government Finance Act 1992.
- 3) The functions of appointing persons to and removing persons from the statutory offices of Electoral Registration Officer (section 8(2) of the Representation of the People Act 1983) and Returning Officer for Local Elections (section 35(3) of the 1983 Act).
- 4) The functions under section 112 of the Local Government Act 1972 of (a) appointing and determining the terms and conditions of employment of an officer of the Authority, only insofar as those functions are exercised for the purposes of appointing a person as an officer of the Authority principally in order for that person to be appointed to the statutory offices of Electoral Registration Officer or Returning Officer for Local Elections, and (b) dismissing any person from being an officer of the Authority who after the date of these Directions has been appointed to the statutory offices of Electoral Registration Officer or Returning Officer for Local Elections.
- 5) The function under section 101 of the Local Government Act 1972 of arranging for the discharge of any of the Authority's functions by another body or person, only insofar as that function is exercised for the purposes of amending or revoking any arrangements the Authority has made in relation to the discharge of functions to be exercised by the Commissioners referred to in this Annex.



## DIRECTIONS OF 29 APRIL 2015

### ANNEX

#### ACTION THE AUTHORITY IS REQUIRED TO TAKE

In this Annex "Authority" shall have the same meaning as in Annex A of the Directions of 17 December 2014.

The actions to be taken by the Authority are:

1. To define and establish, within one month of the date of these Directions and with the agreement of the Commissioners, a new senior officer position, the holder of which is:
  - (a) to have direct or indirect line management responsibility for all the Authority's staff, other than political assistants appointed in pursuance of section 9 of the Local Government and Housing Act 1989;
  - (b) to have delegated to him or her responsibility for exercising such functions as are agreed with the Commissioners; and
  - (c) to be designated as head of paid service under section 4(1) of the 1989 Act.
2. To undertake a recruitment exercise, to be conducted under the direction of, and to the satisfaction of, the Commissioners, with the aim of making a suitable permanent appointment to this new senior officer position within 3 months of it being established, subject to Annex A paragraph 4 to the Directions of 17 December 2014. For the avoidance of doubt the reference to a recruitment exercise is a reference to an open competition, and an existing employee of the Authority may apply and be appointed to the position through such a recruitment exercise, subject to Annex A paragraph 4 to the Directions of 17 December 2014.
3. To provide the Commissioners, at the expense of the Authority, with such reasonable amenities and services and administrative support as the Commissioners may reasonably require from time to time to carry out their functions and responsibilities under these Directions.
4. Paragraphs 1 and 2 above replace paragraph 3 of Annex A to the Directions of 17 December 2014 insofar as that paragraph 3 relates to the recruitment to a post the holder of which is to be designated as the head of paid service.

## DIRECTIONS OF 16 JANUARY 2017

### DIRECTIONS UNDER SECTION 15(5) AND (6) OF THE LOCAL GOVERNMENT ACT 1999 TO THE COUNCIL OF THE LONDON BOROUGH OF TOWER HAMLETS 2014

#### WHEREAS

1. The Secretary of State for Communities and Local Government ("the Secretary of State") has carefully considered the following in respect of the council of the London Borough of Tower Hamlets ("the Authority"):
  - a. the Mayor of Tower Hamlets' third six monthly report on progress against the Council's Best Value Strategy and Action Plan, received by the Secretary of State on 20 September 2016;
  - b. the Tower Hamlets Commissioners' report on progress with the intervention in Tower Hamlets, received by the Secretary of State on 11 October 2016; and
  - c. the representations made to him on 15 December 2014 by the Authority on the proposed revised intervention package.
2. The Secretary of State is satisfied that the Authority is able to exercise functions in relation to the making of grants under any statutory power or duty (paragraphs 1 and 2 of Annex B to the 17 December 2014 Directions), in compliance with the requirements of Part 1 of the Local Government Act 1999 ("the 1999 Act"). However the Secretary of State considers that the Authority's exercise of these functions should be subject to oversight arrangements to enable the Commissioners to advise and scrutinise the Authority and ensure its compliance with the best value duty.
3. The Secretary of State is also satisfied that the processes and practices the Authority adopts for entering into contracts, including how it implements its written procurement policies and procedures, are now in compliance with Part 1 of the 1999 Act.
4. The Secretary of State, having considered the representations made by the Authority as required by section 15(9) of the 1999 Act, considers it necessary and expedient in accordance with his powers under section 15(5) and (6) of the 1999 Act, to direct the Authority as set out below in order to secure the Authority's compliance with the requirements of Part 1 of the 1999 Act, including the specific requirements of the Directions under section 15(5) and (6) of the 1999 Act issued on 17 December 2014.

#### NOW THEREFORE

5. Pursuant to his powers under section 15(5) and (6) of the 1999 Act, the Secretary of State directs the Authority to take the actions set out in the Annex to these Directions.

6. These Directions remain in force until 31 March 2017.

Signed on behalf of the Secretary of State for Communities and Local Government.

A handwritten signature in black ink, appearing to read 'Alex Powell', with a stylized flourish at the end.

Alex Powell

A Senior Civil Servant in the Department for Communities and Local Government

Date: 16 January 2017

## ANNEX

### ACTION THE AUTHORITY IS REQUIRED TO TAKE

In this Annex, the following expressions have the following meanings:

"the Authority" includes the Mayor, the Cabinet Members, any committee of sub-committee and any other person who has responsibility for the matter in question;

"the Direction Period" means the period beginning with the date of these Directions and ending on 31 March 2017;

"member of the Authority" includes the Mayor.

The actions to be taken by the Authority are:

- 1) For the Direction Period, subject to paragraph 2, to exercise under the direction of, and to the satisfaction of, the Commissioners all functions relating to the making of grants under any statutory power or duty, including any grants made pursuant to section 1 of the Localism Act 2011 (local authority's general power of competence).
- 2) For the purpose of paragraph 1,
  - (a) paragraph 1 does not apply to grants made for the purposes of section 23 of the Housing Grants, Construction and Regeneration Act 1996 under section 24 of that Act (i.e. Disabled Facilities Grant);
  - (b) functions include any functions incidental or consequential to the making of grants other than any functions provided for by Chapter 3 of Part 1 of the Local Government Finance Act 1992.
- 3) The Authority will be obliged to continue to undertake the actions outlined in paragraphs 2, 3, 4, 5, 6, 8, 9, 10 and 11 of Annex A and paragraphs 3, 4 and 5 of Annex B to the 17 December 2014 Directions for the retained functions.

## Part 2 – Articles of the Constitution

### Article 1 - The Constitution

#### 1.01 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

#### 1.02 The Constitution

This Constitution, and any appendices, is the Constitution of the London Borough of Tower Hamlets.

#### 1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Mayor and the Council to provide clear and accountable leadership to the community in partnership with citizens, businesses and other organisations;
- ~~2.~~ ensure that the roles and responsibilities of the executive, non-executive, scrutiny and officer functions are clearly defined and documented, with clear delegation arrangements;
- ~~23.~~ provide a means of improving the delivery of services to the community;
- ~~34.~~ support the active involvement of citizens, businesses and other organisations in the process of local authority decision-making;
- ~~45.~~ help the Mayor and Councillors represent their constituents more effectively;
- ~~56.~~ enable ~~decisions to be taken efficiently and effectively~~effective and transparent decisions to be taken;
- ~~67.~~ create a powerful and effective means of holding decision-makers to public account;
- ~~78.~~ ensure that no one will review or scrutinise a decision in which they were directly involved;
- ~~89.~~ ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions;

- | 10. maintain the highest standards of conduct of Members and officers of the authority; and
- | ~~10~~11. provide a comprehensive document explaining how the Council operates, who is responsible for taking decisions and how they will be taken.

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#### **1.04 Interpretation and Review of the Constitution**

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## Article 2 - Members of the Council

### 2.01 Composition and Eligibility

**Composition.** The Council will comprise a directly elected Mayor and ~~45 Councillors~~ **51 Councillors** (45 Councillors ~~from 2014~~). The Mayor will be elected by the voters of the whole borough; and the Councillors will be elected by the voters of each ward, in accordance with a scheme drawn up by the Local Government Boundary Commission for England.

The term 'Member of the Council' (or simply 'Member') as used throughout this Constitution includes both the Mayor and the Councillors.

**Eligibility.** Only registered voters of the borough or those living or working here in accordance with the relevant legislation will be eligible to stand for election for the office of Mayor or Councillor.

### 2.02 Election and Terms of the Mayor and Councillors

The regular elections of Mayor and Councillors will be held every four years, normally on the first Thursday in May. The term of office of the Mayor and Councillors will be four years and will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and Functions of all Councillors

All Councillors will:-

1. Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
2. Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
3. Effectively represent the interests of their ward and of individual constituents;
4. Respond to constituents' enquiries and representations, fairly and impartially;
5. Participate in the governance and management of the Council;
6. Be available to represent the Council on other bodies; and
7. Maintain the highest standards of conduct and ethics.

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## 2.04 Rights and Duties

Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

For these purposes “confidential” and “exempt” are defined in the Access to Information Procedure Rules in Part 4 of the Constitution.

## 2.05 Cessation of Membership

A Councillor will cease to be a Member if they resign by giving notice in writing, or if they fail to observe the requirement to attend Council meetings as prescribed by section 85 of the Local Government Act 1972 or if they are disqualified from holding office by virtue of section 80 of the Local Government Act 1972 or any other statutory provision.

With regard to the requirement to attend meetings, a Councillor must attend at least one relevant meeting during a period of six (6) months to remain qualified to hold office. A relevant meeting includes ~~the full Council, the Cabinet, any Committee, Sub Committee, joint Committee or external body to which the Councillor has been formally appointed, or a meeting of the Councillor’s relevant Local Area Partnership (LAP) Steering Group, whether or not the Councillor concerned has been appointed to their relevant Steering Group.~~

If a Councillor believes that there is an exceptional and unavoidable reason why s/he is unable to attend a relevant meeting during a period of six (6) months or to otherwise perform their proper duties as a Councillor for part or all of the same period, the Councillor concerned may seek a dispensation from the Council by writing to the Chief Executive explaining the reason for their unavoidable absence and the period to which the absence will relate. This will be reported to the Council at its next ordinary meeting. The Council will decide whether or not to grant such an exemption to the attendance requirement and will only do so in exceptional circumstances and with evidence that the absence is unavoidable. An exemption cannot be granted if a particular Councillor’s absence has already exceeded six months.

## 2.06 Conduct

The Mayor and Councillors will at all times observe the Code of Conduct for Members, Member/Officer Protocol, the Licensing and Planning Codes of Conduct and all other Codes and Protocols set out in Part 5 of this Constitution or otherwise agreed by the Council from time to time.



### **2.07 Allowances**

The Mayor and Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme as set out in Part 6 of this Constitution.

## Article 3 - Citizens and the Council

### 3.01 Citizens' Rights

Citizens have various rights as set out below. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

**Voting and Petitions.** Citizens on the electoral register have the right to vote at elections. All citizens (that is people living, working or studying in the borough) have the right to present personally or to request a Councillor to present a petition on their behalf to ~~the~~Council, the Cabinet, Scrutiny, Regulatory or other Committees/ Sub Committees or Panels, subject to the detailed provisions laid down in procedures adopted by those bodies.

**Information.** All citizens have the right to:

- (i) attend formal meetings of ~~the~~Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet where key decisions are being considered except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) attend meetings of the King George's Field Charity Board and the Grants Determination Sub-Committee except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iiiiv) find out what key decisions will be taken by the Mayor, Executive, the Health and Wellbeing Board, the King George's Field Charity Board, the Grants Determination Sub-Committee, or appropriate Member, or officer and when;
- (iv) see reports and background papers and any records of decisions made by the Council and the Mayor, the Executive or appropriate Member;
- (vi) speak at Development or Licensing Committees/ Sub-Committees in favour or against planning or licensing applications, subject to the detailed provisions laid down in procedures adopted by those bodies; and
- (vii) inspect the Council's accounts when available for examination and make their views known to the external auditor.

**Participation.** All citizens have the right to participate in ~~the Council's question time~~Council meetings and contribute to investigations by Scrutiny Panels. The

process for public participation is set out in the Council Procedure Rules and the Overview and Scrutiny Procedure Rules contained in Part 4 of the Constitution at sections 4.1 and 4.5.

**Complaints.** All citizens have the right to complain to:

- (i) the authority itself under its complaints scheme or any other applicable statutory complaints scheme;
- (ii) the Local Government Ombudsman and Housing Ombudsman after using the Council's own complaints scheme; and
- (iii) the Council's Monitoring Officer about a breach of the Code of Conduct for Members, or to raise a public interest concern if they have evidence which they think shows malpractice, wrongdoing, illegality or risk in the Council and which is not appropriate for consideration under another Council procedure.

### **3.02 Citizens' Responsibilities**

Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully damage things owned by the Council, Councillors or officers.

When attending meetings of ~~the~~ Council, Committees/ Sub-Committees/ Panels or the Cabinet, citizens must not behave improperly, offensively or interrupt the business of the meeting as such action will result in their being removed and excluded from the meeting.

**Article 4 - ~~The Full~~ Council**

**4.01 Meanings**

- (a) **Policy Framework.** The policy framework means the following plans and strategies required to be approved by ~~the~~ Council. Table A shows ~~(Note: those plans and strategies marked \*that are required by statute to be included in the policy framework):~~

<u>Annual Library Plan</u>	<u>Section 1(2) Public Libraries and Museums Act 1964</u>
Crime and Disorder Reduction Strategy*	Sections 5 & 6 Crime & Disorder Act 1998
Development Plan Documents*	Section 20 Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011
Licensing Authority Policy Statement*	Section 349 Gambling Act 2005
<u>Local Transport Plan</u>	<u>Section 108(3) Transport Act 2000</u>
Plans and Alterations which together comprise the Development Plan*	Section 27 Town and Country Planning Act 1990
<u>Youth Justice Plan</u>	<u>Section 40 Crime &amp; Disorder Act 1998</u>
<del>Sustainable Community Strategy*</del>	<del>Section 4 Local Government Act 2000</del>
<del>The Council's Housing Strategy</del>	<del>{Discretionary strategy}</del>
<del>The Council's Environmental Strategy</del>	<del>{Discretionary strategy}</del>
<del>The Council's Employment Strategy</del>	<del>{Discretionary strategy}</del>
<del>The Council's Enterprise Strategy</del>	<del>{Discretionary strategy}</del>
<del>The Council's Waste Strategy</del>	<del>{Discretionary strategy}</del>
<del>The Council's Open Space Strategy</del>	<del>{Discretionary strategy}</del>

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, (including the recommended Council tax base), setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its

capital expenditure and the setting of virement limits.

- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications or a programme of applications (whether in draft form or not) ~~to the Secretary of State~~ for approval of a programme of disposal of 500 or more properties to a person for which a levy would be payable to the Secretary of State under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

#### 4.02 Functions of ~~the Full~~ Council

Only ~~the full~~ Council will exercise the following functions:

- (a) adopting and changing the Constitution (except where the power to make any change is delegated to either the General Purposes Committee or the Monitoring Officer as set out in this Constitution);
- (b) approving or adopting the policy framework and the budget ~~or any application to the Secretary of State in respect of any housing land transfer;~~
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
- ~~(d) agreeing and/or amending the terms of reference for Committees/ Sub-Committees/ Panels, deciding on their composition and making appointments to them, subject to any delegations to the General Purposes Committee and/or officers as set out in this Constitution;~~
- ~~(e) appointing representatives to those external bodies that do not fall to the Mayor to appoint to, unless the function has been delegated by the Council or this Constitution;~~
- ~~(f) adopting an allowances scheme for the Mayor and Councillors;~~
- ~~(g) the determination of matters relating to Community Governance Reviews as set out in the Local Government and Public Involvement in Health Act 2007, unless the matter has been delegated by the Council or this Constitution.~~
- (h) changing the name of the area, conferring the title of honorary alderman or conferring the freedom of the borough;

- (i) confirming the appointment of the Head of the Paid Service;
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) adoption and amendment of the authority's Code of Conduct for Members and other Codes and Protocols comprising the ethical framework;
- (l) adopting the Council's Pay Policy Statement each year as required by the Localism Act 2011; and agreeing any in-year changes to the Pay Policy Statement.
- (m) arranging for the discharge of any other functions of the authority which are not executive functions;
- (n) subject to any matters delegated to Committees/ Sub-Committees/ Panels or officers, determining all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- (o) accepting the delegation of a power or function from another local authority; and
- (p) all other matters which, by law, must be reserved to Council.

#### **4.03 Council Meetings**

There are four types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) the budget meeting(s), and
- (d) extra-ordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

The Mayor and all Councillors may attend meetings of ~~the~~ Council and may participate as set out in the Council Procedure Rules.

#### **4.04 Responsibility for Functions**

~~The~~ Council will maintain the tables in Part 3.1 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

## Article 5 – The Speaker of the Council

### 5.01 The Role and Function of the Speaker of the Council

Following the introduction of the directly elected Mayoral system in Tower Hamlets on 21<sup>st</sup> October 2010, the position of Speaker of the Council has been established to perform the duties previously carried out by the post of ‘civic mayor’.

The Council has decided, in agreeing its Executive Arrangements, that the Speaker of the Council will be the first citizen of the ~~borough~~ Borough and will perform the majority of civic and ceremonial duties for the ~~borough~~ Borough. The Mayor will perform those functions as the Council’s representative where they relate to the promotion of, or business of, the Council. Any future change to these arrangements will be a matter for the Council to determine.

#### **The Speaker of the Council may not be a member of the Executive.**

The Speaker of the Council ~~and the Deputy Speaker~~ will be elected by ~~the~~ Council annually and ~~the Speaker~~ will have the following roles and functions:

1. to uphold and promote the purposes of the Constitution and having sought appropriate ~~officer~~ advice ~~from the Monitoring Officer~~, to interpret the Constitution when necessary;
2. to preside over meetings of ~~the~~ Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that ~~the~~ Council ~~meeting~~ is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet can hold the Mayor and Cabinet Members to account in public;
4. to promote public involvement in the Council’s activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and s/he determines appropriate.

#### **The Deputy Speaker of the Council will deputise for the Speaker of the Council whenever the Speaker of the Council is unavailable or unable to act.**

The order of precedence for civic events shall be as follows, with the Borough’s First Citizen representing the Council at Civic Ceremonial functions in the Borough including:

Visits of the Royal Family and dignitaries;  
Civic receptions, luncheons and dinners;  
Funeral or memorial services;  
Religious services; and  
Prize givings.

And events outside the Borough including:

Those of the Lord Mayor of London ~~'s events;~~  
Invitations from other First Citizens to their Borough; and  
Those of the London Mayor's' Association ~~Events~~

This does not preclude the attendance and involvement of the Mayor and/or other Councillors.

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## Article 6 - Overview and Scrutiny Committee and Scrutiny Panels

### 6.01 Terms of Reference

~~The~~ Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by ~~section 21 of the Local Government Act 2000 or regulations made under section 32 of that Act; by sections 119 to 128 of the Local Government and Public Involvement in Health Act 2007; and by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee~~ 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).

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~~The~~ 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 ~~and/~~ or scrutinise decisions made, or other actions taken in connection with the discharge of any ~~of the Council's~~ functions which are the responsibility of the Executive.
- (ii) Advise the Mayor, DCLG Commissioners or the Executive of key issues/questions arising in relation to reports due to be considered by the Mayor, DCLG Commissioners or the Executive.
- (iii) Make reports and/ or recommendations to ~~the full~~ Council and/or the Mayor, DCLG Commissioners 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.

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~~(iii)~~(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.

~~(iv)~~(vi) Make reports or recommendations to Council and/or the Mayor or the Executive on matters ~~Consider any matter~~ affecting the Council's area or its inhabitants.

~~(v)~~(vii) Exercise the right to call in for reconsideration decisions made but not yet implemented ~~by the Executive DCLG Commissioners.~~

~~(vi)~~(viii) Refer any report it receives with implications for ethical standards to the Standards Advisory Committee for its consideration.

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### 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, appropriate Committees and/or Council, and DCLG Commissioners 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.

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(d) ~~(c)~~ **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.

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(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.

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(ed) **Annual Report.** The Overview and Scrutiny Committee must report annually to ~~full~~ Council on its work.

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#### 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 ~~six~~ Lead Scrutiny Members, one for each of the following ~~service areas~~ portfolios:

~~Communities, Localities and Culture~~  
Children's ~~Services~~  
Governance  
Health, Adults and Community  
Place  
Resources  
~~Development and Renewal~~

~~Chief Executives~~  
~~Adults, Health and Wellbeing~~

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 ~~Adults, Health and Wellbeing~~ 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 ~~full~~ Council, Cabinet or the Mayor or appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Panels shall first be considered by the Overview and Scrutiny Committee before being reported to ~~full~~ 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 Panels will generally meet in public and will conduct their proceedings in accordance with the Procedure Rules in Part 4 of this Constitution.

## **Article 7 - The Mayor and the Executive**

### **7.01 The Role of the Executive**

The Executive will carry out all the local authority's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

### **7.02 Form and Composition**

The Executive will consist of the Mayor and between two and nine Councillors appointed by the Mayor, called Cabinet Members. One of the Cabinet Members will be appointed by the Mayor as the Statutory Deputy Mayor. When the Mayor and Cabinet Members meet together in Committee this is known as a meeting of the Cabinet.

The King George's Field Charity Board and the Grants Determination Sub-Committee ~~is-are~~ also ~~a-Committee-of-the~~ Executive Bodies having and which has executive decision making powers.

### **7.03 Mayor and Statutory Deputy Mayor**

#### **The Mayor**

The Mayor will exercise strategic political leadership by developing and communicating clearly to citizens, businesses and service users the authority's purpose and vision and its intended policy outcomes. In developing strategic policy the Mayor will work closely with the Chief Executive and have regard to advice tendered.

The Mayor will be a person elected to that position by the electors of the borough in the Mayoral election. In the event that a serving Councillor of the London Borough of Tower Hamlets is elected as Mayor, a vacancy shall be declared in that person's Council seat and a by-election shall be held (if required) in accordance with the relevant legislation.

The term of office of the Mayor will normally be four years. S/he will take office on the fourth day after his/her election and will continue in office until the fourth day after his/her successor is elected, unless s/he dies, is disqualified or resigns.

#### **The Statutory Deputy Mayor**

The Statutory Deputy Mayor will be a Councillor appointed to that position by the Mayor from among the Cabinet members.

The Mayor may replace the Statutory Deputy Mayor at any time but otherwise the Statutory Deputy Mayor shall remain in post for the duration of the Mayor's term of office, unless:

- a) s/he resigns from office; or
- b) s/he is no longer a Councillor

The Statutory Deputy Mayor shall have authority to exercise the Mayor's powers only in the event that the Mayor is unable to act at any time.

#### **7.04 Other Executive Members**

The Mayor shall appoint between two (2) and nine (9) Councillors to be members of the Executive (Cabinet Members) alongside the Mayor him/herself. All of the Cabinet Members must be serving Councillors of the authority. The Mayor may allocate to each Cabinet Member a portfolio of responsibility for Council business relating to their role as an Executive Member (see 7.05 below).

The Mayor must appoint one of the Cabinet Members as the Statutory Deputy Mayor.

The Mayor may replace or remove a Cabinet Member, and/or may vary or delete their portfolio responsibilities, at any time.

Executive Members shall hold office until:

- (a) They are removed or replaced by the Mayor;
- (b) They resign from office; or
- (c) They are no longer a Councillor.

In the case of a vacancy arising in any post of Cabinet Member the Mayor may appoint a Councillor to the vacant post at his/her discretion.

#### **7.05 Cabinet Responsibilities**

The Executive Members will have portfolios as set out in the Executive Scheme of Delegation at Part 4.4 of this Constitution.

The portfolios may be subject to change from time to time at the discretion of the Mayor and will be updated by the Monitoring Officer as soon as reasonably practicable when so advised by the Mayor.

#### **7.06 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of the Constitution.

#### **7.07 Responsibility for Functions**

The Monitoring Officer will maintain a list as part of this Constitution, setting out which individual Cabinet Members or Committees of the Executive, officers or joint arrangements (see Article 11) are responsible for the exercise of particular executive functions.

## **Article 8 – Regulatory and other Committees**

### **8.01 Appointment of Regulatory and Other Committees**

| ~~The~~ Council will appoint the Committees set out in Part 3 to discharge the functions described in the “Responsibility for Functions” tables in Part 3.

| ~~The~~ Council will appoint a Member to serve as Chair of each Committee that it appoints under this Article. If the Council does not, the Committee may appoint a Chair from amongst the Members appointed to the Committee by the Council.

Each Committee may appoint a Vice-Chair from amongst its Members.



## **Article 9 - The Standards Advisory Committee and the Code of Conduct for Members**

### **9.01 -Code of Conduct**

In accordance with the requirements of the Localism Act 2011 the Council has adopted a Code of Conduct for Members together with arrangements for dealing with any complaint of a breach of the Code including the appointment of an Independent Person. The Code of Conduct and the arrangements for dealing with any complaint of a breach of the Code are set out at Part 5.1 of this Constitution.

### **9.02 Standards Advisory Committee: Constitution**

~~The~~ Council at its Annual Meeting will establish a Standards Advisory Committee using its powers under section 102(4) of the Local Government Act 1972.

The Standards Advisory Committee shall have the power to create sub-committees in order to discharge its advisory role.

### **9.03 Composition**

The Standards Advisory Committee shall be comprised of Members of the Council (not including the Mayor or more than one Cabinet Member), appointed by the Council in accordance with the requirements of political proportionality; and up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).

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 Advisory Committee shall be chaired by a Co-opted member.

The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference.

### **9.04 Appointment of Co-~~Opted~~-opted Members**

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

## 9.05 Roles and Functions

The Standards Advisory Committee has the following roles:

1. To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee which shall make the final decision on the matter. The Investigation and Disciplinary Sub-Committee shall have the same Membership and quorum of the Standards Advisory Committee;
2. To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;
3. To convene a Hearings Sub-Committee of three Members of the Standards Advisory Committee comprising two of the co-opted members and one Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;
4. To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;
  - Reporting its findings to Council for information;
  - Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;
  - Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;
  - Recommending the Monitoring Officer arrange training for the member;
  - Recommending removal from outside appointments to which he/she has been appointed or nominated;
  - Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;

- Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;
  - Recommending the Member to contact the Council via specified point(s) of contact;
5. To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising two of the co-opted members and one Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;
  6. To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;
  7. Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;
  8. Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;
  9. Advising ~~the~~ Council on the adoption or revision of the Code of Conduct for Members;
  10. Monitoring the operation of the Code of Conduct for Members;
  11. Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;
  12. To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;
  13. To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;
  14. Advising on local protocols for both Officer and Member governance;

15. To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;
16. To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and
17. 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.

#### **9.06 Validity of proceedings**

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 co-opted member.

Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its sub-committees as it applies to meetings of the Council.

#### **9.07 Hearings Sub-Committee and Hearings (Appeal) Sub-Committee**

Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.

The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.

The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

### **9.08 Attendance Requirements**

In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.

The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

### **9.09 Procedures**

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

### **9.10 Confidentiality**

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

## Article 10 - Local Strategic Partnership

### 10.01 General Arrangements

The Tower Hamlets Strategic Partnership brings together all of the key stakeholders in the borough – residents, the Mayor and Council, Police, the health service, other public services, voluntary and community groups, faith communities and businesses – with the aim of working together to improve the quality of life of people who live and work in the borough. The Council provides support for the administration of the Partnership but the Partnership is independent of the local authority.

The Partnership delivers its vision through the Council's Community Plan, which aims to make Tower Hamlets:

- (a) A Great Place to Live - a place where people live in quality affordable housing, located in clean and safe neighbourhoods served by well-connected and easy to access services and community facilities.
- (b) A Fair and Prosperous Community - a place where everyone, regardless of their background and circumstances, has the aspiration and opportunity to achieve their full potential ~~through education and vibrant local enterprise.~~
- (c) A Safe and Cohesive Community - a safer place where people feel safer, get on better together and difference is not seen as threat but core strength of the borough.
- (d) A Healthy and Supportive Community - a place where people are supported to live healthier, more independent lives and the risk of harm and neglect to vulnerable children and adults is reduced.
- (e) One Tower Hamlets - a place where everyone feels they have an equal stake and status. We are committed to reducing inequalities, supporting cohesion and providing strong community leadership.

In order to deliver its vision, the Partnership will review and establish arrangements to support its operation including executive support, development and delivery of initiatives, engagement with stakeholders as well as performance management.

### 10.02 Composition and Functions

- ~~(a) The **Partnership Executive Board** acts as a governing body of the Partnership, setting the strategic direction for local delivery informed by the Community Plan. The Executive monitors and manages performance of the five Community Plan Delivery Groups (CPDGs). The Board also considers reports from the Mayor's Assemblies.~~

~~(b) The **Community Plan Delivery Groups (CPDGs)** are the thematic strategic groups responsible for the delivery of the Community Plan's objectives. CPDGs bring together key stakeholder representatives to focus on joined-up service planning and delivery of partnership priorities.~~

~~There are five Community Plan Delivery Groups:~~

- ~~● Great Place to Live~~
- ~~● Employment and Enterprise Board~~
- ~~● Safe and Cohesive Board (Community Safety Partnership)~~
- ~~● Health and Wellbeing Board~~
- ~~● Children and Families Partnership~~

~~(c) The **Mayor's Assemblies** provide a mechanism for residents to engage with the Mayor, the Cabinet and service providers. The Assemblies are chaired by the Mayor and are open public meetings. They are also a means for the Mayor to engage with the borough's diverse communities – particularly those which are 'hard to reach' and are less likely to engage in regular, formalised structures.~~

~~(d) **Local Community Ward Forums** will provide opportunities for residents to more directly shape local services by helping to set priorities and holding services to account for delivery at a ward level. These Forums will be supported by the Mayor's Community Champion Coordinators and provide a local space where people from the area can come together.~~

## Article 11 - Joint Arrangements

### 11.01 Arrangements to Promote Well-Being.

The Council or the Executive in order to promote or improve the economic, social or environmental well-being of the whole or any part of the borough, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### 11.02 Joint Arrangements

- (a) 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.
- (b) The Mayor or Executive may establish joint arrangements with one or more local authorities to exercise functions that are executive functions. Such arrangements may involve the appointment of joint Committees with these other local authorities and/ or their Executives.
- (c) The Mayor or Executive may only appoint Executive Members to a joint Committee ~~and those Members need not reflect the political composition of the authority as a whole.~~ 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,  
every person appointed to the joint committee by the Executive may be a member of the Executive or of the Council.
- (d) The political balance requirements do not apply to the appointments in (c) above.

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### 11.03 Current Joint Committees~~London Councils~~

Pursuant to ~~Section~~section 101 ~~of the~~ Local Government Act 1972 and ~~Section~~section ~~20-9EB of the~~ Local Government Act 2000 the Council ~~has established joint arrangements with the other thirty two London Borough Councils and is a member of the following joint committees which shall have delegated authority to discharge the functions of the Council in relation to the matters shown below~~ is a member of a number of joint committees under the umbrella of London Councils (formerly known as the Association of London Government or the ALG). These are-

- London Councils' Committee (known as the Leaders' Committee)
- London Councils' Grants Committee
- London Council's Pensions CIV Sectoral Joint Committee
- London Councils' Transport and Environment Committee

Additionally, the Council is also a member of the following joint committees:

- Inner North East London Joint Health Overview and Scrutiny Committee
- Joint Committee of the Six Growth Boroughs
- London Housing Consortium

These Joint Committees shall have delegated authority to discharge the functions of the Council as per the terms of reference for these joint committees as set out in Part 3 of this Constitution.

- ~~London Councils Leaders' Committee — undertaking research, information and policy development of London authorities; policy development and administering the functions specified below; research, advice and policy development relating to London local authorities in their role as employers; functions calculated to facilitate or conducive or incidental to the foregoing; such other duties as may from time to time be delegated by the member authorities.~~
- ~~London Councils Transport and Environment Committee — administering functions under The Greater London (Restriction of Goods Vehicles) Traffic Order 1985, The Road Traffic Act 1991, The Greater London Authority Act 1999, The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002, The London Local Authorities and Transport for London Act 2003, The London Local Authorities Act 2004, The London Local Authorities Act 2007 in respect of transportation and ancillary functions.~~
- ~~London Councils Grants Committee — administering functions under a scheme established under section 48 Local Government Act 1985 in~~

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~~respect of the administration of grants to voluntary associations on behalf of the participating boroughs.~~

#### **~~11.04 London Housing Consortium~~**

~~The Executive has agreed that the Council shall be a member of the London Housing Consortium, which will be operated as a joint committee pursuant to section 101(5) of the Local Government Act 1972.~~

~~The London Housing Consortium is governed by a Board of Elected Members which comprises one voting Councillor representative from the each of the local authority members. The aims of the London Housing Consortium are:~~

- ~~\* To provide specialist technical and procurement services related to building programmes undertaken by LHC constituent authorities and other public sector bodies.~~
- ~~\* 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.~~

#### **~~11.05 Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs~~**

~~The Executive has agreed the establishment of the Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs to act as a joint committee of the London Boroughs of Greenwich, Hackney, Newham, Tower Hamlets, Waltham Forest and Barking and Dagenham (the six boroughs) for joint collaboration in relation to the Olympic and Paralympic Games in 2012.~~

~~The terms of reference of the Joint Committee of the London 2012 Olympic and Paralympic Host Boroughs are to discharge on behalf of the six boroughs the executive functions listed below in so far as they relate to joint activities or areas of common concern in relation to the 2012 Olympic and Paralympic Games:-~~

- ~~1) Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the six boroughs.~~
- ~~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) Development, negotiation and agreement of any Strategic Regeneration Framework and Multi Area Agreement(s);~~

- ~~5) Development, negotiation and implementation of joint regeneration policies and programmes;~~
- ~~6) Development, negotiation and agreement of a joint approach to post-Olympic legacy, including promotion of the six boroughs as a sub-region;~~
- ~~7) Development, negotiation and implementation of joint legacy strategies;~~
- ~~8) Development, negotiation and implementation of joint arrangements in relation to bidding for, accepting and distributing external funding;~~
- ~~9) Development, negotiation and implementation of joint publicity and a joint communications strategy;~~
- ~~10) Development, negotiation and implementation of joint cultural event programmes and policies;~~
- ~~11) Development, negotiation and implementation of joint economic development and employment programmes and policies;~~
- ~~12) Development, negotiation and provision and implementation of joint building control policies and procedures for the Olympic Park, and Olympic venues in the six host boroughs;~~
- ~~13) Development, negotiation, provision and implementation of joint environmental health policies and procedures in relation to the Olympic Park and Olympic venues in the six host boroughs, including food safety and standards, health and safety enforcement, pest and pollution control and public health;~~
- ~~14) Development, negotiation, provision and implementation of joint parking, highways and traffic management policies and procedures;~~
- ~~15) Development, negotiation and implementation of joint policies for tourism and the business travel economy;~~
- ~~16) Development, negotiation and implementation of joint policies to maximise educational opportunities;~~
- ~~17) Development, negotiation and implementation of joint sports development policies;~~
- ~~18) Development, negotiation, provision and implementation of street naming/ numbering and street scene enforcement policies and procedures for the Olympic Park and Olympic venues in the six host boroughs.~~

### ~~11.06 Inner North East London Standing Joint Overview and Scrutiny Committee~~

~~Pursuant to the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 the Council has agreed the establishment of an Inner North East London Standing Joint Overview and Scrutiny Committee, comprising the London Boroughs of Tower Hamlets, Newham, Hackney and the City of London to consider those health matters where a substantial variation or development to health services covers more than one local authority area.~~

~~The terms of reference of the Inner North East London Standing Joint 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 NHS Act 2006, and~~
  - ~~• All 4 participating authorities agree to consider as an INEL JOSC~~~~
- ~~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.~~

~~The Council on 21<sup>st</sup> September 2011 agreed Procedure Rules to govern the proceedings of the Inner North East London Standing Joint Overview and Scrutiny Committee.~~

~~Tower Hamlets shall appoint three Members to serve on the Joint Overview and Scrutiny Committee and the Overview and Scrutiny Committee has delegated authority to make those appointments from amongst the members of the Overview and Scrutiny Committee and the Health Scrutiny Panel in accordance with the required political proportionality on behalf of the Council.~~

### **11.07-04 Access to Information**

- (a) Access to information rules are contained in the Access to Information Procedure Rules in Part 4 of the Constitution.
- (b) If all the members of any joint Committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint Committee contains Members who are not on the Executive of any participating authority the access to information rules in Part V of the Local Government Act 1972 will apply.

**11.08-05 Delegation to and from Other Local Authorities**

- (a) The Council or the Mayor or Executive may delegate their powers and functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be ~~reserved to full Council~~ for Council or the Mayor or Executive as appropriate depending upon whether or not the powers or functions are the responsibility of the Executive.

**11.09-06 Contracting Out**

The Mayor or Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, providing there is no delegation of the Council's discretionary decision making.

## Article 12 - Officers

### 12.01 Appointments

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following posts who will be designated chief officers.

Chief Executive

~~Children's Corporate Director, Communities Localities and Culture~~

~~Corporate Director, Development and Renewal~~

~~Corporate Director, Communities Localities and Culture~~

~~Corporate Director, Education, Social Care and Wellbeing~~ Director of Law,

Probity and Governance

~~Corporate Director, Resources~~

~~Director of Law, Probity and Governance~~

Corporate Director, Children's

Corporate Director, Governance

Corporate Director, Health, Adults and Community

Corporate Director, Place

Corporate Director, Resources

The above posts may be subject to change from time to time in which case this Constitution will be updated as soon as reasonably practicable to reflect any change in the designated chief officers.

- (c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer.** The Council has designated the following posts as shown:

Chief Executive

Head of Paid Service

~~[Note: The Council has appointed the Corporate Director, Communities, Localities and Culture to act as the Head of Paid Service until 31<sup>st</sup> October 2014.]~~

Corporate Director, Resources

Chief Finance Officer

~~Corporate Director, of Law, Probity and Governance~~

Monitoring Officer

Such posts will have the functions described in Articles 12.02 – 12.04 below.

- (d) **The Management Structure.** The Head of the Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out in Part 7 of this Constitution.

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## 12.02 Functions of the Head of the Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report, as required, on ~~the manner in which~~how ~~the discharge of~~ the Council's functions ~~is-are~~ co-ordinated and discharged; the number and grade of officers required for the discharge of those functions; and the organisation of the officer structure.
- (b) **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.

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## 12.03 Functions of the Monitoring Officer

- (a) **Maintaining and monitoring the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public (see Article 15 for more detail on this function).
- (b) **-Ensuring lawfulness and fairness of decision making.** ~~After consulting with the Head of the Paid Service and Chief Finance Officer, the Monitoring Officer will report in writing to the Mayor in relation to an executive function or to the Council in relation to a non-executive function, if s/he~~ 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, s/he will, after consulting with the Head of the Paid Service and Chief Finance Officer 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 twenty-one (21) days at a meeting of either Council or the Executive as appropriate.

As soon as practicable after ~~either the~~ Council or the Mayor and/or the Executive 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.

- (c) **Supporting the Standards Advisory Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of ethical conduct through the provision of support to the Standards Advisory Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and have regard to recommendations from the Standards Advisory Committee and/or decisions of Case Tribunals regarding Member conduct.
- (e) **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, the Monitoring Officer will conduct or arrange for that investigation to be carried out and make reports or recommendations in respect of them to the Standards Advisory Committee or its sub-committee as appropriate.
- (f) **Advising whether Executive decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to the Mayor and all Councillors.
- (h) **Restrictions on post.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

#### 12.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** ~~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 the Council in relation to a non-executive function, and to the Council's external auditor if s/he/it the Chief Finance Officer~~ considers that any proposal, decision or course of action which will/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 twenty-one (21) days at a meeting of either Council or the Executive as appropriate.



As soon as practicable after ~~either the~~ Council or the Mayor and/or the Executive has considered the Chief Finance 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.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the proper administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will 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) **Giving financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

#### **12.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **12.06 Functions of the Chief Executive**

- (a) **Overriding Responsibility.** The Chief Executive is an employee of the Council as a whole and his/ her overriding responsibility is to the Council and not to the Mayor, any party political group, or other grouping of Members. His/ her political neutrality must be respected at all times. The Chief Executive is the Council's statutory Head of Paid Service.

- (b) **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, to provide:
- (i) **Strategic direction.** The Chief Executive will 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.** The Chief Executive will 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).** The Chief Executive will 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).** The Chief Executive will 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.
- (c) **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 the Chief Executive 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 the Chief Executive 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.
- (d) **Ensuring overall correctness of decision making.** If the Chief Executive considers that any proposal, decision or omission ~~would give rise to~~ raises a significant concern on his/her behalf ~~and which goes beyond either;~~ then s/he will report 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 twenty-one (21) days at a meeting of either Council or the Executive as appropriate.

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~~(i) (unlawfulness or if any decision or omission has given rise to maladministration (the responsibility of the Monitoring Officer); or  
(ii) any proposal, decision or course of action will involve 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 (the responsibility of the Chief Finance Officer);  
then the Chief Executive will report in writing to the Mayor in relation to an executive function or to the Council in relation to a non-executive function and such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. The report must be considered within twenty-one (21) days at a meeting of either Council or the Executive as appropriate.~~

As soon as practicable after either the Council or the Mayor and/or the Executive has considered the Chief Executive'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 reason for not taking any action;

The exercise of this function needs to be considered in conjunction with Part 2, Articles 12.03(b) (Function of the Monitoring Officer to ensure lawfulness and fairness of decision making and 12.04(a) (Function of the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making).

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## 12.07 Conduct

Officers will comply with the Employees' Code of Conduct and the Member/Officer Protocol set out in Part 5 of this Constitution.

## Article 13 – Decision-Making

### 13.01 Responsibility for Decision-Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### 13.02 Principles of Decision-Making

All decisions of the Council will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;
- (f) take account of all relevant matters;
- (g) discount irrelevant matters; and
- (f) explaining what options were considered and giving the reasons for the decision.

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### 13.03 Types of Decision

- (a) **Decisions reserved to ~~full~~ Council.**

Decisions relating to the functions listed in Article 4.02 will be made by ~~the full~~ Council and not delegated with the exception of Part 2, Article 4.02(a) where the power to make certain changes to the Constitution is delegated to the General Purposes Committee and the Monitoring Officer.

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- (b) **Key decisions**

- (i) A “key decision” is an executive decision which is likely

- a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority~~in the borough.~~

In determining the meaning of “significant” for the purposes of paragraph (a) above regard must be had to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000.

(ii) A decision taker, when making a decision may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of the Constitution.

~~(iii) The Council has not adopted a financial threshold for key decisions. However, the criteria that the Mayor, Councillors and officers will have regard to in determining what amounts to a key decision include the following:~~

- ~~• 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.~~

#### **13.04 Decision-Making by ~~the Full~~ Council**

Subject to Article 13.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **13.05 Decision-Making by the Executive**

Subject to Article 13.08, the Mayor and Executive will follow the decision-making procedures set out in Part 4 of this Constitution when considering any matter.

#### **13.06 Decision-Making by the Overview and Scrutiny Committee and Scrutiny Panels**

The Overview and Scrutiny Committee and the Scrutiny Panels will follow the Overview and Scrutiny Procedure Rules and relevant parts of the Council Procedure Rules set out in Part 4 of this Constitution which apply to them when considering any matter.

#### **13.07 Decision-Making by Other Committees and Sub-Committees Established by the Council**

Subject to Article 13.08, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

### 13.08 Decision-Making by Council Bodies Acting as Tribunals

The Council, any Members, Committee, Sub-Committee, Panel or an officer acting as a tribunal, or in a quasi-judicial manner, or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

### 13.09 Decision-Making by DCLG Commissioners

- (a) The DCLG Commissioners shall when making decisions in respect of Non-Executive Functions ~~will~~ follow those parts of the Council Procedure Rules set out in Part 4.1 of the Constitution as apply ~~to~~ them as if they were a committee of the Council EXCEPT Rule 8 (Quorum – not applicable as Direction permits Commissioners to act jointly or severally).
- (b) The DCLG Commissioners shall when making decisions in respect of Executive functions ~~will~~ follow the Executive Procedure Rules set out in Part 4.4 of the Constitution EXCEPT Rule 1.7 (Quorum – not applicable as Direction permits Commissioners to act jointly or severally).
- (c) Minutes shall be taken when the Commissioners exercise these powers and such Minutes and a record of the Decisions made by the Commissioners shall be published.

## **Article 14 – Finance, Contracts and Legal Matters**

### **14.01 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

### **14.02 Contracts**

Every contract made by the Council shall be in writing and will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

### **14.03 Legal Proceedings**

The Corporate Director, ~~of Law, Probity and~~ Governance is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where s/he considers such action is necessary to protect the Council's interests. S/he may designate nominated officers to carry out this function on her/his behalf.

### **14.04 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Corporate Director, ~~of Law, Probity and~~ Governance or some other person authorised by her/him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Contracts with a value exceeding £250,000 must either be signed by at least two officers of the authority or under the common seal of the Council attested by at least one officer.

### **14.05 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Corporate Director, ~~of Law, Probity and~~ Governance. 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 in the opinion of the Corporate Director, ~~of Law, Probity and~~ Governance should be sealed. The affixing of the Common Seal will be attested by the Corporate Director, ~~of Law, Probity and~~ Governance or some other person authorised by her/him.

## Article 15 - Review and Revision of the Constitution

### 15.01 ~~Duty to Monitoring~~ and ~~Reviewing~~ the Constitution

- (a) 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.
- (b) A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this role the Monitoring Officer may:
- (1i) Observe meetings of different parts of the Member and officer structure.
  - (2ii) Undertake an audit trail of a sample of decisions.
  - (3iii) Record and analyse issues raised with her/him by Members, officers, the public and other relevant stakeholders.
  - (4iv) Compare practices in this authority with those in other comparable authorities or national examples of best practice.
- (c) The Monitoring Officer may revise the Constitution to reflect decisions taken by the Council or changes in legislation or to correct matters of fact

### 15.02 Changes to the Constitution

#### (a) Approval.

~~Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer. However non-material changes may be approved by the General Purposes Committee on the recommendation of the Monitoring Officer.~~

- (i) The Monitoring Officer can approve all changes to the Constitution that reflect decisions taken by the Council or changes in legislation or to correct matters of fact;
- (ii) The Monitoring Officer can recommend to General Purposes Committee for approval non-material changes to the Constitution; and
- (iii) All other changes can only be approved by Council.

#### (b) Change of Executive Arrangements.

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The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change to its Executive Arrangements.

## Article 16 - Suspension, Interpretation and Publication of the Constitution

### 16.01 Suspension of the Constitution

**Limit to Suspension.** The Articles of this Constitution may not be suspended. Rules specified below may be suspended by bodies indicated to the extent permitted within those Rules and the law.

**Procedure to Suspend.** A motion to suspend any Rules will not be moved without notice unless at least ~~one~~ half ( $\frac{1}{2}$ ) of the voting members of the meeting in question are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

**Rules Capable of Suspension.** The following Rules may be suspended in accordance with Article 16.01:

- (i) Council Procedure Rules (Council as well as Cabinet and all other Committees and Sub-committees to which Rule 5.2 of the Council Procedure Rules applies)
- (ii) Budget and Policy Framework Procedure Rules (Council)
- (iii) Overview and Scrutiny Procedure Rules (Overview and Scrutiny Committee)

### 16.02 Interpretation

The ruling of the Speaker of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretations will have regard to the purposes of this Constitution contained in Article 1.

### 16.03 Publication

- (a) The Monitoring Officer will give a printed copy of this Constitution to each Member of the authority upon delivery to her/him of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Monitoring Officer will ensure (1) that the Constitution is published on the Council's website and that copies are available for inspection at Council offices, libraries and other appropriate locations; and (2) can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure the Constitution is made widely available within the area and is updated as necessary.

## **Schedule 1 Description of Executive Arrangements**

The form of the Council's Executive Arrangements is a 'Mayor and Cabinet' model as defined in section 9C of the Local Government Act 2000 (as amended).

The following parts of the Constitution, insofar as they relate to executive functions, constitute the Executive Arrangements:

Article 6 (Overview and Scrutiny Committee and Scrutiny Panels) and Part 4.5 (Overview and Scrutiny Procedure Rules).

Article 7 (The Mayor and the Executive) and Part 4.4 (Executive Procedure Rules).

Article 11 (Joint Arrangements).

Article 13 (Decision-Making) and Part 4.2 (Access to Information Procedure Rules).

Part 3 (Responsibility for Functions).

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### Part 3 – Responsibility for Functions

#### 3.1 COUNCIL FUNCTIONS

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

##### 3.1.1.1 A - Functions relating to Town and Country Planning

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

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

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

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



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

### 3.1.1.2 B - Licensing and Registration Functions

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

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

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

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

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

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

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



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

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

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

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

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

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

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

### 3.1.1.3 C - Functions relating to health and safety at work

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

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

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

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<b>9.</b> Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	<del>Chief Executive Service Head, Democratic Services</del> (as Returning Officer, Electoral Registration Officer)
<b>10.</b> Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	<del>Chief Executive Service Head, Democratic Services</del> (as Returning Officer, Electoral Registration Officer)
<b>11.</b> Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	<del>Chief Executive Service Head, Democratic Services</del> (as Returning Officer, Electoral Registration Officer)
<b>12.</b> Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Not applicable to London borough councils
<b>13.</b> Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Acts 1972.	<del>Chief Executive Service Head, Democratic Services</del> (as Returning Officer, Electoral Registration Officer)
<b>14.</b> Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	<del>Chief Executive Service Head, Democratic Services</del> (as Returning Officer, Electoral Registration Officer)
<b>15.</b> Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	Not applicable to London borough councils
<b>16.</b> Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215)	<del>Corporate Director, of Law, Probity and Governance</del>
<b>17.</b> Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).	<del>Chief Executive Service Head, Democratic Services</del> (as Returning Officer, Electoral Registration Officer)

<b>18.</b> Duty to consult on change of scheme for elections	Section 33-(2), 38-(2) and 40-(2) of the Local Government and Public Involvement Health <u>Act</u> 2007 <del>Act</del> (the 2007 Act)	<u>Chief Executive Service Head, Democratic Services</u> (as Returning Officer, Electoral Registration Officer)
<b>19.</b> Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	<u>Chief Executive Service Head, Democratic Services</u> (as Returning Officer, Electoral Registration Officer)
<b>20.</b> Duties relating to notice to Electoral Commission	Section 36 and 42 of the 2007 Act	<u>Chief Executive Service Head, Democratic Services</u> (as Returning Officer, Electoral Registration Officer)
<b>21.</b> Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	Not applicable
<b>22.</b> Functions relating to change of name of electoral area	Section 59 of the 2007 Act	<u>Chief Executive Service Head, Democratic Services</u> (as Returning Officer, Electoral Registration Officer)

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

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

### 3.1.1.6 EB - Functions relating to community governance

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

### 3.1.1.7 F - Byelaws

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

### 3.1.1.8 FA - Functions relating to smoke-free premises

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

### 3.1.1.9 - G Local or Personal Bills

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

**3.1.1.10 H Functions relating to pensions etc.**

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

### 3.1.1.11 I - Miscellaneous functions

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



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

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

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

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

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

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### 3.1.2 Council Functions – Local Choice – Local Act Functions

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

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



<del>21.</del> Power to make charge in respect of approval of plans etc relating to drains.	Greater London Council (General Powers) Act 1984 – Section 36	Corporate Director, Communities, Localities and Culture
<del>22</del> 11. Removal of occupants of buildings in vicinity of dangerous structures etc. – apply to court.	Greater London Council (General Powers) Act 1984 – Section 38	Corporate Director, Communities, Localities and Culture, Place
<del>23</del> 12. Control of overcrowding in certain hostels including the ability to serve notices.	Greater London Council (General Powers) Act 1981 – Part <u>VIIV</u>	Corporate Director, Communities, Localities and Culture, Health, Adults and Community
<del>24.</del> Power to establish foreign loans reserve fund.	Greater London Council (General Powers) Act 1976	Corporate Director, Resources
<del>25</del> 13. Closure of unsanitary food premises/stalls – Council to seek an order from the court.	Greater London Council (General Powers) Act 1973 – Section 30	Corporate Director, Communities, Localities and Culture, Place
<del>26</del> 14. Licenses to erect scaffolding.	Greater London Council (General Powers) Act 1970 – Section 15	Corporate Director, Communities, Localities and Culture, Place
<del>27</del> 15. Walkways.	Greater London Council (General Powers) Act 1969 – Section 11	Corporate Director, Communities, Localities and Culture, Place
<del>28</del> 16. Byelaws as to artificial lighting of common staircases	London County Council (General Powers) Act <del>1955</del> 1956 – Section 63	Council
<del>29</del> -17 Gratuities to non-pensionable employees	London County Council (General Powers) Act 1930 – Section 61	Chief Executive [NB: Function allocated to Head of Paid Service until 31 <sup>st</sup> October 2014.]
<del>30</del> 18. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)	If objection - Licensing Committee If no objection - Corporate Director, Communities, Localities and Culture, Place
<del>31.</del> Service of penalty charge notice on basis of information provided by camera etc.	London Local Authorities Act 2000 – Section 4	Corporate Director, Communities, Localities and Culture
<del>32.</del> Service of penalty charge notice where parking attendant prevented from issuing a notice.	London Local Authorities Act 2000 – Section 5	Corporate Director, Communities, Localities and Culture
<del>33</del> 19. Cleansing relevant land of refuse and litter.	London Local Authorities Act 2000 – Section 19	Corporate Director, Communities, Localities and Culture, Place
<del>34.</del> Penalty charge notices in respect of Bus lane	London Local Authorities Act 1996 – Section 4	Corporate Director, Communities, Localities and

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

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

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

costs.	(General Powers) Act 1948 – Section <del>4445</del>	<del>Communities, Localities and Culture</del>
<del>7855</del> . Power to provide concert halls etc.	London County Council (General Powers) Act 1947 – Section 4	Corporate Director, <del>Communities, Localities and Culture, Children's</del>
<del>7956</del> . Power to provide entertainment.	London County Council (General Powers) Act 1947 – Section 5	Corporate Director, <del>Communities, Localities and Culture, Children's</del>
<del>8057</del> . Contributions to cultural bodies.	London County Council (General Powers) Act 1947 – Section 59	Corporate Director, <del>Communities, Localities and Culture, Childrens</del>
<del>8158</del> . Acquisition of buildings or places of historic interest.	London County Council (General Powers) Act 1947 – Section <del>6961</del>	The Council/ Corporate Director, <del>Communities, Localities and Culture, Place</del>
<del>8259</del> . Enclosure of unenclosed land adjoining streets.	London County Council (General Powers) Act 1925 – Section 33	Corporate Director, <del>Communities, Localities and Culture, Place</del>
<del>8360</del> . Compensation to persons in the Council's service on abolition of office.	London County Council (General Powers) Act 1921 – Section 31	Chief Executive <del>{NB: Function allocated to Head of Paid Service until 31<sup>st</sup> October 2014.}</del>

### 3.1.3 Council Functions – Other Local Choice Functions

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

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

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



### 3.2 EXECUTIVE FUNCTIONS

#### General

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

#### 3.2.1 Executive Functions – Local Choice – Local Act Functions

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

#### 3.2.2 Executive Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>1. In relation to or in support of an Executive function only, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <ul style="list-style-type: none"> <li>• the authority;</li> <li>• a joint committee of two or more authorities; or</li> </ul> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p><a href="#">As per paragraph 19 of Schedule 2 to the</a> Local Authorities (Functions &amp; 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><b>NB:</b> This function in relation to or in support of a Council function, or in relation to any appointment of a Councillor to a paid position other than that of Cabinet Member, is allocated to the Council (see part 3.1.3)</p>

### 3.2.3 Other Executive Functions

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

### 3.2.4 Responsibility for Executive Functions

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

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

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

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

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

### **3.3 COUNCIL AND COMMITTEES/ OTHER BODIES**

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

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

#### **Other Boards and Panels**

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

#### **Joint Committees**

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

### 3.3.1 Council

<b>Membership:</b> All elected Members of the Authority and the Executive Mayor	
<b>Functions</b>	<b>Delegation of Functions</b>
<p><b>1. Constitutional Functions</b></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><b>2. Committee Functions</b></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><b>3. Power to promote or oppose local or personal Bills</b></p> <p>(a) Pursuant to Section 239 of the Local Government Act 1972</p>	None
<p><b>4. Members’ Allowance Scheme</b></p> <p>(a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme</p>	None

**Quorum:** Twelve (12) voting Members of Council

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

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

### 3.3.2 Overview and Scrutiny

**Membership:** Nine (9) Councillors (each political group may appoint up to three (3) substitutes ~~may be appointed for each Councillor Member~~) and six (6) co-opted members: - a Church of England and a Roman Catholic representative; three (3) Parent Governor representatives under paragraph 7 of Schedule A1 to the Local Government Act 2000; and a ~~non-voting~~ Muslim faith representative.

[Co-opted Members may speak but not vote except in relation to Education matters when the Church of England, Roman Catholic and Parent Governor representatives only may also vote due to their being statutory appointments]

Functions	Delegation of Functions
<p>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</p>	None
<p>2. To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime &amp; Disorder Committee</p>	None
<p>3. In accordance with the Council's Petition Scheme:</p> <p>(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</p> <p>(b) To undertake a review if a petition organiser feels the authority's response to his/her petition was inadequate</p>	None
<p>4. On behalf of the Council to establish and make appointments to any joint overview and scrutiny committee</p>	None
<p><b>Quorum:</b> Three (3) voting Members of the Committee</p>	

### **3.3.3 Grants Scrutiny Sub-Committee**

#### **1. Introduction and Aims**

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

#### **2. Responsibilities**

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

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

### 3. **Chair and Membership**

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

### 4. **Actions and Responsibilities**

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



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

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

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

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

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

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

## 5. Proceedings

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

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

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

## 6. Declaration of Interests

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

**7. Decision making**

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

### **3.3.4 Health Scrutiny Sub-Committee**

#### **1. Establishment**

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

#### **2. Terms of Reference and Quorum**

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

#### **3. Reports**

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

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

**4. Proceedings of Scrutiny Sub-Committees**

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

### **3.3.5 Housing Scrutiny Sub-Committee**

#### **1. Chair and Membership**

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

#### **2. Frequency of meetings**

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

#### **3. Responsibilities**

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

#### **4. Support to the Sub-Committee**

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

#### **5. Proceedings**

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

### 3.3.6 Audit Committee

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

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



### 3.3.7 Development Committee

<p><b>Membership:</b> Seven (7) <del>Members of the Council</del> <u>Councillors</u>. <del>(Up each political group may appoint up to three (3) substitutes may be appointed for each Member).</del></p>	
Functions	Delegation of Functions
<p><b>1. Planning Applications</b></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 planning objections to the development, and the Corporate Director, Place considers that these objections cannot be addressed by amending the development, by imposing conditions and/or</p>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him; or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>by completing a legal agreement</p> <p><b>(b)</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><b>(c)</b> 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><b>2. Observations</b></p> <p><b>(a)</b> 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><b>3. General</b></p> <p><b>(a)</b> To consider any application or other planning matter referred to the Committee by the Corporate Director, Place where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised)</p>	None
<p><i>It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</i></p>	
<p><b>Quorum:</b> Three (3) Members of the Committee</p>	

### 3.3.8 Strategic Development Committee

**Membership:** Eight (8) ~~Members of the Council~~Councillors. ~~(Up to each political group may appoint up to three (3) substitutes) may be appointed for each Member.~~

Functions	Delegation of Functions
<p>1. To consider any matter listed within the terms of reference of the Development Committee where any one of the following applies</p> <ul style="list-style-type: none"> <li>(a) Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames)</li> <li>(b) Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area</li> <li>(c) Applications for employment floor space on sites of more than 4 hectares</li> <li>(d) Major infrastructure developments</li> <li>(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</li> <li>(f) Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres</li> <li>(g) Applications for developments including 200 or more car parking spaces</li> <li>(h) Legal proceedings in relation to the matter are in existence or in contemplation</li> <li>(i) Three or more members of the Development Committee are disqualified in some way from participating in the decision</li> <li>(j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee</li> <li>(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)</li> </ul>	None
<p><i>It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</i></p>	

**Quorum:** Three (3) Members of the Committee

### 3.3.9 Freedom of the Borough Ad Hoc Panel

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

The Panel shall be chaired by the Speaker of the Council

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

**Quorum:** Three (3) voting Members of the Panel

### 3.3.10 General Purposes

<b>Membership:</b> Nine (9) <del>Members of the Council</del> Councillors (each political group may <u>appoint</u> up to three (3) substitutes <del>may be appointed for each Member</del> )	
<b>Functions</b>	<b>Delegation of Functions</b>
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	-
<p>1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including:</p> <p>(a) the provision of assistance at European Parliamentary elections;</p> <p>(b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and</p> <p>(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).</p>	None
2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
3. To recommend to Council the introduction, amendment or revocation of byelaws	None
4. Appointment and revocation of local authority school governors	None

<p><b>5.</b> To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules</p>	<p>The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution</p>
<p><b>6.</b> To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer</p>	<p>None</p>
<p><b>7.</b> To determine major policy on the terms and conditions on which staff hold office within allocated resources</p>	<p>None</p>
<p><b>8.</b> 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</p>	<p>None</p>
<p><b>9.</b> 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</p>	<p>None</p>
<p><b>10.</b> To make recommendations to Full Council on the appointment of the Head of Paid Service</p>	<p>None</p>
<p><b>11.</b> 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</p>	<p>The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution</p>

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



### 3.3.11 Licensing Committee

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

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

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

	<u>the objections have been withdrawn within the appropriate time frame</u>
<u>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</u>	<u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</u>
<u>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</u>	<u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to determine fees for premises licences in respect of gambling</u>
<u>9.</u>	
<b>Quorum:</b> Three (3) Members of the Committee	

### 3.3.12 Pensions Committee

**Membership:** Seven (7) ~~Members of the Council~~Councillors (each political group may appoint up to three (3) substitutes ~~may be appointed for each Member~~); plus one (1) representative of the Admitted Bodies and one (1) Trade Union representative. The Admitted Body and Trade Union representatives will be non-voting members of the Committee.

Functions	Delegation of Functions
<ol style="list-style-type: none"> <li>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</li> </ol>	None
<p><b>Quorum:</b> Three (3) Members of the Committee</p>	

### 3.3.13 Pensions Board

#### Introduction

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

#### Interpretation

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

**'the Act'** The Public Service Pensions Act 2013.

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

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

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

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

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

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

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

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

### Statement of purpose

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

### Duties of the Board

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

### Establishment

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

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

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

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

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

### **Membership**

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

### ***Member representatives***

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

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<sup>‡</sup> Active, deferred or pensioner members

<sup>§</sup> See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

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

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

### ***Employer representatives***

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

17. Employer representatives should be able to demonstrate their capacity<sup>††</sup> to attend and complete the necessary preparation for meetings and participate in training as required.

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

19. A total of three (3) employer representatives shall be appointed<sup>‡‡</sup> to the Board from the following sources:

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

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

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

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



### **Other members<sup>§§</sup>**

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

### **Appointment of chair**

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

### **Duties of chair**

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

### **Notification of appointments**

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

### **Terms of Office \*\*\***

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

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<sup>§§</sup> When considering whether to have other members on the Board regard should be given to the advice provided in paragraphs 5.21 to 5.24 of the Guidance

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

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

### **Conflicts of interest<sup>+++</sup>**

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

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<sup>+++</sup> This includes active, deferred and pensioner members.

<sup>+++</sup> See section 7 of the Guidance for more information on Conflicts of Interest.

### **Knowledge and understanding (including Training)<sup>§§§</sup>**

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

### **Meetings**

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

### **Quorum**

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

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<sup>§§§</sup> See section 6 of the Guidance for more information on Knowledge and Understanding.

<sup>\*\*\*\*</sup> See 5.35.11 in Guidance for more advice on the number of meetings to hold each year.

### **Board administration**

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

### **Public access to Board meetings and information**

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

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

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

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

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

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

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

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

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

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

#### **Expenses and allowances<sup>\*\*\*\*</sup>**

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

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

## Budget

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

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

## Core functions<sup>¶¶¶</sup>

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

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

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<sup>¶¶¶</sup> In determining the role of the Board, further information can be found in paragraphs 3.27 to 3.29 of the Guidance.

<sup>§§§§</sup> Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means.

- m) Review draft accounts and Fund annual report.
- n) Review the compliance of particular cases, projects or process on request of the Committee.
- o) Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.

56. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Assist with the development of improved customer services.
- b) Monitor performance of administration, governance and investments against key performance targets and indicators.
- c) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
- d) Monitor investment costs including custodian and transaction costs.
- e) Monitor internal and external audit reports.
- f) Review the risk register as it relates to the scheme manager function of the authority.
- g) Assist with the development of improved management, administration and governance structures and policies.
- h) Review the outcome of actuarial reporting and valuations.
- i) Assist in the development and monitoring of process improvements on request of Committee.
- j) Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
- k) Any other area within the statement of purpose (i.e. ensuring effective and efficient governance of the scheme) the Board deems appropriate.

57. In support of its core functions the Board may make a request for information to the Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.

58. In support of its core functions the Board may make recommendations to the Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

#### **Reporting \*\*\*\*\***

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

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

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

#### **Review of terms of reference**

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



### 3.3.14 Standards Advisory Committee

#### 1. Composition

- 1.1 The Standards Advisory Committee shall be comprised of seven (7) Members of the Council (not including the Mayor or more than one Cabinet Member) ~~with up to and each political group may appoint up to~~ three (3) substitutes ~~may be appointed for each Member~~, appointed by the Council in accordance with the requirements of political proportionality; and up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).
- 1.2 The Co-opted member(s) will be entitled to vote at meetings under the provisions of s13 (4) (e) of the Local Government and Housing Act 1989. The Standards Advisory Committee shall be chaired by a Co-opted member.
- 1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference.

#### 2. Appointment of Co-Opted Members

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

#### 3. Roles and Functions

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

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

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

#### **4. Validity of proceedings**

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



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

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

**6. Attendance Requirements**

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

**7. Procedures**

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

**8. Confidentiality**

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

### 3.3.15 Adoption Panel

#### THE ADOPTION PANEL – PROCEDURES AND GUIDANCE

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

#### Panel Status

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

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

#### Values

The service operates within the following value framework:

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

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

### **Panel Responsibilities**

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

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

In addition the panel has the following duties and functions:

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



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

### **Time Scales**

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

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

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

### **The Prospective Adopters:**

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

### **Matching and Placement:**

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

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

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

### **Membership**

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

It must include:-

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

From the central list the agency must appoint:-

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

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

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

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

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

### **Chair**

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

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

### **Social Work Members**

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

### **Elected Members**

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

### **Medical Adviser**

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

### **Independent Panel Members**

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

### **Vice Chair**

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

### **Agency Adviser to the Panel**

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

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

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

### **Legal Adviser**

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

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

### **The Panel Administrator**

The role of the Panel Administrator is to:

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

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

### **Appointment of Members**

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

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

### **Performance**

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

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

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

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

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

### **Appointment and Checks for Panel Members**

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

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

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

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

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

### **Reaching a Recommendation**

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

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

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

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

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

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

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

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

No panel member may take part in the agency decision.

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

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

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

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

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

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

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

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

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

### **Panel Minutes**

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

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

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

### **Expenses**

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

### **Frequency and Venue**

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

### **Emergency Panels**

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

### **Feedback on Quality**

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

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

### **Social Workers and Adopters Attending Panel**

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

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

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

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

### **Training**

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

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

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



### **Appeals**

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

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

### **Referral to the Adoption Register**

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

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

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

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

### **Referral to the Consortium**

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

### 3.3.15 Children’s Social Care Complaint Review Panel

**Membership:** The Panel consists of three (3) independent people and independent means a person who is neither a member nor an officer of the Council, nor the spouse or civil partner of such a person. The Independent Person appointed to Stage 2 may not be a member of the Panel.

Functions	Delegation of Functions
<p>The Children Act 1989 Representations Procedure (England) Regulations 2006 (‘the 2006 Regulations’) provides that local authorities are required to put in place systems for complaints to be made verbally to a member of staff or in writing about the actions, decisions or apparent failings of a local authority’s children’s social services provision. Complaints can be made by the child or young person and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right. Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, s/he will be eligible to request further consideration of the complaint by the Review Panel and the Review Panel should:</p> <ul style="list-style-type: none"> <li>(a) listen to all parties;</li> <li>(b) consider the adequacy of the Stage 2 investigation;</li> <li>(c) obtain any further information and advice that may help resolve the complaint to all parties’ satisfaction;</li> <li>(d) focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes;</li> <li>(e) reach findings on each of the complaints being reviewed;</li> <li>(f) make recommendations that provide practical remedies and creative solutions to complex situations;</li> <li>(g) support local solutions where the opportunity for resolution between the complainant and the local authority exists;</li> <li>(h) to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and</li> <li>(i) recommend any service improvements for action by the authority.</li> </ul>	<p>None</p>

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

### 3.3.17 The Private Fostering Panel Procedure

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

#### 1. This guidance and procedure should be used by:

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

#### 2. Panel status

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

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

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

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

### **3. Membership**

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

#### **3.1 Member 1 – The panel chair**

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

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

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

### **3.2 Member 2 – The vice chair**

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

### **3.3 Member 3 – A medical representative**

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

### **3.4 Member 4 - An education representative.**

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

### **3.5 Member 5 – An independent member**

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

### **3.6 Member 6 – An Agency Member**

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

## **4. Advisers**

### **4.1 Adviser 1 – Legal adviser**

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

### **4.2 The Panel Administrator**

The role of the panel administrator:

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

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

## **5. Appointment of members**

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

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

## **6. Tenure of office**

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

## **7. Checks for panel members**

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

## **8. Reaching a recommendation**

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

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

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

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

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

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

#### **9. The Agency Decision Maker**

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

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

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

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

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

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

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



## **10. Panel minutes**

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

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

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

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

## **11. Expenses**

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

## **12. Frequency and venue**

The private fostering panel will meet monthly.

## **13. Emergency panels**

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

## **14. Training**

Training for panel members should come in two forms:

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

## **15. Confidentiality**

A confidentiality agreement is signed by all panel members.

### **3.3.18 Safeguarding Adults Board**

#### **1. Introduction**

1.1 The Care Act 2014 states that the Local Authority must take the leading role in establishing a Safeguarding Adults Board (SAB). Each local authority must set up a Safeguarding Adults Board (SAB). The main objective of a SAB is to assure itself that local arrangements are in place to safeguard any adult who:

- (a) has needs for care and support (whether or not the local authority is meeting any of those needs); and
- (b) is experiencing, or at risk of, abuse or neglect; and
- (c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

#### **2. Purpose**

2.1 The role of the SAB is to oversee and lead adult safeguarding across the locality with the aim of preventing abuse and neglect. This includes the safety of patients in its local health services, quality of local care and support services, effectiveness of prisons and approved premises in safeguarding offenders and awareness and responsiveness of further education services.

2.2 The SAB will be a source of advice and assistance in matters relating to adult safeguarding. It will therefore have effective links with other key partnerships in the locality and share relevant information and work plans.

#### **3. Duties**

3.1 The SAB has 3 core duties under the Care Act 2014:

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

#### **4. Membership and Administration**

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

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

4.2 The Board will comprise of:

##### **An Independent Chair**

##### **Representatives from London Borough of Tower Hamlets**

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

##### **NHS**

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

##### **Metropolitan Police**

Community Safety Unit

##### **Probation Service**

##### **London Fire Service**

##### **London Ambulance Service**

##### **Care Providers / Service Users**

Excelcare Holdings

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

### **Housing**

Tower Hamlets Homes  
Providence Row Housing Association  
Tower Hamlets Housing Forum

### **Quality Assurance**

Care Quality Commission

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

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

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

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

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

## **5. Authority**

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

## **6. Responsibilities**

- 6.1 In accordance with the Care Act 2014, the SAB should:

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

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

### **3.3.19 Tower Hamlets Safeguarding Children Board**

#### **1. Overall purpose**

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

#### **2. Budgets responsible for**

- 2.1 To function effectively, the LSCB needs to be supported by its member organisations with adequate and reliable resources. The LSCB budget is funded by contributions made by the Police, Health Agencies (Community, Acute and Mental Health), Probation, CAFCASS, Children's Social Care and Local Authority other. It is the expectation that the majority of funds will be provided by these core partners. The LSCB budget and the statutory contribution\* (s15, CA04) made by each member organisation should be reviewed and agreed on an annual basis at the end of the financial year by the Independent LSCB Chair and the LSCB Partners Group.

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



### **3. Legal Agreements**

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

### **4. Accountable to**

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

### **5. Who is accountable to the LSCB?**

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

**6. LSCB Core Functions:**

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

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

**7. Additional LSCB Tasks:**

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

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

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

## **8. Decision-Making Powers**

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

## **9. Outputs**

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

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

## **10. Membership**

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

## **11. Expectation of Chair and Members**

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

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

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

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

## **12. Meeting Frequency**

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

## **13. Support**

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

## **14. Relationships and links with other Strategic Bodies**

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

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

### 3.3.20 School Admissions Forum

#### 1. Purpose

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

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

#### 2. Obligations and Responsibilities

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

### **3. Core Membership**

3.1 The Forum comprises a core membership of twenty (20) representatives, nominated by the following groups and appointed by the LA:

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

### **4. Alternate Members**

4.1 If a member is unable to attend they should nominate an alternate member who should be fully briefed before attending the meeting of the forum in their absence with the following provisos:

- (a) LA members may only nominate an alternate member who is a member of the LA.
- (b) A Parent member may only nominate an alternate member who is also a Parent with a child(ren) between the ages of 2 – 16 years.
- (c) A school member may only nominate an alternate member who is a headteacher or from the same sector and phase as the school of which the Member in question is a headteacher.
- (d) Diocesan and Council of Mosque members may only nominate an alternate member with the consent of the appropriate Diocese/Council.

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

**5. Term of Office**

5.1 The term of office for members of the Admission Forum shall be four (4) years subject to them remaining eligible. A member may resign at any time and is required to leave if he or she ceases to be eligible in the capacity in which he or she has been appointed.

5.2 There is no limit to the number of terms of office to which a member may be nominated or re-nominated if still eligible. Where a member is replaced, the new member serves for the remainder of the term of office.

5.3 Diocesan and Council of Mosque representatives must stand down if the body that nominated them decides they should do so and notifies the Clerk to the Forum.

5.4 Schools Members and the LA nominated local community member must stand down if, following a recommendation from the Core Members, the LA decides that the member should no longer be a member of the Forum.

5.5 Core Members will become ineligible for membership in the following circumstances:

- (a) Community members – if they cease to be a member of the organisation they represent;
- (b) LA Education Appeal Panel Members - if they cease to be an Education Appeal Panel Member.
- (c) School Members – if they cease to be a Headteacher of a school in the schools group;
- (d) Parent member – if he/she ceases to be a qualifying parent.

5.6 Any member may resign at any time by giving written notice to the Clerk to the Forum.

5.7 It will be a condition of appointment for all members that a member will cease to be a member of the Forum if they do not attend three consecutive meetings unless they have sought their apologies and those apologies have been accepted by the majority of the Forum members present at the meeting.

## **6. Conduct**

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

## **7. Clerk of the Forum**

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

## **8. Election of Chair and Vice Chair**

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



## **9. Role of the Chair**

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

## **10. Quorum**

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

## **11. Meetings and Proceedings**

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

## **12. Publication and Circulation of Meeting Minutes**

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

### 3.3.21 Secure Accommodation Panel

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

### 3.3.22 Standing Advisory Council on Religious Education (SACRE)

**Membership:** Representatives from Groups A to D

**Group A:** Sixteen (16) representatives from such Christian and other religious denominations as in the opinion of the Authority will appropriately reflect the principal religious traditions in the area.

[African Caribbean Pentecostal Churches (x1); Buddhist (x1) Free Church (x1); Hindu (x1); Jewish (x1); Muslim (x6); Roman Catholic (x3); Sikh (x1); and Society of Friends (x1)]

Group B: Six (6) representatives from The Church of England

Group C: Seven (7) representatives from associations representing teachers as, in the opinion of the Authority, ought to be represented having regard to the circumstances of the area.

Group D: Five (5) representatives from the Local Authority

[Three (3) elected Members; and two (2) officers]

One (1) co-opted representative of the British Humanist Association (non-voting)

Functions	Delegation of Functions
Education Reform Act 1988 places a duty on every Local Authority to constitute a Standing Advisory Council on Religious Education (SACRE). Religious Education is part of the basic curriculum which is made up of the National Curriculum and Religious Education. Unlike any other subject in the statutory curriculum, RE is local determined, monitored and controlled in a partnership with the local communities of religion and belief.	-
1. To provide advice to the Council as local education authority (LEA) on all aspects of its provision for religious education in its schools, excluding voluntary aided schools	None
2. To decide whether the LEA's agreed syllabus for religious education needs to be reviewed and to require the LEA to do so	None
3. To provide advice to the LEA on collective worship in its schools	None
4. To consider any requests from head teachers to lift the requirement to provide collective worship that is not of a broadly Christian nature	None

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

### 3.3.23 Tower Hamlets Health and Wellbeing Board

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

The Health and Wellbeing Board has the following functions:

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

14. Such other functions as are conferred on Health and Wellbeing Boards by enactment

**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.

**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

Local HealthWatch

- Chair of local Healthwatch

NHS (Commissioners)

- Chair - NHS Tower Hamlets Clinical Commissioning Group
- Chief Officer – NHS Tower Hamlets Clinical Commissioning Group (CCG)

Co-opted Members (Non-Voting)

- Council
  - Corporate Director, Communities of Place
- Health Providers
  - Chief Operating Officer - Barts Health
  - Chair of Tower Hamlets - Council for Voluntary Services
  - Regional Managing Director - East London and the Foundation Trust
- Other Partners
  - Borough Commander for Metropolitan Police

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

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

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

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

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

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

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

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



### 3.3.25 Transport and Environment Committee

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

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

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

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

### 3.3.26 Grants Committee

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

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

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

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

### 3.3.27 London Housing Consortium

**Membership:** The London Housing Consortium (LHC) is a joint committee pursuant to section 101(5) of the Local Government Act 1972 and is a building procurement consortium for housing, schools and corporate buildings. The LHC is governed by a Board of Elected Members which comprises one voting Councillor representative from 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.

### 3.3.28 Joint Committee of the Six Growth Boroughs

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

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

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

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

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

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

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

### 3.3.29 Inner North East London Joint Health Overview and Scrutiny Committee

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

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

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

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

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

**Rules of Procedure:** The Council on 21<sup>st</sup> September 2011 agreed Procedure Rules to govern the proceedings of the INEL JHOSC.

### **3.3.30 Pensions CIV Sectoral Committee**

#### **Constitution**

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

#### **Quorum**

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

#### **Terms of Reference**

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

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

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

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

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

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

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

### **1. Overview**

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

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



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

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

## **2. Committee Meetings**

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

## **3. Shareholder Meetings**

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

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

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### 3.4 THE EXECUTIVE

#### 3.4.1 Cabinet

<b>Membership:</b> The Mayor and at least two (2) and not more than nine (9) other Executive Councillors appointed by the Mayor.	
<b>Functions</b>	<b>Delegation of Functions</b>
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
<b>Quorum:</b> Three (3) Members of the Cabinet	

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

### 3.4.2 King George's Fields Charity Board

<b>Membership:</b> All Members of the Cabinet	
<b>Functions</b>	<b>Delegation of Functions</b>
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
<b>Quorum:</b> Three (3) Members of the Board	

### 3.4.3 Grants Determination Sub-Committee

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

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### **3.5 THE CHIEF EXECUTIVE AND CHIEF OFFICERS**

**3.5.1** The Chief Executive and Chief Officers are authorised to make decisions relating to any executive function carried out by services under their management other than taking “key decisions” as defined by Article 13 of this Constitution which are the responsibility of the Mayor or Executive itself, unless specifically delegated by the Mayor or Executive to an Executive Sub-Committee or a Chief Officer.

**3.5.2** The Chief Executive and Chief Officers are authorised to make decisions relating to any Council function carried out by services under their management other than those referred to in the terms of reference of the Council or any Council Committee or Sub-Committee unless the Council or that Committee or Sub-Committee specifically delegates it to the officer concerned.

**3.5.3** The Chief Executive and Chief Officers may delegate decisions or functions for which they are responsible to one or more officers within their directorate provided that they maintain a ~~directorate~~Directorate scheme~~Scheme~~ of ~~management~~Management which is notified to the Monitoring Officer and published in Part 8 of this Constitution in due course.

**3.5.4** Any officer taking a decision on an executive function under delegated authority must ensure that the Mayor and/or any relevant Member of the Executive is consulted on matters of a controversial nature and, where appropriate, these matters should be referred to the Executive for decision.

**3.5.5** The Chief Executive may exercise any functions delegated to other officers and may delegate decisions or functions to one or more officers in any of the Council's Directorates, save where prohibited by law.

## **3.6 SCHEME OF MANAGEMENT**

### **Introduction**

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



### 3.7 Limitations

#### 3.7.1 This Scheme does not delegate to Officers:

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

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

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

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

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

### 3.8 Delegated Decision-Making - General Principles

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~ARRANGEMENT FOR SCHEME OF MANAGEMENT~~

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

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

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

**Scheme of Management – Part A: Corporate Delegations**

**Human Resources Management**

**1. Establishment**

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

**2. Appointments**

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



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

### 3. Remuneration

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

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

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

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

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

#### 5. Attendance

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

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

### **6. Leavers**

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

### **Other Matters**

### **7. Managing budgets**

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

### **8. Payroll**

<b>Decision</b>	<b>Director</b>	<b>Service</b>	<b>Section</b>	<b>Notes</b>
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			<b>Head</b>	<b>Head</b>	
8.1	Authorising payroll submissions	√	√		Includes authority to include a new employee on the payroll
8.2	Authorising payroll corrections	√	√		

**9. Income**

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

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

#### 10. — Purchasing and Procurement

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

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

#### 11. — Authorisations

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

#### 12. — Complaints

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

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

### 13. Engaging Specialists

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

### 14. Land Transactions

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



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

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

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### 3.10 PROPER OFFICERS AND STATUTORY APPOINTMENTS

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

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

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

#### Statutory Officers

LEGISLATION	DESIGNATION	POST
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Corporate Director, <del>Law, Probity and</del> , 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, <del>Adults’ Services, Health, Adults and Community</del>
Section 18 Children Act 2004	Director of Children’s Services	Corporate Director, Children’s
Section 30 Health and Social Care Act 2012	Director of Public Health	Director, Public Health
Section 9FB Local Government Act 2000	Scrutiny Officer	<del>Service Head for Corporate Divisional Director Policy and</del>

		Strategy <del>and Equality</del>
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**Proper Officers**

NO.	STATUTE & FUNCTION	OFFICER
<b>National Assistance Act 1948 and National Assistance (Amendment) Act 1951</b>		
1.	Proper officer to seek an order for removal of persons into care	Corporate Director, <del>Aut</del> <u>Services, Health, Adults and Community</u>
<b>Registration Service Act 1953</b>		
2.	Sections 9(1) and (2), 13(2)h and (3)b and 20 (b) - Proper officer for Births, Deaths and Marriages	Corporate Director, <del>Law,</del> <u>Probity and,</u> Governance
<b>Local Government Act 1972</b>		
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, <del>Law,</del> <u>Probity and,</u> 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, <del>Law,</del> <u>Probity and,</u> 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, <del>Law,</del> <u>Probity and,</u> Governance

NO.	STATUTE & FUNCTION	OFFICER
<b>Local Government Act 1972</b>		
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, <del>Law,</del> <del>Probity and,</del> 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, <del>Law,</del> <del>Probity and,</del> 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, <del>Law,</del> <del>Probity and,</del> 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, <del>Law,</del> <del>Probity and,</del> Governance
15.	Section 115 – The officer to whom money properly due from officers shall be paid	Corporate Director, <del>of</del> Resources
16.	Section 137A – The officer to receive statements in connection with the provision of financial assistance	Corporate Director, <del>of</del> 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, <del>of</del> 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, <del>Law,</del> <del>Probity and,</del> Governance
19.	Section 225(1) – The officer to receive and retain statutory documents on behalf of the Authority	Corporate Director, <del>Law,</del> <del>Probity and,</del> Governance
20.	Section 229(5) – The officer to certify copies of documents	Corporate Director, <del>Law,</del> <del>Probity and,</del> Governance
21.	Section 233 – The officer to receive documents required to be served on the Authority	Corporate Director, <del>Law,</del> <del>Probity and,</del>

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

NO.	STATUTE & FUNCTION	OFFICER
<b>Highways Act 1980</b>		
31.	Section 205(3) – The officer to prepare a specification of the street works referred to in the resolution, with any necessary plans and sections, an estimate of the probable expenses of the works, and a provisional apportionment apportioning the estimated expenses between the premises liable to be charged with them under the private street works code	Divisional Director Public Realm
32.	Section 205(5) – The officer to certify copies of resolution and approved documents	Divisional Director Public Realm
33.	Section 210(2) – The officer to certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Divisional Director Public Realm
34.	Section 211(1) – The officer to make the final apportionment of costs under the private street works code	Divisional Director Public Realm
35.	Section 216(2) and (3) – The officer to settle the proportion of the amount of costs under the private street works code in respect of railway undertakers or canal undertakers	Divisional Director Public Realm
36.	Section 259 – The officer to issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Divisional Director Public Realm
37.	Section 321 – The officer to authenticate notices, consents, approvals, orders, demands, licenses, certificates or other documents	Divisional Director Public Realm
38.	Schedule 9 (paragraphs 4) – The officer responsible for signing plans showing proposed prescribed improvement or building lines	Divisional Director Public Realm
<b>Representation of the People Act 1983</b>		
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
<b>Building Act 1984</b>		
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
<b>Public Health (Control of Disease) Act 1984</b>		
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
<b>Weights and Measures Act 1985</b>		
46.	Section 72(1) – Person appointed as Chief Inspector of Weights and Measures	Divisional Director Public Realm
<b>Local Government Finance Act 1988</b>		
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
<b>Local Government and Housing Act 1989</b>		
48.	Section 2(4) – The officer to hold on deposit the Council's list of politically restricted posts	Corporate Director, <del>Law,</del> <del>Probity and,</del> 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
<b>Freedom of Information Act 2000</b>		
51.	Section 36 – The 'qualified person'	Corporate Director, <del>Law,</del> <del>Probity and,</del> 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, <del>Law,</del> <del>Probity and,</del> 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	<del>Service</del> <del>Head, Divisional</del> <del>Director</del> <del>Community</del> <del>Service or, in that</del> <del>officer's absence,</del> <del>Corporate Ant-</del> <del>Fraud</del> <del>Manager,</del> <b>Public</b> <b>Realm</b>

**Comment [PG1]:** This needs to be reviewed


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### **3.11 ADVISORY BODIES AND WORKING PARTIES**

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

### 3.12 SPECIFIC DELEGATIONS

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

Non-Executive Report of the:  <b>Council</b>  22 March 2017	
<b>Report of:</b> Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Member Allowances Scheme 2017/18</b>	

Originating Officer(s)	Beverley McKenzie, Head of Members Support
Wards affected	All Wards

## 1. SUMMARY

- 1.1 Part 6 of the Council’s Constitution sets out the Scheme of Members’ Allowances. This provides for a Mayor’s Allowance to be paid to the Mayor; a Basic Allowance to all Councillors; Special Responsibility Allowances for specified member roles; Dependants’ Carers’ and Travel/Subsistence Allowances; and an attendance allowance for co-opted members of the Standards Advisory Committee and the Overview and Scrutiny Committee.
  
- 1.2 By law the Council must agree the Scheme of Members’ Allowances annually, before the start of the year to which it applies. The proposed Scheme of Members Allowances for 2017/18 is attached at Appendix ‘A’ to this report and is unchanged from the 2016/17 Scheme.

## 2. RECOMMENDATION:

The Council is recommended to:

- 2.1 Adopt the London Borough of Tower Hamlets Members’ Allowances Scheme 2017 as set out at Appendix ‘A’ to this report.

## 3. REASONS FOR THE DECISIONS

- 3.1 The Council is required to agree a Scheme of Members’ Allowances annually.

## 4. ALTERNATIVE OPTIONS

- 4.1 None.

## **5. DETAILS OF REPORT**

- 5.1 In accordance with Statutory Instrument (SI 1021/2003) the Council is required to agree a Scheme of Members' Allowances on an annual basis. The Scheme may include an annual index-linked adjustment of allowances, but it must be subject to a full review at least every four years, taking into account the recommendations of an Independent Remuneration Panel.
- 5.2 The London Councils Independent Remuneration Panel issued a further report in 2014. The Council's scheme was reviewed in May 2016 as part of the ongoing governance review and in the light of the Panel's recommendations. This was agreed by Council at their meeting on 18<sup>th</sup> May 2016.
- 5.3 The current scheme is included at Part 6 of the Council's Constitution and it is proposed that this should be re-adopted for 2017/18 as set out at Appendix 'A' to this report. The updated scheme from May 2016, has been further changed to update the amount of Dependant care, to bring this in line with the current London living wage. No other amounts have been changed for the 2017 scheme.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 The scheme includes provision for indexing Members' Allowances in line with the local government pay settlement. Any costs arising from the indexing of allowances will be met from within existing budgets.

## **7. LEGAL COMMENTS**

- 7.1 Section 18 of the Local Government and Housing Act 1989 permits the Secretary of State, by regulations, to make a scheme providing for the payment of a basic allowance, an attendance allowance and a special responsibility allowance to members of a local authority. Section 100 of the Local Government Act 2000 permits the Secretary of State, by regulations, to provide for travelling and subsistence allowances for members of local authorities, allowances for attending conferences and meetings and reimbursement of expenses. In exercise of these powers the Secretary of State has made the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 7.2 The Regulations require the council to make a scheme before the beginning of each year for the payment of basic allowance. The scheme must also make provision for the authority's approach to special responsibility allowance, dependants' carers' allowance, travelling and subsistence allowance and co-optees' allowance. The scheme may also provide for other matters of the kind dealt with in the proposed scheme.

- 7.3 When considering the scheme, 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 equality duty). This consideration should be supported by a proportionate level of equality analysis.

## **8. ONE TOWER HAMLETS CONSIDERATIONS**

- 8.1 The payment of Members' Allowances helps to ensure that people from all parts of the community within the borough are able to serve as elected members. This promotes effective community leadership and accountability, to the benefit of the whole borough and all its communities.

## **9. BEST VALUE (BV) IMPLICATIONS**

- 9.1 None specific to this report.

## **10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 10.1 None specific to this report.

## **11. RISK MANAGEMENT IMPLICATIONS**

- 11.1 None specific to this report.

## **12. CRIME AND DISORDER REDUCTION IMPLICATIONS**

- 12.1 None specific to this report.

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### **Linked Reports, Appendices and Background Documents**

#### Linked Report

- None

#### **Appendices**

- Appendix A – Member Allowances Scheme

#### **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:**

- Beverley McKenzie, Head of Members Support

**London Borough of Tower Hamlets: Members' Allowances Scheme**

(Part 6 of the Council's Constitution)

***This Scheme is made by the London Borough of Tower Hamlets in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.***

1. This Scheme shall be called The London Borough of Tower Hamlets Members' Allowances Scheme 2016 and it shall come into effect on 1 April 2017. The Scheme shall apply to the Mayor, Councillors and Co-opted Members of the London Borough of Tower Hamlets.

**Basic Allowance**

2. Subject to paragraph 8, a basic allowance of £10,938 \* shall be paid to each Councillor for each year. The Basic Allowance shall not be payable to the elected Mayor.
3. The basic allowance of £10,938 shall be payable with effect from 1 April 2017.

**Special Responsibility Allowance**

4. Subject to paragraphs 5-8, a special responsibility allowance shall be paid for each year to those Members who hold a position of special responsibility as specified in Schedule 1.
5. The amount of each such allowance shall be the amount specified against the respective special responsibility in Schedule 1 and it shall be payable with effect from 1 April 2017.
6. Any special responsibility allowance payable under paragraphs 4 and 5 shall be in addition to the basic allowance payable under paragraph 2 above.
7. Any Member who holds more than one position of special responsibility shall receive only one special responsibility allowance which shall be at the higher level.

**Part-Year Entitlement**

8. If, in the course of the year, this scheme is amended or a Member's entitlement changes, the relevant basic and/or special responsibility allowance shall be calculated and paid pro-rata during the particular month in which the scheme amendment or entitlement change occurs.



## **Dependants' Carers' Allowance**

9. A maximum of £9.45\* per hour shall be paid to those Members who necessarily incur expense in arranging for the care of their children or other dependants to enable them to undertake any of the activities specified in Schedule 2 to this Scheme.
10. The following conditions shall apply:
  - payments shall be claimable for children aged 15 or under or for other dependants where there is medical or social work evidence that care is required;
  - only one weekly payment shall be claimable for the household of each Member, unless the Council's Standards Advisory Committee considers there are special circumstances;
  - the allowance shall be paid as a re-imbusement of incurred expenditure against receipts;
  - the allowance shall not be payable to a member of the claimant's own household;
  - any dispute as to entitlement and any allegation of abuse shall be referred to the Council's Standards Advisory Committee for adjudication.

## **Indexation**

11. The Basic, Special Responsibility, Mayor's and Dependants' Carers' Allowances would normally be adjusted annually to reflect the annual pay settlement for local government staff. However, for 2017/18 only, this adjustment is not applied.

## **Travel and Subsistence Allowance**

12. An allowance shall be paid to any Member for travelling and subsistence undertaken outside the Borough in connection with any of the duties specified in Schedule 2.
13. An allowance shall be paid to a co-opted member of a Committee, Sub-Committee or Panel of the Council for travelling and subsistence in connection with any of the duties specified in Schedule 2, irrespective of whether the meeting or duty is inside or outside the Borough.
14. The amounts payable shall be the amounts which are for the time being payable to officers of the Council for travelling and subsistence undertaken in the course of their duties.

## **Co-optees' Allowance**

15. Subject to paragraph 16, a co-opted member of the Standards Advisory Committee, the Overview and Scrutiny Committee or any of its Sub-Committees, may claim a co-optees' allowance of £123\* and a co-opted member who is appointed as Chair of the Standards Advisory Committee may claim a co-optee's allowance of £250\* for attendance at any meeting of the

Committee or the Panel or attendance at any conference or mandatory training event, where attendance is on behalf of and authorised by the Council.

16. A claim for co-optees' allowance shall be made in writing within two months from the date of attendance at the meeting, conference or training event.
17. Where a member is suspended or partially suspended from his or her responsibilities or duties as a co-opted member under Part III of the Local Government Act 2000, any co-optee's allowance payable to him or her for the period for which he or she is suspended or partially suspended, may be withheld by the Council.

### **Recovery of Allowances Paid**

18. Any allowance that has been paid to a Member after he or she has ceased to be a member of the Council, or is for some other reason not entitled to receive the allowance for a specified period, may be recovered.

### **Claims and Payments**

19. Subject to paragraph 21, payments shall be made for basic and special responsibility allowances in instalments of one-twelfth of the amounts respectively specified in this Scheme, paid on the last working day of each month.
20. Where a payment of one-twelfth of the amount specified in this Scheme for a basic or special responsibility allowance will result in the Member receiving more than the amount to which he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
21. A claim for travelling and subsistence or dependants' carers' allowance;
  - shall be made in writing within two months from the date of the performance of the duty for which the claim is made;
  - shall be accompanied by receipts and/or any relevant evidence of the costs incurred.
  - shall be subject to such validation and accounting procedures as the Council's Corporate Director, Resources may from time to time prescribe.
22. Travelling and subsistence and dependants' carers' allowance shall be paid on the last working day of each month for any claim received not less than 14 days before that date.

### **Pensions**

23. Neither members nor co-opted members of the Council are eligible to join the London Borough of Tower Hamlets Local Government Pension Scheme.

## **Records of Allowances and Publications**

- 24.** The Council shall keep a record of payments made by it under this Scheme, including the name of the recipients of the payment and the amount and nature of each payment.
- 25.** The record of the payments made by the Council under this Scheme shall be available at all reasonable times for inspection at no charge. A copy shall also be supplied to any person who requests it on payment of a reasonable fee.
- 26.** As soon as reasonably practicable after the end of the year to which this Scheme relates, the Council shall make arrangements to publish the total sums paid by it to each recipient for each different allowance.
- 27.** A copy of the Scheme shall be supplied to any person who requests it on payment of a reasonable fee.

## **Renunciation**

- 28.** A member may at any time and for any period, by notice in writing given to the Chief Executive, elect to forego any part of his/her entitlement to an allowance under this Scheme.

## **Interpretation**

- 29.** In this scheme:
  - “Councillor” means an elected member of the London Borough of Tower Hamlets who is a councillor;
  - “Mayor” means the elected Mayor of Tower Hamlets Council
  - “Member” means any person who is either the Mayor, a councillor or a co-opted member of Tower Hamlets Council;
  - “Co-opted member” means any person who is not a Councillor but who sits on a Committee, Sub-Committee or Panel of the Council.
  - “Year” means the 12 months ending on 31 March in any year;

## **Revocation**

- 30.** The London Borough of Tower Hamlets Members’ Allowance Scheme 2016 is hereby revoked and replaced with the Tower Hamlets Members’ Allowances Scheme 2017.

## SCHEDULE 1

### **Special Responsibility Allowance**

The following are specified as the special responsibilities for which special responsibility allowances are payable and the amounts of those allowances:


Mayor	£75,000
Statutory Deputy Mayor	£16,000
Leader of the Majority Group on the Council	£11,300
Leader of the largest Opposition Group	£11,300
Leader of any Group (subject to having at least 10% of the Council)	£8,000
Cabinet Members	£14,000
Mayoral Advisors	£7,000
Chair of Overview and Scrutiny Committee	£11,000
Chair of Scrutiny Sub-Committee (Health, Housing or Grants)	£8,000
Lead Member for Scrutiny	£8,000
Chair of Development Committee	£11,000
Chair of Strategic Development Committee	£11,000
Chair of Licensing Committee	£6,000
Chair of General Purposes Committee	£8,000
Chair of Audit Committee	£6,000
Chair of Pensions Committee	£6,000
Speaker of Council	£10,000
Deputy Speaker of Council	£5,000

Dependants' Carers' and Travelling and Subsistence Allowances

The duties for which these allowances are payable include:

- the attendance at a meeting of the Council or of any committee or sub-committee of the Council or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- the attendance at any other meeting, the holding of which is authorised by the Council, or a committee or sub-committee of the Council, or a joint committee of 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that –
  - where the Council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
  - if the Council is not so divided, it is a meeting to which at least two members of the Council have been invited
- the attendance at a meeting of any association of authorities of which the Council is a member;
- the attendance at a meeting of the Cabinet or a meeting of any of its committees, where the Council is operating executive arrangements;
- the performance of any duty in pursuance of any standing order under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.
- the performance of any duty in connection with arrangements made by the Council for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and
- the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees.

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Non-Executive Report of the:  <b>Council</b>  22 March 2017	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Graham White, Acting Corporate Director for Governance and Interim Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Committee Calendar 2017/18</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Committee Services Manager
<b>Wards affected</b>	All Wards

### Summary

This report proposes a calendar of Council, committee and other meetings for the forthcoming municipal year 2017/18. A period of consultation has taken place with Members and officers and Council are now asked to confirm the proposed meeting dates. The calendar of meetings is presented in Appendix One to this report.

### Recommendations:

The Council is recommended to:

1. Approve the proposed calendar of meetings for the municipal year 2017/18 as set out in Appendix A.
2. To delegate to the Corporate Director for Governance the authority to agree meeting dates for any new Committees or Panels that are set up subsequent to this report being presented to Council, subject to appropriate consultation with Members.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Council Procedure Rules provide for the Council to agree a programme of meetings for each municipal year. This is normally done at the last ordinary meeting of the Council in each municipal year and there is provision for the calendar to be revised subsequently at the Annual meeting if necessary.

## **2. ALTERNATIVE OPTIONS**

- 2.1 There are no alternative options.

## **3. DETAILS OF REPORT**

- 3.1 The draft calendar presented at Appendix A to the report follows the same pattern of meetings set in previous years in terms of frequency of meetings, start times and meeting days, adapted to address issues that have arisen during the year or during consultation.
- 3.2 As in previous years efforts have been made to avoid holding meetings during school holidays, with particular reference to August. However, it is necessary for some meetings to be held especially in relation to regulatory matters. Wherever possible we have also sought to minimise the impact of meetings on members where these clash with certain religious holidays and party conferences. Committee meetings are listed at 5.30pm during Ramadan according to Council custom.
- 3.3 This year, it is proposed to hold Cabinet meetings at the end of the month as this will offer the following advantages:
- Better fit into the financial reporting cycle will enable monitoring reports to be made in a more timely manner.
  - There will be no need to schedule two Cabinet meetings in July as Cabinet will be able to discharge a full month's business at its July meeting. This will enable August recess to be better observed.
- 3.4 Overview and Scrutiny Committee (OSC) will continue to shadow the pattern of Cabinet meetings. Their meetings will take place on the Wednesday of the week before Cabinet except where this would clash with the date of a meeting of Full Council to allow more time to respond to pre-decision scrutiny questions and call-in reports. An additional meeting will be held in January (and potentially February) to scrutinise budget proposals.
- 3.5 It is intended that four Member Development sessions will take place following the Annual Council meeting. The dates reserved for this purpose are 18<sup>th</sup> and 18<sup>th</sup> May and 23<sup>rd</sup> and 24<sup>th</sup> May 2017. Because of the meetings cycles it has not been possible to avoid overlap of committee meetings and Member Development sessions but it is intended that the two meetings affected will involve an element of committee-related training as part of their proceedings.



Regular Member Development Dates have also been scheduled each month throughout the year except during August recess.

- 3.6 As Members will be aware, any subsequent requests to change dates of meetings of Committees following approval of the Committee Calendar by Council, or to set up Special Meetings of the Committees, are subject to consultation with the Chair(s) of the Committees, relevant members and the Chief Executive.
- 3.7 Each year changes to the Committee structure may be necessary to enable the Council to discharge its responsibilities. Should it be necessary to revise the meeting structure further the Calendar of Meetings will be adjusted and a new Calendar will be presented at the AGM if required but it is also proposed to provide delegated authority to the Coproate Director for Governance to agree any new meeting dates should that be required.

#### **4. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 4.1 The timely consideration of budget monitoring information is critical to ensuring sound financial management and oversight and informed decision making. However, there are no direct financial implications arising from the recommendations within this report.

#### **5. LEGAL COMMENTS**

- 5.1 There are no specific legal comments arising from this report.

#### **6. ONE TOWER HAMLETS CONSIDERATIONS**

- 6.1 In collating this schedule of meetings, consideration has been given where possible to avoiding school holidays, known religious holidays and other dates which could inhibit attendance or participation by one or more section(s) of the borough's community

#### **7. BEST VALUE (BV) IMPLICATIONS**

- 7.1 There are no implications arising from this report.

#### **8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

- 8.1 There are no implications arising from this report.

#### **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 There are no implications arising from this report.

## **10. CRIME AND DISORDER REDUCTION IMPLICATIONS**

10.1 There are no implications arising from this report.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Appendix A – Proposed Calendar of Committee Meeting dates

#### **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.

- These must be sent to Democratic Services with the report
- State NONE if none.

#### **Officer contact details for documents:**

- Matthew Mannion, Committee Services Manager x4651

# CALENDAR OF MEETINGS FOR THE 2017/2018 MUNICIPAL YEAR

**DRAFT VERSION** – Committee Calendar 2017/18

	MEETING DAY/TIME/	MAY 17	JUN 17	JUL 17	AUG 17	SEP 17	OCT 17	NOV 17	DEC 17	JAN 18	FEB 18	MAR 18	APR 18	MAY 18	JUN 18	No. of Mtg's
<b>COUNCIL</b>																
Council	7.00pm 3 <sup>rd</sup> Wednesday	17 AGM		19		20		22		17	21 (Bud)	1 (Bud) 21		23 (AGM)		8
<b>CABINET</b>																
Cabinet (monthly on the last week of the month)	5.30 pm Last Tuesday	30	27	25		19	31	28	19	30	27	27				10
Grants Determination Sub Committee (every 6 weeks)	5.30pm Tuesday		20**		1	12	24		5		6		3			7
<b>OVERVIEW &amp; SCRUTINY</b>																
Overview & Scrutiny Committee Monthly before Cabinet - plus budget meeting	6.30 pm Weds / Thurs	25	21**	20		14	25	23	13	15(Bud) 24	5(Bud) 22	22				12
Grants Scrutiny Sub Committee	6.30pm Weds / Thurs		15**	27		6	19	30		31		28				7
Health Scrutiny Sub Committee (every 2 months)	6.30pm Monday		5**	17			9			8		5				5
Housing Scrutiny Sub Committee	Monday 6.30pm		12**			11		13		29		19				5
<b>COMMITTEES AND PANELS</b>																
Development Committee (every 4 weeks)	7.00 pm		14**	12	9	6	11	8	6	8	7	7 28	18			12

## CALENDAR OF MEETINGS FOR THE 2017/2018 MUNICIPAL YEAR

	MEETING DAY/TIME/	MAY 17	JUN 17	JUL 17	AUG 17	SEP 17	OCT 17	NOV 17	DEC 17	JAN 18	FEB 18	MAR 18	APR 18	MAY 18	JUN 18	No. of Mtgs
Strategic Development Committee (every 5/6 weeks)	7.00 pm		8**	13	17	25	26	30		11	15	19	25			10
Licensing Committee (Quarterly)	7.00 pm	23				13 26SEV 27SEV 28SEV	2SEV		14			15				4 4 SEV
Licensing Sub Committee (fortnightly)	6.30 pm	24	7** 19** 28	11 26	8 23	5 19	4 18	1 15 29	5 20	10 24	6 26	6 20	4 11 24	8 (prov)		26
Audit Committee	7.00 pm		28			27		16		23		29				5
General Purposes Committee (Quarterly)	7.00 pm		7**				12			25			4			5
Appeals Sub Committee (GP) Monthly	6.30pm		21**	5	2	25	30	20	11	10	19	8				10
Standards (Advisory) Committee (Quarterly)	7.00 pm Thursday		29				19			25		14				4
Pensions Board (Quarterly)	Monday 10.00am			10		11		27				12				4
Pensions Committee (Quarterly)	7.00pm			13		14		29				14				4
Corporate Parenting Steering Group (Quarterly)	6.30pm Thursday		15**			21			14			22				4
King George's Field Charity Board (Quarterly)	5.30 pm		6**				3			9		6				4

## CALENDAR OF MEETINGS FOR THE 2017/2018 MUNICIPAL YEAR

	MEETING DAY/TIME/	MAY 17	JUN 17	JUL 17	AUG 17	SEP 17	OCT 17	NOV 17	DEC 17	JAN 18	FEB 18	MAR 18	APR 18	MAY 18	JUN 18	No. of Mtgs
<b>Partnerships</b>																
Health and Wellbeing Board (every 2 months)	5.30pm Tuesday			4		5		7	20		20	20				6
<b>Other Meetings</b>																
Freedom of the Borough	TBA		14**													
Tower Hamlets Improvement Board (Quarterly)	6.00pm	31			15			21			13					4
Civic Centre Cross Party Reference Group	Monday 5.00pm-6.30pm		26**			11		27								3
<b>MEMBERS</b>																
Training & Development	Tuesdays 6.30pm-8.30pm	3, 18, 19, 23, 24	13**	5		19	17	14	6	16	14	13				14
<b>TOTAL NUMBER OF MEETINGS</b>	<b>Calculated after the AGM</b>															<b>163 + 14</b>

### KEY TO SYMBOLS

\* - Clashes with, or is the day before or day after a religious holiday

\*\* - Takes place during Ramadan Meeting time will be 5.30pm wherever the normal starting time would be listed later in the evening

# - meeting starting time earlier than the normal scheduled time

### NOTES:

#### 1. OTHERS

- a. Freedom of the Borough Panel - new
- b. Tower Hamlets Improvement Board - new

## CALENDAR OF MEETINGS FOR THE 2017/2018 MUNICIPAL YEAR

c. Appointments Sub-Committee - arranged on an ad hoc basis as required.

### 2. RELIGIOUS HOLIDAYS:

- **RAMADAN** - 27<sup>th</sup> May 2017 – 25<sup>th</sup> June 2017 (to be confirmed)
- **EID-AL- FITR** –26<sup>th</sup> June 2017
- **EID – UL – ADHA** – 4<sup>th</sup> September 2017
- **ROSH HASHANAH** – 20<sup>th</sup>/ 21<sup>st</sup> September 2017
- **YOM KIPPUR** – 29<sup>th</sup>/30<sup>th</sup> September 2017
- **ASHURA** – 29/30 September 2017
- **HANUKKAH** – 12 – 20 December 2017
- **EASTER 2018**: Good Friday: 30 Mar 2018, Easter Monday: 2<sup>nd</sup> April 2018

### 3. BANK HOLIDAYS:

- **MAY 2017 –1<sup>st</sup>, 29<sup>th</sup>**
- **AUGUST 2017 – 28<sup>th</sup>**
- **DECEMBER 2017 – 25<sup>th</sup>, 26<sup>th</sup>**
- **NEW YEAR – 1<sup>st</sup> January 2018**
- **APRIL 2018 – 14<sup>TH</sup>, 17<sup>TH</sup>**
- **MAY 2018 – 7<sup>th</sup> ,28<sup>th</sup>**

### 4. POLITICAL GROUPS:

- Conservative Party Conference – 1<sup>st</sup> October – 4<sup>th</sup> October 2017
- Labour Party Conference – 24<sup>th</sup> September – 27<sup>th</sup> September 2017

## CALENDAR OF MEETINGS FOR THE 2017/2018 MUNICIPAL YEAR

### 5. **SCHOOL HOLIDAYS:**


- **2017**
  - Half Term – 29 May – 02 June
  - Summer Holidays – 26 July – 01 September
  - Half Term – 23 October – 27 October
  - Christmas Holidays – 18 December 2017 – 01 January 2018
  
- **2018**
  - Half Term – 12 February – 16 February
  - Easter Break – 26 March – 6 April
  - Half Term – 28 May – 01 June
  - Summer Holidays – 25 July – tbc

### 6. **MEMBERS:**

- **Training And Development – 3, 18, 19, 23, 24 May 2017**

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Non-Executive Report of the:  <b>COUNCIL</b>  22 March 2017	
<b>Report of:</b> Graham White, Acting Corporate Director, Governance	<b>Classification:</b> Unrestricted
<b>Motions submitted by Members of the Council</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Committee Services Manager, Democratic Services.
<b>Wards affected</b>	All wards

## SUMMARY

1. Nine motions have been submitted by Members of the Council under Council Procedure Rule 13 for debate at the Council meeting on Wednesday 22 March 2017.
2. The motions submitted are listed overleaf. In accordance with the protocol agreed by the Council on 21<sup>st</sup> May 2008, the motions are listed by turns, one from each group, continuing in rotation until all motions submitted are included. The rotation starts with any group(s) whose motion(s) were not reached at the previous meeting.
3. Motions must be about matters for which the Council has a responsibility or which affect the Borough. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. There is no specific duration set for this agenda item and consideration of the attached motions may continue until the time limit for the meeting is reached. The guillotine procedure at Council Procedure Rule 9.2 does not apply to motions on notice and any of the attached motions which have not been put to the vote when the time limit for the meeting is reached will be deemed to have fallen. A motion which is not put to the vote at the current meeting may be resubmitted for the next meeting but is not automatically carried forward.

## MOTIONS

Set out overleaf are the motions that have been submitted.

## 12.1 Motion regarding the future of the Tower Hamlets Youth Service

**Proposer:** Councillor Gulam Robbani

**Seconded:** Councillor Oliur Rahman

This Council notes that:

1. Former Mayor Lutfur Rahman had a positive vision for the Youth Service which was expressed, for example, at the Cabinet in April 2012:

“He considered that what really mattered were the young people of Tower Hamlets who represented the future of the Borough and that youth services were provided that benefited them. It was his intention as Mayor that young people in Tower Hamlets received the best youth services and best education possible.”

2. That the main motivations of bringing the Youth Service back in-house were:

- to save money on duplicating management functions and re-invest it in the front line of the service;
- to respond to the Government’s localism agenda;
- to strengthen the Council’s partnership agenda;
- to obtain extra value by, for example, the youth service working effectively.

3. That although bringing the Service back in-house was a decision of the Executive Mayor, councillors were able to discuss the transfer openly within Council structures – for example, Cllr Oliur Rahman was able to explain the decision to the April meeting of the Overview and Scrutiny Committee, at which Cllr Rachael Saunders declared a personal interest on this item as she had “been in receipt of information from some of the service providers managing the contract in question.”

This Council further notes that:

1. The current Mayor’s intention to make a fundamental change in the way that the Youth Service is run (initially on an interim basis) was not mentioned at the Cabinet on 10th May 2016, although planning must have been well underway by then.

2. The Mayor’s intention to make this fundamental change was set out in a briefing paper from the Mayor’s office dated 12th May 2016 which was circulated to all councillors.

3. This paper stated that the interim delivery plan would begin in July, which clearly precludes any wider member involvement (indeed, the paper refers to the decision having been developed in discussion with John Biggs and Cllr Saunders) and a future delivery model will be in place from April 2017 (and there will be full member involvement in options for this model, but how this will happen is not explained).

4. This paper also stated that a gap analysis is underway with a view to there being a programme of procurement and commissioning in June 2016 targeted at local third sector organisations.

5. This paper also states that it is the intention to offer youth services for the rest of this financial year from only eight venues in the borough – despite the fact that youth are often very reluctant to travel far to a formal provision. The paper states that the Council intends to offer an outreach service to encourage you to travel to the formal provision and also to rely, in the interim, on whatever additional services are provided in an un-co-ordinated manner by local charities or voluntary organisations.

This Council further notes that:

1. The Mayor's decision was revealed at the Council's Annual Meeting on 18th May 2016 by Cllr Rachael Saunders in what appeared to be an unplanned announcement. This included Cllr Saunders reading out an email from her mobile phone but not saying who had sent her the email (in sad contrast to her previous openness about who was briefing her).

2. Cllr Saunders stated that "The service has faced allegations of fraud and corruption" and other serious allegations. She also said that "Investigations into these serious allegations are ongoing," and that the Youth Service does not have the capacity to deliver as much as it has in the past. She stated that "we" were working out a service plan which would be based on reduced capacity and on when that had been developed would consideration be given to identifying and filling gaps. She expected the identification of gaps to be finished by June (a couple of weeks after she was speaking) – but did not mention John Biggs's intention to fill these gaps by contracting out parts of the service to third sector organisations (or who, in the event of this being done, would manage these organisations).

3. The Council Communications Office issued a press release on 26th May referring to the change only having been prompted by "historic shortcoming". This announced that an interim delivery model would be adopted "by the summer". It gave details of the interim delivery model and stated that young people's views had been listened to throughout the review process. (The members have yet to see a concrete tangible and evidence of that)

4. There have been a number of reports in the local press since the Council AGM which have reported the detail of various allegations – presumably either on the basis of their own imaginations or on the basis of briefings from unknown parties in the Council which have not been shared with all councillors.

5. That as a result of the way the Mayor and relevant Cabinet Members have dealt with this issue, it is entirely unclear what is happening to the youth service – which has led to a great deal of serious concern among service users and in the wider community.

This Council believes that:

1. If and when there are allegations of corruption or other serious malpractice, these should be investigated in accordance with Council procedures and individuals should be dealt with appropriately. (Independent Group fully supports this approach and have publicly offered to work together for the benefit of young people of Tower Hamlets).

2. That if a service is to be reviewed in order to spend or save money by cutting certain provisions, and/or deliver the service more efficiently or effectively, this should be discussed openly, including with councillors and services users and the wider community rather than playing politics or blame-game.

3. (1) and (2) above should not be confused.

This Council further believes that:

1. The current position, in which the Administration appears to have responded to allegations against individuals by pre-emptively altering the service as a whole, and in which the Youth Service is to be run on an interim delivery model based on reduced capacity and enhanced by some sort of ad-hoc procurement, is ill thought out and poorly planned.
2. The interim service delivery model will, for the rest of this financial year, lead to an increase in Anti-Social Behaviour across the Borough – to the irritation of the whole community, for whom this is already a massive problem.
3. The interim service delivery model will, for the rest of this financial year, incur a risk of extra spending on management and quality assurance of the service – risks which have not been addressed in the little documentation available or in such public statements as have emerged.

This Council resolves that:

1. The current Mayor, John Biggs, should honour his commitment to govern in a transparent manner and he should put on the public record a full account of what has been going on, including what allegations have been made, when these were made, by whom and how - and critically how these are being investigated (releasing as much information as is possible without compromising the investigations or the individuals concerned); what prompted the service review and how it took place; and what his intentions are towards the service.
2. The current Mayor, John Biggs, to immediately stop any further work to drastically reduce and cut the Youth Service provision in the name of interim delivery model and engage in a serious, open, transparent consultation with the young people, residents and stakeholders.
3. The current Mayor, John Biggs, to reverse the decision to close unprecedented number of Youth Centres and look for an alternative way to provide effective, efficient and fit-for-purpose Borough-wide localised youth service provision.
4. The current Mayor, John Biggs, must keep the Youth Service in-house rather than privatising or contracting it out.
5. In the event that the current Mayor, John Biggs, should not agree to do think again, he must issue a statement clarifying how he intends to procure a service to fill in the gaps from the third sector, given that the Commissioners have been running grant-making functions; and he must also issue a comprehensive statement covering which of his chosen eight venues will pick up delivering the service previously provided by centres which John Biggs and Cllr Saunders have closed and how service users whose centres have been closed are expected to access the replacement services, including details of travel arrangements, etc.

## **12.2 Motion on the process of awarding grants in the aftermath of the lifting of directions.**

**Proposed by: Cllr Peter Golds**

**Seconded by: Cllr Andrew Wood**

This council notes that the allocation of grants has now been returned from the Commissioners by the Secretary of State to the Council.

The council notes that this has been achieved by the hard work of officers and a number of elected members who have acted in accordance with the emerging Best Value Programme to achieve transparency in the process.

The council further notes that prior to this year there were three detailed examinations into the allocation of grants by the former administration namely, the PwC Best Value Inspection of 2014, the Election Court of 2015 and the January 2016 hearing which refused the application by Lutfur Rahman to seek a Judicial Review into the findings of the election court which disqualified him in relation to grants and bribery.

In each of these examinations the grants process as practised by the former administration was found to be seriously in breach of procedure.

### **The Council notes:**

The PwC Best Value Inspection of November 2014 in relation to grants states in paragraph 2.7:

*“In relation to the matter of grant making, we conclude that the Authority is failing to comply with its best value duty.”*

*In addition paragraph 2.7 subsection c states:*

*“Grants have been awarded to organisations which were ruled ineligible or which did not meet the required evaluation score”*

### **The Council further notes:**

That in the landmark Judgement of April 23<sup>rd</sup> 2015, former Mayor Lutfur Rahman and his election Agent were discharged from office on seven counts of corrupt and illegal practices, including bribery, involving the allocation of grants

The issue of bribery in relation to grants is itemised in paragraphs 483 and 484 of the Judgement:

*483. Given that, on these and other issues, the court has been asked to accept the evidence of Mr Rahman and Mr Choudhury as being truthful, it is not without significance that they have been caught out in obvious and, ultimately, unnecessary falsehoods.*

*484. Where does this bring us when considering this aspect of bribery?*

*What has been proved may be summarised as follows:*

a) the administration of grants was firmly in the personal hands of Mr Rahman, assisted by his two cronies, Councillors Asad and Choudhury;

b) in administering the grants policy, Mr Rahman acted in total disregard of the Council's officers, its members and, almost certainly, the law;

c) grants were increased, substantially and unjustifiably, from the amounts recommended by officers who had properly carried out the Council's investigation and assessment procedure;

d) large grants were made to organisations who were totally ineligible or who failed to meet the threshold for eligibility;

e) grants were made to organisations that had not applied for them;

f) the careful attempts of PwC to marry up grants to ascertainable levels of deprivation and need in the Borough had resulted in the conclusion that it was impossible to do so: grants were not based on need;

g) the lion's share of grants went to organisations that were run by and/or for the Bangladeshi community;

h) the main thrust of Mr Rahman's political campaigning both as leader of the Council and later as Mayor was to target the Bangladeshi community and to convince that community that loyalty to the community meant loyalty to him;

i) even within the Bangladeshi community, grants were targeted at the wards where support for Mr Rahman and his candidates was strongest while wards where their chances of success were slim lost out.

That in January 2016, Lord Justice Lloyd-Jones sitting with Justice Supperstone in refusing the application for permission to apply for Judicial Review, of the Judgement of the Election Court in so far as it related to grants said:

*"The conclusion of the Commissioner was that a man in control of a fund of money not his own, who corruptly uses his control to make payments from the fund for the purposes of inducing people to vote for him, is within the opening words of section 113(2) and commits the offence of bribery. I agree. I can see no basis on which the challenge based on the interpretation of section 113(5) and its application to the facts as found by the Commissioner could have any realistic prospect of success"*

The Council welcomes the commitment by the current administration following the lifting of directions; grants will be undertaken in a transparent fashion with full cross party involvement in public.

The council seeks to ensure that in future all grants are made for the benefit of the many varied communities that make up the borough and not for the benefit of the political administration, as was laid out forcefully by the Best Value Inspection and the legal process of the Election Court and the refusal by Lord Justice Lloyd Jones to refer the decision of the Election Court with respect to bribery, to Judicial Review.

**The Council resolves:**

The Council further resolves that all grants should be for the wider benefit of the various communities and not those who manage grant applications and that all applicants understand the legal situation before applying for grants.

The Council believes that in seeking improved management of grants, understanding of the law and proper training will ensure that the matters which caused the Election Court will not happen again and that the lessons which will benefit local government in general, have been learned from the period of direction that was in place in Tower Hamlets.

### **12.3 Motion regarding my Tower Hamlets Card regarding My Tower Hamlets Card**

**Proposer:** Councillor Rabina Khan

**Seconded:** Councillor Shafi Ahmed

#### **The Council Notes:**

1. The population of Tower Hamlets is projected to increase by around 66,700 residents over the next decade. In 2016 population was 297,800 but is projected to grow to 364,500 by 2026.
2. The population projections estimate that the number of households living in Tower Hamlets will rise from 120,600 in 2016 to 156,000 in 2026 – an increase of around 35,400 households over the next ten years.
3. In Tower Hamlets, 60 per cent of all children in poverty live in couple families and the remaining 40 per cent live in lone parent families.
4. Tower Hamlets has the highest percentage of both children (39 per cent) and older people (50 per cent) living in income deprived households in England.

#### **The Council Further Notes:**

1. One quarter of Tower Hamlets residents are income deprived - the borough is ranked 6th highest in England on this measure, and highest in London.
2. According to the Centre for Economics and Business Research the cost of raising a child to the age of 21 has jumped to £230,000, or more than the price of an average semi-detached house in Britain, according to new research.
3. It further concluded that parents will spend more than £70,000 for childcare and babysitting alone, and spend another £74,000 on education-related expenses such as uniforms, school lunches, text books and school trips.
4. Half of older people in the borough live in income deprived households and that more, older people live in social housing in Tower Hamlets than in London and England and mortality rates for the 65-74 age group are higher than in London and England.
5. Half of older people in the borough live in income deprived households and 90% do not eat the recommended amount of fruit & vegetables.

#### **The Council Believes;**

1. That the cost of household of living in for residents in Tower Hamlets poses a financial challenge with food, clothes, rent, house prices, keeping warm and transport ever increasing.
2. The Council like councils across the country has to make savings but people's needs must be at the heart of a council budget and driving the cost of household of living will support residents in a time of financial constraint.



3. Tower Hamlets has a thriving economy worth £6bn per annum and the business and enterprise economy is one of the most significant contributors to this growth and performance.

**The Council Resolves;**

1. To introduce a membership scheme called My Tower Hamlets Card for Tower Hamlets residents offering local discounts and savings to make the most of the borough they live in.
2. My Tower Hamlets Card will help drive the cost of household living down for residents by enabling residents to access discounts on purchases at supermarkets, local businesses and leisure facilities.
3. My Tower Hamlets Card will be open to businesses to promote and grow their business among the current Tower Hamlets approximate 297,000 residents through the scheme and for future population growth.
4. My Tower Hamlets Card will be a free scheme open to businesses and Tower Hamlets residents.
5. A Project Team is set up to develop the My Tower Hamlets Card scheme with a cross-party representation and to set out how the council and its partners can encourage and support enterprise and entrepreneurial participation as members of the scheme to increase opportunity, prosperity and mobility for Tower Hamlets residents and to increase business growth.

## **12.4 Motion regarding Scrap the Fee for Domestic Violence Victims**

**Proposer:** Councillor Shiria Khatun

**Seconded:** Councillor Rachael Saunders

### **This Council notes:**

1. Violence against women and girls (VAWG) is abuse targeted at women or girls because of their gender and it affects women and girls disproportionately but men can be abused too. VAWG has a major impact on the physical safety, health and emotional well-being of individuals, and impacts on families, carers, children and the community as a whole.
2. Domestic abuse is any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are, or who have been, intimate partners or family members, regardless of gender or sexuality. This includes violence such as female genital mutilation, so-called 'honour' crimes, forced marriage, and acts of gender-based violence.
3. National statistics have not changed for decades. Two women are killed every week in England and Wales by a current or former partner. One in four women will experience domestic violence in their lifetimes.
4. Legal Aid is a lifeline for women fleeing domestic abuse. It helps them to protect themselves, their children and secure their financial situation. Yet due to Government changes to the rules for women to qualify for legal aid, they now need to provide a prescribed piece of evidence to prove they have been subjected to abuse.
5. One of the accepted forms of evidence is a letter from a GP. However some GPs charge a fee – in some cases as much as £75 – to produce that letter.
6. Tower Hamlets Council agreed a Violence Against Women and Girls Strategy at a meeting in December 2016.
7. That despite government cuts meaning we have to save £1 for every £6 we currently spend, no funding was cut from the budget for the Tower Hamlets Domestic Violence team in the Mayor's 2016/17 budget, and funding has been protected in the Mayor's three-year budget agreed for 2017-2020.

### **This Council believes:**

1. That it is everyone's responsibility to stop domestic violence and abuse and it is our ambition that people treat one another with respect and compassion.
2. No GP should charge victims of domestic abuse for a letter they need to access legal aid. It's unfair. It's immoral. And it has to stop.

### **This Council resolves:**

1. To support the Scrap the Fee campaign, which was established by Tom Watson MP following a plea from Wythenshawe Safe Spots.
2. To request our local GP surgeries to voluntarily scrap the fee.

3. To ask Mayor Biggs to write to the Home Secretary, calling on the Government to scrap this unfair and unjust charge, by bringing this service back under the NHS contract.

## **12.5 Motion regarding Manchester Road traffic**

**Proposer:** Councillor Chris Chapman

**Seconder:** Councillor Andrew Wood

This council notes that Labour controlled Manchester City Council has cancelled the 20 mph speed limit which was undergoing trial in the Gorton, Fallowfield and Rusholme areas of the City which are within the Manchester Gorton constituency.

Manchester City council officers carried out a long-term evaluation of the first phase - finding it has cut speeds by just 0.7mph and in some areas speed has actually increased.

As a result the scheme has been cancelled returning £700,000 to be used for the benefit of City residents.

The council further notes that Manchester Road, E14 suffers from the same problems of these roads in the area of Manchester Gorton. Traffic speed is hardly reduced and there are many incidents of speeding as some drivers overtake drivers travelling at 20mph.

The Council invites the Mayor to follow the lead of his colleagues on Manchester City Council and lift the 20mph limit on Manchester Road, Isle of Dogs as has been done in Manchester Gorton.

## **12.6 Motion regarding Poplar HARCA Auction of 50 Social Dwellings**

**Proposer:** Councillor Shah Alam

**Seconded:** Councillor Rabina Khan

### The Council Notes

1. **Poplar HARCA** (Housing and Regeneration Community Association) is a housing landlord of about 9,000 homes in the Poplar Area.
2. Poplar HARCA was set up by the London Borough of Tower Hamlets to regenerate the area, especially certain Council estates whose residents voted to transfer to the new body.
3. Parts of seven estates (about 4,500 homes) transferred to Poplar HARCA on 23rd March 1998.
4. The following year, tenants on further estates voted to remain with the Council. However, after a lengthy consultation of all Council estates in Tower Hamlets begun in 2002, several more estates in Poplar did transfer between 2005 and 2007.
5. In 2012 Poplar HARCA obtained planning permission for a joint redevelopment of the Aberfeldy Estate. The plans include 1,100 new homes and improved amenities to be provided over 12 years.
6. There have already been representations made to council meetings from Poplar HARCA residents regarding the astronomical increases in parking charges.
7. That in early February it emerged Poplar HARCA had proposed to sell 50 social dwellings by auction with 39 homes been sold on 13<sup>th</sup> February 2017.

### **The Council Welcomes;**

1. Residents and Councillors who opposed the way in which Poplar HARCA sought to sell off social housing.
2. That Mayor John Biggs wrote a letter to Steve Stride (CEO) of Poplar HARCA on 7<sup>th</sup> February 2017 with concerns regarding the proposed sale of the 50 social dwellings.
3. In his letter the Mayor stated that he had been aware of the proposed sale several months ago but did not give a specific date. He further stated officers had offered that the council would purchase the social dwellings to use as temporary accommodation or through purchasing the long lease or freehold interest.

### **The Council further notes;**

1. That the CEO of Poplar Harca sent an open letter to Councillors and stated; "In July 2016, we spoke with Mayor Biggs about our strategy to market-rent or sell empty less popular and expensive to repair properties."

2. The CEO also stated in the letter;  
“...sunday night before the auction on the Monday morning we were hopeful that an agreement would be reached. But 7 months on, and without a binding agreement, Poplar HARCA could not risk a deal with the Council falling-through so we had to proceed to auction.”
3. That the Mayor Biggs knew about the proposed sale of the 50 properties but chose not to inform ward councillors in whose wards these properties were in.
4. That Mayor Biggs knew about the proposed sale of the 50 properties but chose not to bring a motion to Full Council to oppose the sale of social housing.
5. That Mayor Biggs states an offer was made to purchase the 50 properties but the CEO of Poplar HARCA states that no such deal was given as there was no binding agreement.
6. That since July 2016 Poplar HARCA has not been consulting with its residents as a social landlord but rather a developer landlord.

**The Council Resolves;**

1. To determine whether there was a binding agreement offered to Poplar HARCA and to provide written documentation to this effect.
2. That officers inform councillors of whether funding was given to Poplar HARCA from July 2016 until present including Right To Buy Receipts, New Homes Bonus and any CPOs granted to Poplar HARCA.
3. That all communication on this matter between Mayor Biggs and Poplar HARCA is provided to councillors of the ward in which the 50 properties are in.
4. That Mayor Biggs provides an explanation as to why he failed to inform ward councillors of the proposed sale of homes by Poplar HARCA and why he did not think it was important to bring a motion to Full Council opposing the sale of the properties.

## 12.7 Motion regarding School Funding

**Proposer:** Councillor Rachael Saunders

**Seconder:** Mayor John Biggs

This Council notes that:

1. Tower Hamlets is a place of huge diversity, and deprivation, and over the last 20 years families, schools, young people and the Council have come together to drive up standards through collaboration and through a determination to achieve excellence – backed by a Labour government which funded us appropriately. This is now at risk from Tory cuts.
2. The Government has proposed a new school funding formula, which will take money from poorer areas and reallocate it to wealthier areas.
3. The impact of the changes, included with other cost pressures, mean that schools in Tower Hamlets will have to save £18.8m by 2018/19, a 7.6% cut.
4. Schools in Tower Hamlets will lose £511 per pupil by 2018/19, making the borough the hardest hit in London.
5. Cumulatively schools across London will need to save £360m by 2018/19 under the new system – equivalent to 12,857 qualified teachers.
6. The Government's Budget 2017 included £360m for new free schools and grammar schools, but ignored the financial crisis that our existing schools face.

This Council believes:

1. The new funding formula won't bring about fairer school funding across the country. Instead, it will further cut funding from schools already struggling with education cuts.
2. The new formula will put the progress made by our schools in jeopardy by punishing pupils from the poorest areas and harming social mobility.
3. That schools in Tower Hamlets deserve to be fairly and properly funded.

This Council resolves:

1. To call on Mayor Biggs to write to the Department for Education, highlighting the threat to progress that the school funding changes represent.
2. To support the Mayor's campaign to challenge these unfair and deeply damaging cuts to schools in Tower Hamlets.

## **12.8 Motion on spending S106, New Homes Bonus and Community Infrastructure Levy**

**Proposer:** Councillor Andrew Wood

**Seconder:** Councillor Julia Dockerill

This council notes that the Council currently has;

£82 millions of unspent S106 as at the end of January 2017

£24 millions of Community Infrastructure Levy in the bank and is expecting at least £76 million from already approved developments and has received over one hundred million pounds of New Homes Bonus from the government as a reward for building the most new homes in the country every year since the inception of the reward programme.

That much of this cash is disproportionality as a result of development in the City Fringe, Wapping, Poplar, Limehouse and the Isle of Dogs.

### **The Council further notes:**

The frustration of local communities subject to years and even decades of construction who are repeatedly told there is no cash when evidently there is.

Even new communities like at London City Island are shocked that £1 million of S106 that they paid for when acquiring their apartments is being spent at Hackney Wick, miles away and not locally to benefit them.

That New Homes Bonus is a one-off source of funds that should be spent to prepare the Borough for the population growth generated by those new developments

That only when Cabinet reports are issued do we find out where the money is actually going to be spent.

### **The Council resolves:**

That the Council has to pro-actively involve communities and local organisations in the spending of that money.

That the Council uses some of its huge reserves to engage on a temporary basis project managers to work with the community, local organisations and Officers to deliver projects that will benefit all residents in those areas most impacted by construction or which are most in need of extra infrastructure capacity.

That S106 funds can be re-purposed with the agreement of the developer many of whom we know would be happy to do so.



## 12.9 Motion regarding Value Nurseries, Children's Centres and Youth Services Campaigners' Voices

**Proposer:** Councillor Abdul Asad

**Seconder:** Councillor Rabina Khan

### The Council Notes:

1. Mayor John Biggs' second budget was passed on 22<sup>nd</sup> February which he describes as a "**progressive and compassionate**" budget.
2. 24 Votes for the budget, 18 against, 1 abstention
3. The Council in the budget risk assessment stated that the cuts would be met with "significant public resistance."
3. 3 Petitions were submitted by members of the public on 22<sup>nd</sup> February related to cuts to Children's Centres, Youth Services and Nurseries.
4. Over 10,000 people signed various petitions related to the cuts to Children's Centres, Careers Services, and Youth Centres and against the privatisation of Tower Hamlets Nurseries.

### The Council Welcomes:

1. The representatives who spoke on behalf of the 3 petitions presented to the Budget Full Council on 22<sup>nd</sup> February 2017 were women apart from one man.
2. The representation of women taking a stand in Tower Hamlets for their rights and services and fits into this year's International Women's Day theme #BeBoldForChange
3. Their valuable contributions brought to light the importance of need for mothers, carers and children who need Children's Centres as a life line for children to thrive and have a head start in life.
4. That Tower Hamlets run nurseries are a valuable service that should be retained and not privatised.
5. The Careers Centre saves tax payers 59 million pounds by keeping youth unemployment down based on research undertaken by the University of York.
6. That the Youth Services has experienced extensive cutbacks including the closure of 18 youth centres
7. The restructure of the Youth Service has introduced INFLEXIBLE WORKING HOURS. Part-time youth workers will be forced to take full-time positions or as job share; new working hours are proposed from 2pm-10pm which discriminates against workers with families, single parent households, carers or those with additional responsibilities.

**The Council Resolves:**

1. Mayor John Biggs is “**compassionate**” and meet with all the petitioners who represent over 10,000 people in Tower Hamlets to find “**progressive**” ways of ensuring these vital services are protected.