

GENERAL PURPOSES COMMITTEE

Wednesday, 8 March 2017 at 7.00 p.m.

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

This meeting is open to the public to attend.

Members:

Chair: Councillor Danny Hassell

Vice-Chair: Councillor Denise Jones

Councillor Khaled Uddin Ahmed, Councillor Craig Aston, Councillor David Edgar,
Councillor Aminur Khan, Councillor Muhammad Ansar Mustaqim and Councillor Helal
Uddin

Deputies:

Councillor Asma Begum, Councillor Andrew Cregan, Councillor Marc Francis,
Councillor Peter Golds, Councillor Ayas Miah, Councillor Candida Ronald and
Councillor Andrew Wood

[The quorum for this body is 3 Members]

Contact for further enquiries:

Joel West, Democratic Services

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Web: <http://www.towerhamlets.gov.uk/committee>

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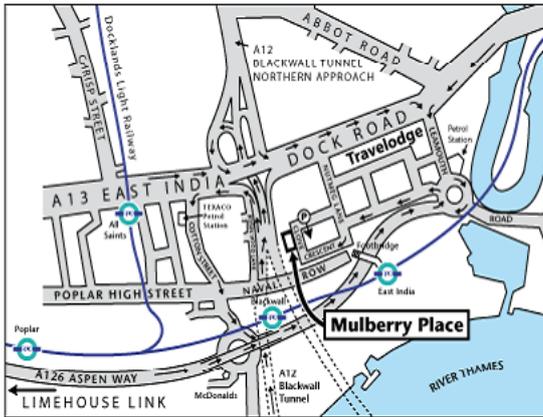
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APOLOGIES FOR ABSENCE

- 1. 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.

- 2. MINUTES** **5 - 10**

To agree the unrestricted minutes of the General Purposes Committee meeting held on 25 January 2017.

- 3. REPORTS FOR CONSIDERATION**

- 3.1 Senior Management Recruitment Update**

To receive a verbal update on the recruitment to several senior management positions.

- 3.2 Sickness Absence Management** **11 - 18**

This report updates Members on measures to manage sickness absence in the Council. The report is for noting.

- 3.3 Tower Hamlets Constitution - Part 1 Summary and Explanation and Part 2 Articles – Proposed Changes** **19 - 100**

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

- 3.4 Tower Hamlets Constitution - Part 3 Responsibility for Functions – Proposed Changes** **To Follow**

3.5 Local Authority Governor Applications

101 - 108

The report sets out for Members the details of applicants who have expressed an interest in being appointed to local authority school governor positions at Tower Hamlets schools. The Committee is asked to endorse or reject the nominations for appointments set out in the report.

4. ANY OTHER UNRESTRICTED BUSINESS CONSIDERED TO BE URGENT

5. EXCLUSION OF THE PRESS AND PUBLIC

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

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

EXEMPT SECTION (Pink Papers)

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

5.1 Exempt Appendices for Local Authority Governor Applications

109 - 132

The report sets out for Members the details of applications of applicants who have expressed an interest in being appointed to local authority school governor positions at Tower Hamlets schools.

Next Meeting of the Committee:

To be agreed at the Annual Council meeting, 17 May 2017.

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Graham White, Acting Corporate Director, Governance – 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 25 JANUARY 2017

CR1, MULBERRY PLACE, 5, CLOVE CRESCENT, LONDON E14 2BG

Members Present:

Councillor Danny Hassell (Chair)
Councillor Denise Jones (Vice-Chair)
Councillor Khaled Uddin Ahmed
Councillor David Edgar
Councillor Muhammad Ansar Mustaqim
Councillor Helal Uddin
Councillor Peter Golds (Substitute for Councillor Craig Aston)

Apologies:

Councillor Craig Aston
Councillor Aminur Khan

Officers Present:

Will Tuckley	(Chief Executive)
Graham White	(Interim Corporate Director, Governance)
Runa Basit	(Head of School Governance & Information)
Louise Stamp	(Head of Electoral Services)
Stuart Young	(Interim Divisional Director, HR & Transformation)
Joel West	(Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

2. MINUTES

The unrestricted minutes of the General Purposes Committee meeting held on 23 November 2016 were agreed and signed as a correct record.

3. REPORTS FOR CONSIDERATION

3.1 Local Authority Governor Applications

Runa Basit, Head of School Governance & Information, introduced the report, which summarised applications from three persons who had applied to be nominated for appointment or reappointment as a local authority governor at Tower Hamlets maintained schools.

Following consideration of the information supplied, including both unrestricted and restricted reports, the Committee agreed to nominate all three applicants to the school governor position each had applied for.

RESOLVED -

1. That the applicants for re-appointment to Local Authority School Governor positions as set out in the report be approved as follows.
 - a. That Jenny Lowe be nominated for re-appointment as a governor at Chisenhale School under the 2012 School Governance (Constitution) Regulations.
 - b. That Geeta Le-Tessier be nominated for re-appointment as a governor at Seven Mills School under the 2012 School Governance (Constitution) Regulations.
2. That the applications for Local Authority Governors as detailed in the report be approved as follows:
 - a. That Kerri Marriner be nominated for appointment as a governor at the PRU Management Committee under the 2012 School Governance (Constitution) Regulations.

3.2 Localism Act 2011 - Pay Policy Statement 2017/18

Stuart Young, Interim Divisional Director, HR and Transformation, introduced the report. Mr Young drew the Committee's attention to the key changes in the 2017/18 Pay Policy Statement since its previous publication and other general developments affecting the Council's staffing and pay arrangements, as set out in the report.

In response to questions from members, officers agreed to provide the Committee with:

- i. More detail on the travel allowance referred to in section 5 of the 2017/18 Pay Policy Statement.
- ii. Proposals for the most effective way to publish exit payment details as referred to in paragraph 3.32 of the report.
- iii. The pay multiple benchmarking data referred to in paragraph 3.10 of the report.

RESOLVED that the Committee:

1. Recommend that Full Council agrees the draft Pay Policy Statement 2017/18.
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.

3.3 Organisation Structure Implementation Update

Will Tuckley, Chief Executive, introduced the report, which updated the Committee on progress implementing the new organisational structure. Mr Tuckley further advised that the adverts for the two Corporate Director posts (Place and Governance) will be published tomorrow (Thursday, 26 January 2017).

In response to questions from members, officers agreed to provide the Committee with:

- i. A copy of the advert for the posts of Corporate Directors Governance and Place (an A4 sized copy of the advert was shown to the Committee).
- ii. A detailed chart showing the current management arrangements within the Council, which will allow members to identify where individual services are currently located and include timescales where relevant (e.g. for recruitment to vacant posts or for interim positions).
- iii. A copy of the final schedule for Appointment Sub Committees as identified in the indicative timetable at Appendix A of the report. A copy also to be made to all group leaders.
- iv. A link to the recruitment microsite.

RESOLVED that the Committee:

- a) Establish Appointment Sub-Committees as detailed at paragraph 3.5;
- b) Note the change in management reporting for the Communications and Policy, Strategy & Equalities functions as detailed at paragraph 3.6; and
- c) Note the progress in implementing the Council structure.

3.4 Designated Independent Person (DIP) update

Stuart Young, Interim Divisional Director, HR and Transformation, introduced the report, which explained the impact of recent Regulations that require local authorities to amend their rules regarding dismissal of statutory officers.

RESOLVED that the Committee:

1. Note the contents of the report and agree to adopt the model disciplinary procedure and flow diagram, and the grievance procedure as set out in the Chief Executive Handbook.
2. Agree that a further report be considered by GP Committee upon the national changes being made to the Chief Officers Handbook.

3.5 Electoral Services Update

Will Tuckley, Chief Executive, introduced the report which updated the Committee on the annual canvass 2016, conduct of the 1 December 2016 Whitechapel by-election and the implications for the Council on the Government's response to Sir Eric Pickles' review into electoral fraud. Louise Stamp, Electoral Services Manager, provided the Committee with some additional detail on the 2016 canvass process.

Members noted with particular interest the Government's response to Sir Eric Pickles' review into electoral fraud. Several Members welcomed that Tower Hamlets has been identified as a pilot area for the ID schemes referred to in the report and asked officers to circulate the report to the Committee.

Members of the Committee made suggestions for how the election process could be improved in future. Including:

- i. Could single polling booths be used to ensure privacy for voters?
- ii. Could counted ballot papers be 'stacked' prior to declaration being announced, as happens at election counts at many other London boroughs?

RESOLVED that the Committee:

1. Note the content of the report.

3.6 Review of Proportionality on the Appointment Sub-Committee

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer, introduced the report, which asked the Committee to amend arrangements for the membership of Appointment Sub Committees to reflect the new political composition of the Council.

RESOLVED that the Committee:

1. Amend the membership provisions of the Appointment Sub-Committee as detailed in paragraph 3.3 of the report.

4. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

None.

5. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

1. That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting on the grounds that the remaining agenda item

contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government Act 1972.

6. EXEMPT MINUTES

The exempt minutes of the General Purposes Committee meeting held on 23 November 2016 were agreed and signed as a correct record.

7. EXEMPT REPORTS FOR CONSIDERATION

7.1 Exempt Appendices for Local Authority Governor Applications

The appendices for Local Authority Governor Applications were considered during item 3.1 on the unrestricted part of the agenda.

The meeting ended at 8.35 p.m.

Chair, Councillor Danny Hassell
General Purposes Committee

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Non-Executive Report of the: General Purposes Committee 8 March 2017	
Report of: Stuart Young, Interim HR, OD & Transformation Manager	Classification: Unrestricted
Sickness Absence	

Originating Officer(s)	Stuart Young - HR, OD & Transformation Manager
Wards affected	All wards

1. SUMMARY

This report updates Members on measures to manage sickness absence in the Council. The report is for noting.

2. RECOMMENDATIONS

The General Purposes Committee is recommended to:

- i. note the report and the actions being taken to address sickness absence in the immediate and longer term.
- ii. receive a report back in the Autumn cycle with a new workforce Wellbeing Strategy and plan. In the meantime Members are asked to note that the Cabinet Member for Resources will be liaising with the Interim HR, OD & Transformation Manager on the immediate actions to reduce sickness absence.

3. **BACKGROUND**

3.1 Sickness absence is rising at the Council. The table below demonstrates that both short term and longer term absence has increased for each of the past three years.

Date	Ave FTE Absence	Short term	Long Term
Dec 16	9.65	4.11	5.55
May 16	9.33	4.10	5.23
May 15	8.40	3.69	4.70
May 14	6.77	3.05	3.71

3.2 In response, actions are proposed to address immediate and longer term changes.

3.3 At December 2016, the top four recorded reasons for absence were:

- Musculoskeletal
- Back problems
- Stress/depression/anxiety/mental health
- Infections (including colds and flu)

There is a need to ensure that our workplace responses to sickness absence address these reasons. Our employer responses will be quite different for the categories of sickness listed. To respond effectively requires a comprehensive approach to workplace wellbeing.

3.3 A new workforce wellbeing strategy aims to:

- Create a safe and healthy work environment
- Improve the physical and emotional wellbeing of employees
- Encourage and support employees to develop and maintain a healthy lifestyle
- Support employees with manageable health problems or disabilities to maintain access to or regain access to work
- Improve productivity by allowing employees to be their authentic self in the an inclusive workplace
- Improve staff satisfaction, recruitment and retention rates.

3.4 The work on a Workplace Wellbeing Strategy is being co-ordinated by an employee wellbeing steering group, with representatives drawn from Public Health, HR, Occupational Health, TU's, and managers. The resultant plan will relate to the Tower Hamlets Health and Wellbeing Strategy developed by the Health and Wellbeing Board. The Strategy will be brought to GP Committee in its Summer cycle.

3.5 In addition the Council recently achieved recognition in the London Healthy Workplace Charter. The Charter is a GLA initiative to encourage employers to adopt high standards of care in the workplace. The Charter covers a range of

areas summarised at Appendix A, including the following absence management requirements:

- A clear attendance management policy is in place and procedures are known to employees.
- Contact is maintained with absent employees to provide support and aid return to work.
- Documented return to work procedures are in place and followed.
- Return to work interviews are conducted and recorded with concerns/appropriate support recorded and provided.
- Specific risk assessments for individuals are conducted and take into account a person's health status.
- Reasonable adjustments are available to employees in line with recommendations made in a Statement of Fitness for Work

3.6 The Charter provides an assessment of the Council's current state of absence management upon which to improve. A summary is attached.

3.7 Some of the practical improvements that will be seen in the Council during Spring/Summer are:

- A review of Occupational Health and Wellbeing services. The Service is an integral part of reducing sickness absence. Officers are working with other boroughs and providers to learn the lessons of best practice
- Develop and procure an Employee Assistance Programme (EAP). These offer online and telephone services to employees 24/7. Whilst not as comprehensive as an OH service, these programmes often act as a first call and can specialise in stress/depression services
- Develop a brand for Wellbeing and pull together all current health and wellbeing initiatives. Communicate the various events currently available for managers and staff to access. Examples include Mental Health First Aid, Occupational Health referral training for managers, Managing pressure and Increasing resilience, relaxation and mindfulness training. The promotion could be launched by holding a wellbeing week to showcase initiatives across the Council.
- Revise our people policies and practice to support managers to manage effectively and fairly and which support a collaborative and supportive culture. The first policies under review are Disciplinary, Grievance/CHAD, Sickness Absence, and Performance.
- Introduction of resolution focused approach to resolving disputes, to encourage constructive relationships and positive conversation. Emphasis on early resolution, supported by solutions-focused to resolving issues, introduction of mediation

4. Absence Management

4.1 This section of the report focusses on more immediate actions to address the increased rate of sickness absence. An analysis of sickness information has

been undertaken to identify services that could benefit from more targeted intervention and support. Information reviewed included days lost, reasons for absence, patterns of absence and Occupational Health and HR involvement.

- 4.2 Those areas identified with high sickness rates will undertake the following activities:
- Attend the Occupational Health referral training and the sickness procedure training.
 - Attend an OH case conference on each live sickness case.
 - Meet their HR Business Partner fortnightly to provide information on their sickness cases and to discuss progress and pace
 - Attend the directorate panel which monitors sickness to provide regular updates on progress and also to identify areas of support
 - With OH and HR, determine what training and development needs may be required by the team and themselves to address any cultural and/or wellbeing issues.
- 4.3 Parts of the Council have proven particularly effective at addressing sickness absence when it arises. In order to share this effective practice a 'buddy system' is being developed, where managers who may require additional support and guidance could contact their peer for practical advice. The aim is to share experience, ensure a consistent approach, recognise and promote effective managers and ensure networking across the council.
- 4.4 A 10 minute on line training session for all staff and managers has been developed. It provides an overview of the sickness procedure; explains the responsibilities of employees and managers; and re-emphasises the importance of managing absence effectively.
- 4.5 Initial findings from a recent sickness audit highlight that there is an inconsistency in the application of the sickness procedure across the council. In order to address this and to support the e-learning and training mentioned above, a process flowchart has been developed to provide a user friendly, quick reference guide to each stage of the process.
- 4.6 The flowchart is designed to be published on the intranet and uses hyperlinks to supply information about the specific trigger points for each stage and the actions to be taken. It also provides links to full guidance and procedures for further information that is not covered by the flowchart.
- 4.7 Early access to physiotherapy can be an effective way to tackle musculoskeletal disorders (MSD's), enabling people to stay in work, or return to work earlier, through assessment, diagnosis and advice. However, current waiting times to access physiotherapy assessment through the NHS are approximately 14 weeks.
- 4.8 It is important to proactively manage absences related to MSD, which can range from short term back pain to complex, long term conditions such as rheumatoid arthritis, especially given that people are now working longer,

which may increase the numbers of people developing and managing chronic conditions whilst in the workplace.

- 4.9 A 6 month pilot of physiotherapy is being introduced as part of a proactive programme to help increase physical wellbeing and reduce the risk of many MSDs becoming chronic conditions, requiring long term absence. Physiotherapy will help people to achieve optimal function and mobility and promote better self-management of the individual's condition leading them to better overall health.

5. FINANCE COMMENTS

- 5.1 The paper sets out a number of actions and interventions designed to improve sickness management and help reduce levels of sickness across the Council.
- 5.2 In the main, the proposed changes will be met through existing budgets. However, section 4.9 proposes a pilot scheme offering physiotherapy services to staff with physical and mobility related illness. The pilot scheme is estimated to cost approximately £25k for a period of 6 months and funding for this would need to be agreed, either through existing budgets or reserves on an invest to save basis. Any longer term budget implications would need to be considered in the context of the MTFs.

6 LEGAL COMMENTS

- 6.1 This is a noting report dealing with the additional actions to be taken in respect of addressing the increase in sickness absence.
- 6.2 Whilst the reduction of staff absence is a primary concern for the Council, some regard needs to be had to identifying staff with conditions which do or may amount to a disability. Any steps which may be applied in these cases are subject to the requirements of the Equality Act 2010. There is likely to be a need to make reasonable adjustments for such staff which may include delaying action taken under the Sickness Procedure, disregarding periods of sickness relating to a disability, disapplying some requirements of any formal process and/or applying separate and more tolerant measures to these staff.

7. ONE TOWER HAMLETS CONSIDERATIONS

- 7.1 Healthy well engaged staff will help to deliver the One Tower Hamlets objectives.

8. BEST VALUE (BV) IMPLICATIONS

- 8.1 The proposals will add value to the efficiency and effectiveness of the Council thereby contributing to each of the Best Value Action Plan areas.

9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

9.1 There are no direct SAGE implications arising from this report.

10. RISK MANAGEMENT IMPLICATIONS

10.1 The proposals to be brought forward on staffing will provide a secure foundation for the delivery of the Council's main plans and strategies therefore reducing risk of not realising our planned resident outcomes.

11. CRIME AND DISORDER REDUCTION IMPLICATIONS

11.1 There are no direct Crime and Disorder implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix A - GLA Workplace Charter

Officer contact details for documents:

- N/A

Summary of the Mayor of London's Healthy Workplace charter

The business benefits of having a healthy, fit and committed workforce are now recognised. These include lower absence rates, fewer accidents, improved productivity, staff who are engaged and committed to the organisation and fitter employees as they grow older. Organisations that commit to wellbeing can expect improved business outcomes.

The Mayor of London's Healthy Workplace charter provides a framework for action to help employers build good practice in health and work in their organisation.

The charter supports all types of employers, large and small, from the public, private or voluntary sectors. Using the self-assessment framework your organisation can find out what it is already doing that fits into the ethos of the charter as well as where it might need to improve.

The framework reflects best practice and is endorsed nationally by Public Health England.

By using the charter organisations can benefit from:

- the ability to audit and benchmark against an established and independent set of standards –
- identifying what the organisation already has in place and what gaps, there may be in the health, safety and wellbeing of employees.
- developing strategies and plans –the charter provides a clear structure
- that organisations can use to develop health, safety and wellbeing strategies and plans.
- recognition - the award helps to strengthen the organisation's brand and reputation and supports sales and marketing activities.

Accredited organisations will receive a logo helping them to stand out as employers. Representatives will also be invited to exclusive awards ceremony at City Hall

The charter standards:

- Corporate support for wellbeing
- Attendance management
- Health and safety requirements
- Mental health and wellbeing
- Tobacco
- Physical activity
- Healthy eating
- Problematic use of alcohol and other substances

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Non-Executive Report of the: General Purposes Committee 8 th March 2017	
Report of: Graham White, Acting Corporate Director, Governance and Acting Monitoring Officer	Classification: Unrestricted
Tower Hamlets Constitution - Part 1 Summary and Explanation and Part 2 Articles – Proposed Changes	

Originating Officer(s)	Paul Greeno
Wards affected	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:

The General Purposes Committee is recommended to:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Agree that all the proposed revisions are non-material;
3. Agree the revised Part 1 Summary and Explanation of the Constitution in Appendix 2 with the revisions shown as tracked changes;
4. Agree the revised Part 2 Articles of the Tower Hamlets Constitution in Appendix 3 with the revisions shown as tracked changes; and
5. Note that the revisions to the Constitution will go to Council for approval.

1. REASONS FOR THE DECISIONS

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

2. ALTERNATIVE OPTIONS

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

3. DETAILS OF REPORT

The purpose of the review

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

- 3.3 The Constitution has been updated from time to time: the last time being on 28 January 2015. This is the latest version that has been published on the Council's website. The Constitution has not, however, undergone a thorough review for some time and therefore a number of changes in legislation or fact have not been incorporated. A full review of the Constitution is thereby being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.
- 3.4 The review is ongoing but has been completed in respect of Parts 1 to 3, some of the Procedure Rules in Part 4 and some of the Codes of Conduct in Part 5 but due to the scale and scope, it has been decided to present amendments in bite size chunks for ease of reference and this report is considering Parts 1 and 2 only.

Monitoring Officer Review

- 3.5 As to the completed part of the review in respect of Parts 1 and 2, 109 changes have been identified. A spreadsheet has been prepared (see Appendix 1) that sets out the revision and the reason for it.
- 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.
- 3.7 In respect of entry numbers 59 to 62 and 92 to 95, these changes have gone to Council and been approved.
- 3.8 All of the remaining changes reflect either changes in legislation; changes to correct matters of fact
- 3.9 Appendix 2 contains the revised Part 1 Summary and Explanation of the Constitution showing all the revisions as tracked changes.
- 3.10 Likewise, Appendix 3 contains the revised Part 2 Articles of the Constitution showing all the revisions as tracked changes.

Consideration by the Constitutional Working Party

- 3.11 This Constitution Review has been discussed at the Governance Review Working Group where it was noted that to take this review forward, reports will go to General Purposes and Full Council.
- 3.12 It was also agreed that prior to those reports going forward, it would be useful for these changes to be discussed with Members and a Constitutional Working Party was formed to which all political groups were invited to attend.

These revisions to Parts 1 and 2 were discussed at a Constitutional Working Party meeting on 17th January 2017 and the changes proposed were agreed at that meeting.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

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

5. LEGAL COMMENTS

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

6. ONE TOWER HAMLETS CONSIDERATIONS

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

7. BEST VALUE (BV) IMPLICATIONS

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

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. RISK MANAGEMENT IMPLICATIONS

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder reduction implications.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 - Spreadsheet setting out the revisions and the reasons
- Appendix 2 - Revised Part 1 Summary and Explanation of the Constitution with the revisions shown as tracked changes
- Appendix 3 - Revised Part 2 Articles of the Tower Hamlets Constitution with the revisions shown as tracked changes.

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

- 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"> • 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." 	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	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
17				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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
18				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
19				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
20				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
21				2 - Article 1.03 (Paragraph 2)	Insert new paragraph 2 "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
22				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
23				2 - Article 2.01	Removal of words: "51 Councillors"	Factual change - reflect that the Council now comprises 45 Councillors and not 51
24				2 - Article 2.01	Removal of words: "from May 2014"	Factual change - superfluous words
25				2 - Article 2.03	Number paragraphs 1 through to 7	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
26				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
27				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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
28				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
29				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
30				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
31				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
32				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
33				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
34				2 - Article 3.01 (Complaints (ii))	Addition of words "and Housing Ombudsman "	Factual change - reflect that there is also a Housing Ombudsman
35				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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
36				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
37				2 - Article 4.01(a)	Addition of word "full" before the word "Council"; 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
38				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)
39				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
40				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
41				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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
42				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
43				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
44				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
45				2 - Article 5	Tidy up of section dealing with events outside the Borough	Factual change - general tidy up
46				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
47				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
48				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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
49				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
50				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
51				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
52				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
53				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
54				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
55				2 - Article 6.03	Add new sub-paragraph (c) "(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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
56				2 - Article 6.03	Addition of sub-paragraph (e) "(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
57				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
58				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
59	Council	21/09/2016	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
60	Council	21/09/2016	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
61	Council	05/12/2016	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
62	Council	21/09/2016	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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
63				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
64					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
65				2 - Article 10.01(b)	Addition of words "Fair and"	Factual change - reflects current wording as per Community Plan 2015
66				2 - Article 10.01(b)	Removal of words "through education and vibrant local enterprise"	Factual change - reflects current wording as per Community Plan 2015
67				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
68				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
69				2 - Article 11.02(a)	Addition of words "and/ or their Executives"	Factual change - reflects that arrangements could be with Executives of other Authorities
70				2 - Article 11.02(b)	Addition of words "and/ or their Executives"	Factual change - reflects that arrangements could be with Executives of other Authorities

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
71				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
72				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
73				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
74				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
75				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
76				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"> • 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" 	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
77				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"> • Inner North East London Joint Health Overview and Scrutiny Committee • Joint Committee of the Six Growth Boroughs • London Housing Consortium" 	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
78				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
79				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
80				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 mover to Part 3 of the Constitution
81				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 mover to Part 3 of the Constitution
82				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 mover to Part 3 of the Constitution
83				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 mover to Part 3 of the Constitution.
84				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 mover to Part 3 of the Constitution
85				2 - Article 11.07	Change "07" to "04"	Factual change - renumbering due to the removal of Articles 11.04 to 11.06
86				2 - Article 11.08	Change "08" to "05"	Factual change - renumbering due to the removal of Articles 11.04 to 11.06
87				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
88				2 - Article 11.09	Change "09" to "06"	Factual change - renumbering due to the removal of Articles 11.04 to 11.06

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
89				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
90				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
91				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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
92	Council	21/09/2016	1	2- Article 12.03 (paragraph (b))	<p>Replace existing paragraph with (b) with "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 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"> (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." 	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.

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
93	Council	21/09/2016	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 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:</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 reasons for not taking any action.</p>	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.
94	Council	21/09/2016	1	2 - Article 12.06	New entry	Factual change - to set out functions of the Chief Executive
95	Council	21/09/2016	1	2- Article 12.07	Re-numbered Article 12.06	Factual change - due to addition of new paragraph 12.06
96				2 - Article 13.02	Add "(f) take account of all relevant matters; (g) discount irrelevant matters;"	Factual change - reflects full principles of decision making

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
97				2 - Article 13.03(a)	Addition of words " 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 "	Factual change - to reflect that fact that both General Purposes and the Monitoring Officer has power to make relevant changes to the Constitution
98				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
99				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
100				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
101				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
102				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
103				2 - Article 13.09(a)	Delete the word "will"	Factual change - superfluous words
104				2 - Article 13.09(b)	Delete the word "will"	Factual change - superfluous words
105				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

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
106				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
107				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
108				2 - Article 16 (Procedure to suspend (i))	Removal of word "one" before the word "half"	Factual change - superfluous word
109				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

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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 45 Councillors. 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 Key decisions are to be discussed or made, these must be published in advance, in so far as they can be anticipated. If these 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 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 of the Councillors present and voting at the meeting in favour of the amendment(s). Where a two-thirds 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.

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 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;
- see unrestricted reports and associated background papers and any published record of decisions made by the Council, 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.

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 Council's website 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 horizontal line underneath the name.

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.

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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 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;
3. provide a means of improving the delivery of services to the community;
4. support the active involvement of citizens, businesses and other organisations in the process of local authority decision-making;
5. help the Mayor and Councillors represent their constituents more effectively;
6. enable effective and transparent decisions to be taken;
7. create a powerful and effective means of holding decision-makers to public account;
8. ensure that no one will review or scrutinise a decision in which they were directly involved;
9. 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

11. provide a comprehensive document explaining how the Council operates, who is responsible for taking decisions and how they will be taken.

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. 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.

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.

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;
- (iv) 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, appropriate Member, or officer and when;
- (v) 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 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 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 full Council. Table A shows those plans and strategies that are required by statute to be included in the policy framework:

Annual Library Plan	Section 1(2) Public Libraries and Museums Act 1964
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
Local Transport Plan	Section 108(3) Transport Act 2000
Plans and Alterations which together comprise the Development Plan	Section 27 Town and Country Planning Act 1990
Youth Justice Plan	Section 40 Crime & Disorder Act 1998

- (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) 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;
- (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 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 and will perform the majority of civic and ceremonial duties for the 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 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;
Invitations from other First Citizens to their Borough; and
Those of the London Mayors' Association

This does not preclude the attendance and involvement of the Mayor and/or other Councillors.

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 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).

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 or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.
- (ii) Advise the Mayor, 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 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.
- (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.

- (vi) 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.
- (vii) Exercise the right to call in for reconsideration decisions made but not yet implemented.
- (viii) Refer any report it receives with implications for ethical standards to the Standards Advisory Committee for its consideration.

6.03 Specific Functions

- (a) **Policy Development and Review.** The Overview and Scrutiny Committee will:
 - (i) Assist the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues.
 - (ii) Conduct research, consultation with the community and other consultation in the analysis of policy issues and possible options.
 - (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
 - (iv) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
 - (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- (b) **Scrutiny.** The Overview and Scrutiny Committee and the Scrutiny Panels may:
 - (i) Review and scrutinise decisions made by the Executive and the performance of the Executive and/or Committees and Council officers both in relation to individual decisions and over time.
 - (ii) Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and/or particular service areas.
 - (iii) Question the Mayor, members of the Executive and/or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
 - (iv) Make recommendations to the Mayor/Executive, 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.
- (d) **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.
- (e) **Petitions.** The Overview and Scrutiny Committee will consider requests for reviews on petitions as set out in paragraph 19 of the Council's Procedure Rules as set out in Part 4.1 of the Constitution.
- (e) **Annual Report.** The Overview and Scrutiny Committee must report annually to full Council on its work.

6.04 Allocation of Responsibilities

The Overview and Scrutiny Committee will have a strategic and co-ordinating role over the Council's scrutiny function and also consider executive decisions 'called-in' as detailed in Part 4 of this constitution.

The Overview and Scrutiny Committee will select from among its Councillor Members Lead Scrutiny Members, one for each of the following portfolios:

- Children's
- Governance
- Health, Adults and Community
- Place
- Resources

The Health Scrutiny Panel shall have responsibility for scrutiny of the local health service, in accordance with the provisions of the National Health Service Act 2006. This will be a standing Sub-Committee and will meet at least four times a year.

It shall:

- a) review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
- b) respond to consultation exercises undertaken by an NHS body; and
- c) question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.

The Scrutiny Lead Member for Health, Adults and Community shall be appointed as a Member and Chair of the Health Scrutiny Panel.

Other Scrutiny Panels may be established by the Overview and Scrutiny Committee in line with its work programme and will consider specific reviews, their terms of reference to be set by the Committee.

6.05 Reports

The Overview and Scrutiny Committee will report to 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 are also Executive Bodies having 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 and nine 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 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.
- (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.

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 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.

11.03 Current Joint Committees

Pursuant to section 101 of the Local Government Act 1972 and section 9EB of the Local Government Act 2000 the Council 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.

11.04 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.

11.05 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 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.

11.06 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

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
Corporate Director, Resources	Chief Finance Officer
Corporate Director, 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.

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 how the Council's functions 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.

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 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.

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 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.

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 a significant concern on his/her behalf and which goes beyond either:

- (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;

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.

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.**

- (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 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.

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 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 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, 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, 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, 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, Governance should be sealed. The affixing of the Common Seal will be attested by the Corporate Director, Governance or some other person authorised by her/him.

Article 15 - Review and Revision of the Constitution

15.01 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:
 - (i) Observe meetings of different parts of the Member and officer structure.
 - (ii) Undertake an audit trail of a sample of decisions.
 - (iii) Record and analyse issues raised with her/him by Members, officers, the public and other relevant stakeholders.
 - (iv) Compare practices in this authority with those in other comparable authorities or national examples of best practice.
- (c) 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.

- (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.

(b) Change of Executive Arrangements.

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 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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Non-Executive Report of the: General Purposes Committee 8 March 2017	 TOWER HAMLETS
Report of: Debbie Jones, Corporate Director (Children's Services)	Classification: [Unrestricted or Exempt]
Local Authority Governor Application	

Originating Officer	Runa Basit
Wards affected	All

1. SUMMARY

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

2. RECOMMENDATION

The General Purposes Committee is recommended to:

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

3. REASONS FOR DECISION

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

4. ALTERNATIVE OPTIONS

Background - LA appointed governors

- 4.1 To improve the efficiency for appointing local authority governors to school vacancies, the General Purposes Committee at a meeting held on Wednesday 15 February 2006 made the decision to delegate authority to the Corporate Director (Children, Schools & Families) to appoint and revoke the appointment of local authority governors, except where there was a dispute about an appointment or there was more than one applicant for a post in which case the Committee would decide the appointment.
- 4.2 At a meeting on 29 November 2011, the Council resolved to amend the constitution and the terms of reference of the General Purposes Committee were amended. The committee is now responsible for the appointment and revocation of local authority school governors.
- 4.3 As this is a function of the local authority there is no alternative option.

5. LOCAL AUTHORITY GOVERNOR NOMINATIONS AND APPOINTMENTS

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

6. APPLICATIONS

Re-Appointments

- 6.1 The Headteacher and Chair of Virginia Primary School are in support of this re-appointment and provided the following information. Kathy Darby has been a highly regarded member of the governing body since 2009. Over the years, she has been extremely supportive of the school and leadership. There have been many challenges and Kathy has not only given support in developing the school's vision, but also emotional support. Kathy asks good questions in meetings, enabling the SLT to develop their thinking. Kathy is very knowledgeable and her contributions valuable. She thinks things through carefully and helps us make informed decisions.

Most importantly, Kathy is passionate about education and making a difference to young people's lives. She enjoys visits to the school and celebrating the children's achievements. She recognises and values the work of the Virginia school team and this is really appreciated by the staff. I do hope she will continue to be part of our governing body and highly recommend her re-appointment.

Ms Kathy Darby's application is enclosed as **Appendix 1**.

6.2 The Headteacher at Globe Primary is in support of this application and provided the following statement.

John Edwards has been a Governor at Globe for nearly 16 years and has been the Chair for almost 15 years. He has been unanimously voted as Chair each year due to how skilled he is. His knowledge of the school is immense, as is his knowledge of what makes an effective Governor. He has been a stable and consistent factor as to why our school has continually improved over the years and why it is currently a highly successful school. He is relentless in his high expectation and challenge for the school and it would be a major loss to us if he were to leave. His dedication is exemplary. He is a Tower Hamlets resident with an understanding of our school community. He is highly skilled in building management and finance in his own employment, skills which he uses in our school through chairing the Finance and Premise Committee.

Mr John Edwards's application is enclosed at **Appendix 2**.

6.3 The Headteacher at Ben Johnson is in support of this application and provided the following statement.

Dr Ray Hall has been a longstanding governor at Ben Jonson. She has offered many years of committed and unstinting service to the school and the community it serves. Dr Hall is a lecturer at Queen Mary College at the end of the road and this connection along with others has enriched the life of the school. Her skill set is invaluable to the school and the work of the governing body. Under her leadership and her high expectations of participation and commitment the governing body has grown in strength and function. New governors, when joining the governing body, are very clear about what being a member of the governing body means at Ben Jonson and they rise (and often) exceed these expectations. She encourages all governors (but especially the parent governors) to challenge and ask probing questions and to gather first-hand experience and evidence of the school's work.

Dr Hall has seen the school through a number of Headteachers, changes and challenging times. She has often been the constant in a sea of changes. I warmly support her reapplication as the school is still in need of her deep knowledge of the school (both now and in the past). The school still needs the support and the challenge that Dr Hall can and has provided.

Dr Ray Hall's application is enclosed at **Appendix 3**.

6.4 The Headteacher at Stebon Primary is in support of this application and provided the following statement.

Mr Peter Sherratt has been involved with Stebon Primary School since the beginning of 2012, initially as chair of the Interim Executive Board established by the LA in that year &, since 2013, as a local authority governor & chair of the governing body.

It is no understatement to say that Peter has been instrumental in the rapid & sustained improvements made at Stebon both in terms of the standard of governance (leadership & management was graded 'outstanding' at our most recent Ofsted inspection - of which governance is a significant part) & pupil outcomes. In the last 5 years, Stebon has gone from being one of the worst performing schools in the LA to being well above the local average.

A barrister by training, Peter now spends the majority of his time leading & supporting charities close to his heart. Apart from his considerable skills in terms of business, finance, charities & the law, He brings a strong commitment to our school & its pupils & to building the best possible future for them. Peter shares our vision of Stebon becoming one of the best schools in the country & we would love the opportunity to continue to work together to make that happen.

Mr Peter Sherratt's application is enclosed at **Appendix 4**.

New application

6.5 The Headteacher of St. Luke's C.E. Primary School is in support on this application and provided the following information.

For as long as I have been the Headteacher here, Valentine has coordinated Music Partners for our school, from her employer Credit Suisse. She herself is an accomplished Musician and committed teacher of young people. So much so, she runs her own Saturday school to teach children piano and theory of music. Thanks to her diligence the children at our school have had weekly tuition for: drumming, piano and guitar. She has also taught children theory of music and with Credit Suisse's backing, paid for and entered them for their theory of music and piano exams.

I was particularly struck by Valentine when she invited one of our children to come, with her mum, to her place of work during the summer holidays, so that her theory tuition could continue consistently.

Valentine has an excellent work ethic and she embodies our school values. She is a superb role model to the children and will bring professionalism and commitment to the governing board. I as the headteacher, whole heartedly support her application.

Ms Valentine Phillip's application is enclosed at **Appendix 5**.

7. COMMENTS OF THE CHIEF FINANCE OFFICER

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

8. LEGAL COMMENTS

- 8.1 Section 19 of the Education Act 2002 requires each maintained school to have a governing body, which is a body corporate constituted in accordance with the Regulations. Each maintained school is required to have an instrument of government, which specifies the membership of the governing body. Regulations require a governing body to include person appointed as a local authority governor and for a number of associated matters.
- 8.2 The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.
- 8.3 Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –
- A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.
 - A person must be aged 18 or over at the date of appointment to be qualified to be a governor.
 - A person cannot hold more than one governor post at the same school at the same time.
 - A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.
 - A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being barred from 'regulated activity' relating to children under the Safeguarding of Vulnerable Groups Act 2006; or

(6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.

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

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

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

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

9. ONE TOWER HAMLETS CONSIDERATIONS

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

10. BEST VALUE (BV) IMPLICATIONS

10.1 There are no best value implications arising from the report.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 There are no SAGE implications in the report.

12. RISK MANAGEMENT IMPLICATIONS

12.1 Governors have a crucial strategic role in promoting school improvement and supporting Headteachers and staff in their work. Their statutory responsibilities and duties require a range of skills. There is a risk that the local authority will not be able to meet governing body requirements for particular skills. The LA engages in a number of activities to ensure a range of applications from the community and local business.

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 13.1 The proposals in the report do not have an impact in relation to the reduction of crime and disorder.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendices 1 – 5 [EXEMPT]. LA Governor Application Forms

Officer contact details for documents:

- Runa Basit, Head of School Governance & Information

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