



Meeting of the

TOWER HAMLETS COUNCIL

Wednesday, 19 July 2017 at 7.00 p.m.

A G E N D A

VENUE

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

Democratic Services Contact:

Matthew Mannion, Committee Services Manager, Democratic Services
Tel: 020 7364 4651, E-mail: matthew.mannion@towerhamlets.gov.uk



Directorate of Governance

Democratic Services
Tower Hamlets Town Hall
Mulberry Place
5 Clove Crescent
London E14 2BG

Tel **020 7364 4651**
Fax **020 7364 3232**

www.towerhamlets.gov.uk

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

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.00 p.m.** on **WEDNESDAY, 19 JULY 2017**

Will Tuckley
Chief Executive

Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Council. However seating is limited and offered on a first come first served basis and meetings tend to reach full capacity.

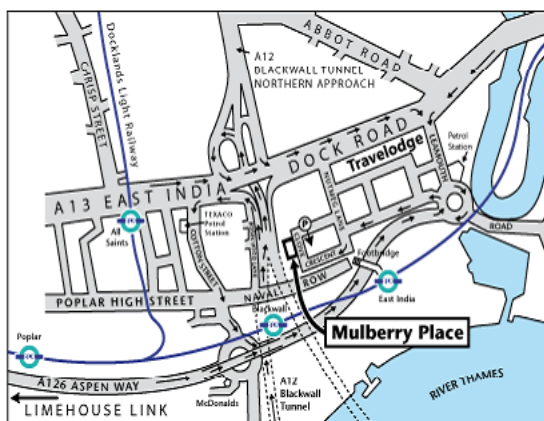
Audio/Visual recording of meetings.

The Council will be filming the meeting for presentation on the website. Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are:
East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and display parking at the Town Hall (free from 6pm)

If you are viewing this on line: (http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users

LONDON BOROUGH OF TOWER HAMLETS

COUNCIL

WEDNESDAY, 19 JULY 2017

7.00 p.m.

PAGE
NUMBER

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

1 - 4

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

3. MINUTES

5 - 10

To confirm as a correct record of the proceedings the unrestricted minutes of the Annual General Meeting of the Council held on Wednesday 17 May 2017.

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

5. TO RECEIVE PETITIONS

11 - 14

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

The deadline for receipt of petitions for this Council meeting is noon on Thursday 13 July 2017.

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

6. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE PUBLIC

15 - 16

The questions which have been received from members of the public for this Council meeting are set out in the attached report. A maximum period of 20 minutes is allocated to this agenda item.

7. MAYOR'S REPORT

The Council's Constitution provides for the Elected Mayor to give a report at each Ordinary Council Meeting.

A maximum of five minutes is allowed for the Elected Mayor's report, following which the Speaker of the Council will invite the respective political group leaders to respond for up to one minute each if they wish.

8. STATE OF THE BOROUGH DEBATE

An opportunity for the Mayor and Group Leaders to set out their views on the 'State of the Borough'.

The arrangements are as follows:

- Mayor John Biggs to speak for twenty minutes
- Councillor Oliur Rahman to speak for five minutes
- Councillor Peter Golds to speak for five minutes
- Councillor Rabina Khan to speak for five minutes
- Mayor John Biggs to respond for five minutes
- Close of debate

9. TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL 17 - 24

The questions which have been received from Councillors to be put at this Council meeting are set out in the attached report. A maximum period of 30 minutes is allocated to this agenda item.

10. REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES

10 .1 Report of the Executive - Clear Up Board Final Report 25 - 112

Council is asked to consider the final report of the Clear Up Board.

Note – the report was prepared and published for Cabinet by the Acting Corporate Director, Governance, Graham White. The report is now the responsibility of the new Corporate Director, Governance, Asmat Hussain.

10 .2 Report of the Overview and Scrutiny Committee - Overview and Scrutiny Committee Annual Report 2016/17 113 - 148

Council is asked to consider the Annual Report of the Overview and Scrutiny Committee for the 2016/17 municipal year.

10 .3	Report of the Audit Committee - Treasury Management Outturn Report 2016/17	149 - 180
	Council is asked to consider the Treasury Management Outturn Report for 2016/17.	
11.	TO RECEIVE REPORTS AND QUESTIONS ON JOINT ARRANGEMENTS/EXTERNAL ORGANISATIONS (IF ANY)	
12.	OTHER BUSINESS	
12 .1	Late Night Levy	181 - 188
	Council is asked to consider the report of the Chief Executive in respect of the Late Night Levy consultation process.	
12 .2	Proposed Revision to the Constitution - Part 3.3 (Overview and Scrutiny Committee Terms of Reference)	189 - 194
	Council is asked to consider the report of the Corporate Director, Governance proposing a number of revisions to Part 3.3 (Overview and Scrutiny Committee Terms of Reference) of the Council's Constitution.	
12 .3	Proposed Revision to the Constitution - Parts 4.2, 4.3, 4.5, 4.6 and 4.7	195 - 266
	Council is asked to consider the report of the Corporate Director, Governance proposing a number of revisions to the following Parts of the Council's Constitution:	
	<ul style="list-style-type: none"> • 4.2 (Access to Information Procedure Rules) • 4.3 (Budget and Policy Framework Procedure Rules) • 4.5 (Overview and Scrutiny Committee Procedure Rules) • 4.6 (Financial Procedure Rules) • 4.7 (Contract Procedure Rules) 	
12 .4	Proposed Revision to the Constitution - Part 5.2 (Planning Code of Conduct)	267 - 298
	Council is asked to consider the report of the Corporate Director, Governance proposing a number of revisions to Part 5.2 (Planning Code of Conduct) of the Council's Constitution.	
13.	TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL	299 - 328
	The motions submitted by Councillors for debate at this meeting are set out in the attached report.	

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer. Tel 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>

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE COUNCIL

HELD AT 8.05 P.M. ON WEDNESDAY, 17 MAY 2017

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

Members Present:

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

The Speaker of the Council Khaled Uddin Ahmed in the Chair

1. ELECTION OF SPEAKER

Before commencing his address, the Speaker of the Council welcomed to the Council meeting, Unmesh Desai, the Greater London Authority Member for the City and East London Constituency

He was also sad to report that former Councillor Ashek Ali passed away in April. He was the first elected Bangladeshi Labour Councillor in Tower Hamlets. The Council's thoughts and wishes were with his family and friends at this time.

The Speaker of the Council stated that he was grateful to have had this opportunity to serve as Speaker over the previous year and had enjoyed the

experience very much. He reported that he had received overwhelming support from the community at the many events he had supported and was proud to have had the honour of recognising the achievements of citizens at the Civic Awards ceremony.

He had held two successful events to raise money for his charities. He hoped to raise around £50,000 for his charities. These were the Friends of Tower Hamlets Cemetery Park, Apasen, SOUL (the Social Organisation for Unity and Leisure) and the BBPI Foundation. He thanked all those who had supported these events, especially the Canary Wharf Group, who had supported the Speaker over many years, fellow Councillors and the newly established Speaker's Cadets. He hoped that future Speakers would continue with this initiative. He expressed support for the campaign to make Tower Hamlets a Royal Borough given its special features and hoped that the Deputy Lieutenant for Tower Hamlets, Leslie Morgan would continue to work for this. Finally, he wished his successor good luck and thanked staff for supporting him during the year.

The Mayor John Biggs and the Opposition Group Leaders then responded to the Speaker's address. They thanked him for all his hard work over the previous year and for presenting a positive image of the Borough to the community. It was clear from his time in Office that he cared passionately and was very dedicated to the Borough. They also congratulated him on his charitable fundraising, his community work, especially his work with the young Mayors, and the manner in which he had presided over Council meetings.

The Speaker then called for nominations to serve as Speaker of the Council for the coming year.

It was **moved** by Mayor John Biggs, **seconded** by Councillor Rachael Saunders, and:

RESOLVED

1. That Councillor Sabina Akhtar be elected to serve as Speaker of the London Borough of Tower Hamlets Council until the Annual Council Meeting in May 2018.

Mayor John Biggs and Councillor Rachael Saunders then came forward to witness the Speaker of the Council signing the statutory declaration of acceptance of office.

The Speaker of the Council, Councillor Sabina Akhtar in the Chair

The incoming Speaker, Councillor Sabina Akhtar thanked the Council for electing her as Speaker. She reported that she would be one of the youngest Councillors and the first ever Bengali woman to hold the position. She hoped that this achievement would inspire the younger generation to play an active role in politics.

In the year ahead she would be working to encourage citizens to participate in the life of the borough especially young people. For this reason, she had chosen the following charities to support this year: The Tower Hamlets Education Support in Sylhet Trust, the Boundary Employment Project, the Stifford Centre Trust, the Docklands Sailing Centre Trust and Wise Youth Trust. She would be supported by her husband and her family. She hoped to raise as much money as possible for her charities. However, she stated that she would not be setting a specific fund raising target so as not to detract from her primary goal of providing a link between the Council and the community.

The respective political leaders and other Councillors then congratulated Councillor Akhtar on her appointment.

2. ELECTION OF DEPUTY SPEAKER

The Speaker sought nominations to serve as Deputy Speaker of the Council for the forthcoming municipal year. It was **moved** by Mayor John Biggs, **seconded** by Councillor Sirajul Islam, and:

RESOLVED

1. That Councillor Ayas Miah be elected to serve as Deputy Speaker of the London Borough of Tower Hamlets Council until the Annual Council meeting in May 2018.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of

- Councillor Candida Ronald

4. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of Disclosable Pecuniary Interests.

5. MINUTES

RESOLVED

1. That the unrestricted minutes of the Ordinary Council Meeting held on 22 March 2017 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

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

On behalf of the Council, the Speaker of the Council thanked Aman Dalvi, who would shortly retire from the Authority, for his services as the Corporate Director Place, and formerly Corporate Director, Development and Renewal. She advised that Mr Dalvi arrived at the Council in February 2009 with many years of experience in housing and urban regeneration. His notable achievements included securing the regeneration of both the Ocean Estate and Blackwall Reach as well as embarking on an ambitious house building programme.

The Mayor, Opposition Groups Leaders and fellow Councillors also paid tribute to Mr Dalvi, praising his contributions and achievements.

The Council wished him well for the future.

7. MAYOR'S CABINET AND EXECUTIVE ARRANGEMENTS

The Council considered the report of the Acting Corporate Director, Governance and Interim Monitoring Officer (circulated in a supplementary agenda) setting out the Mayor's Cabinet appointments and other arrangements in respect of Executive Decision Making.

The recommendation was put to the vote and was **agreed**. Accordingly it was:

RESOLVED

1. That the Mayor's Executive Decision Making scheme be noted.

8. PROPORTIONALITY AND ESTABLISHMENT OF COMMITTEES

The Council considered the report of the Acting Corporate Director, Governance and Interim Monitoring Officer proposing the establishment of the Council's committees for 2017/18 and setting out the review of proportionality and the allocation of places on those Committees and sub committees.

The recommendations were put to the vote and were **agreed**. Accordingly it was resolved:

RESOLVED

That the Council agrees:

1. The review of proportionality as at section 3 of the report and the allocation of seats on Committees and Panels for the Municipal Year 2017/18 as set out at paragraph 4.2 of the report.
2. The Committees and Sub-Committees established for the municipal year 2017/18, and places be allocated on those Committees and Sub-Committees, as set out at paragraph 4.2 of the report.

3. To note the proposed arrangements for Overview and Scrutiny Sub-Committees.

9. COMMITTEE CALENDAR 2017/18

The Council considered the report of the Acting Corporate Director, Governance and Interim Monitoring Officer setting out a revised calendar of meetings for the Council, Committees and other meetings for the municipal year 2017/18.

The recommendations were put to the vote and were **agreed**. Accordingly it was

RESOLVED

1. That the proposed amended calendar of meetings for the municipal year 2017/18 be approved as set out in Appendix A of the report.
2. That the Corporate Director Governance be delegated the authority to agree meeting dates for any new Committees or Panels that are set up subsequent to this report being presented to Council, subject to appropriate consultation with Members.

10. APPOINTMENTS TO COMMITTEES AND PANELS OF THE COUNCIL

The Council considered the report of the Acting Corporate Director of Governance and Interim Monitoring Officer regarding the appointment of members to the Council's Committees and Panels, and Chairs where appropriate, including those established under item 8 above. The list of nominations received was tabled at the meeting.

Following the receipt of two nominations for the position of Chair of the Pensions Committee, the nominations were put to the vote and Councillor Clare Harrison was elected to that position.

In addition, at the meeting the Independent Group asked that Councillor Mahbub Alam be added as their representative on the Grants Scrutiny Sub – Committee.

The recommendations were put to the vote and were **agreed**. Accordingly it was


RESOLVED

1. That members and substitute members be appointed to the committees and sub-committees of the Council and other bodies for the municipal year 2017/18 as set out in the list of tabled nominations as amended at the meeting .

2. That the Chairs of Committees for 2017/18 be appointed from amongst the list of tabled nomination subject to the appointment of Councillor Clare Harrison to the position of Chair of the Pensions Committee.
3. That in relation to any unfilled places within the seats allocated to a particular political group, the Council note that the Corporate Director, Governance has delegated authority subsequently to agree the appointments to those places in accordance with nominations from the relevant political group.

The meeting ended at 9.00 p.m.

Speaker of the Council

<p>Non-Executive Report of the:</p> <p>Council</p> <p>19 July 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance</p>	<p>Classification: Unrestricted</p>
<p>Petitions to be Presented to Council</p>	

SUMMARY

1. The Council's Constitution provides for up to three petitions to be presented at each ordinary Council meeting. These are taken in order of receipt. This report sets out the valid petitions submitted for presentation at the Council meeting on Wednesday 19 July 2017.
2. The deadline for receipt of petitions for this meeting is noon on Thursday 13 July 2017. However, at the time of agenda despatch the maximum number of petitions has already been received as set out overleaf.
3. The text of the petitions received for presentation to this meeting are set out in the attached report. In each case the petitioners may address the meeting for no more than three minutes. Members may then question the petitioners for a further four minutes. Finally, the relevant Cabinet Member or Chair of Committee may respond to the petition for up to three minutes.
4. The petition will then be referred to the relevant Corporate Director for attention who will provide a written response within 28 days.
5. Members, other than a Cabinet Member or Committee Chair responding at the end of the item, should confine their contributions to questions and not make statements or attempt to debate.

5.1 Petition regarding Poplar HARCA (Petition from Ras Uddin and Tower Hamlets East Residents Association)

Petition from the Residents & Tenants of Poplar Harca, London Borough of Tower Hamlets to Mayor John Biggs and all Tower Hamlets Councillors.

For the attention of the Tower Hamlets Mayor John Biggs and all Tower Hamlets Councillors:

The tenants and residents of Poplar Harca are very concerned about the actions and recent behaviour displayed by Poplar Harca and feel that they are acting along the lines of a private landlord as opposed to a social landlord. The Poplar Harca housing stock was originally transferred by Tower Hamlets Council and we are keen to ascertain what responsibilities the Borough still has in regarding to this housing. Poplar Harca tenants and residents are currently experiencing many issues and concerns including:

1. The private selling/ auctioning of housing stock by Poplar Harca without any consultation with the Poplar Estate Board.
2. Parking Bay rent increases which have gone up astronomically and without any consultation with the Poplar Estate Board.
3. Parking bays have been terminated without following the correct policies and procedures.
4. Major works carried out for leaseholders without proper consultation procedures being followed which has resulted in very large and unaffordable bills issued to tenants and residents.
5. Service charges are erratic and some residents/tenants are being charged more than others for the same services.

The above are some of the issues which the tenants & residents have repeatedly attempted to convey to Poplar Harca. Poplar Harca have, for the most part, ignored the issues and have responded intermittently but do not communicate effectively or willingly. As you can imagine this is very frustrating and time consuming. As a result we have formed the Tower Hamlets East Residents' Organisation in order to try and resolve this growing list of issues. We have written many times to Poplar Harca but have received no written responses at all.

As mentioned above both tenants and residents feel that Poplar Harca is acting as a private landlord might and we do not have any information about the Poplar Harca Board Members, how they been selected and what their individual roles are. We are also unclear as to how the parking bay charges have been arrived at as the increase is far greater than inflation. Some properties have been vacant for many months and were sold off recently via auctions. This seems odd as there is currently a waiting list of 24,000 people

for housing in Tower Hamlets. How are these people being catered for and what is the nominations process.

We feel strongly that Poplar Harca is not adhering to correct policy and procedures, according to the tenets of being a social landlord. We would, therefore, like to request Tower Hamlets Council to look into the matters detailed with urgency and to suspend all Poplar Harca communications, funding and planning applications with immediate effect. We would like to invite the Mayor John Biggs and all the Tower Hamlets Councillors to meet with our association to discuss the aforementioned points at your very earliest convenience.

We have collected a large number of signatures from Poplar Harca tenants and residents which we are including with this letter. We look forward to hearing from you soon.

5.2 Petition regarding Save Our NHS (Petition from Dr Jackie Applebee Turner and others)

We, the undersigned, are gravely concerned that the North East London Sustainability and Transformation Plan (NEL STP) cannot achieve the proposals set out within the STP without a dangerous deterioration in the services that the NHS is able to provide. The NEL STP will require savings from the NHS budget in the region of £500,000,000 across the eight boroughs, while it is expected to require £500,000,000 up-front capital funding for new facilities.*

We urge Tower Hamlets council to reject the STP and to join us in campaigning for properly funded social care and a properly funded NHS, to a level of 10% of GDP, in line with health services in comparable countries.

(*Source <https://www.bma.org.uk> news 2017 februar /nhs-needs-9-5-to-transform)

5.3 Petition regarding renewable energy (Petition from David Raedeker and others)

Restart the debate on how Tower Hamlets can meet its renewable energy targets with a closer look at the financial potential to utilise solar energy on the rooftops of Tower Hamlets owned property.

In 2008 Tower Hamlets set out their ambitions for a decentralised low carbon energy supply. Unfortunately, and for no obvious reason, the debate has been buried. In the face of daily illegal levels of carbon dioxide emissions, to name just the most obvious example, this is contradictory.


In the meantime renewable energy has become cheaper than fossil fuel and nuclear energy. In a climate of budget cuts it is counterproductive that there is no surge towards saving money long term by utilising these new resources. Rather than financial pressure, it seems to be a lack of political will instead of

a positive vision, which could promote Tower Hamlets as not only one of the most culturally diverse councils in the country, but one of the most progressive.

A starting point could be the utilization of council owned roof top spaces for solar energy supply. It has been well documented that solar energy makes financial sense in a city like London and that city-rooftops are an under used skyline resource.

We would like to know, what has been done in recent years and what is holding you back from engaging with these new opportunities...?

Agenda Item 6

Non-Executive Report of the: Council 19 July 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Questions Submitted by the Public	

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

SUMMARY

1. Set out overleaf are any questions submitted by members of the public, for response by the Mayor or appropriate Cabinet Member at the Council Meeting on 19 July 2017.
2. The Council's Constitution sets a maximum time limit of twenty minutes for this item.
3. A questioner who has put a question in person may also put one brief supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. Supplementary questions and Members' responses to written and supplementary questions are each limited to two minutes.
4. Any question which cannot be dealt with during the twenty minutes allocated for public questions, either because of lack of time or because of non-attendance of the questioner or the Member to whom it was put, will be dealt with by way of a written answer.
5. Unless the Speaker of Council decides otherwise, no discussion will take place on any question, but any Member of the Council may move, without discussion, that the matter raised by a question be referred for consideration by the Cabinet or the appropriate Committee or Sub-Committee.

QUESTIONS

4 public questions have been submitted as set out below:-

6.1 Question from Ahmed Hussain

1. Argent wants to make the most money out of the regeneration
 2. One Housing Group wants to increase its stock as much as it can and wants to borrow money against OUR property
 3. The council wants to shift some of its residents from the waiting list to the newly built homes (even though they will not get the preferred 35% out of this regeneration); they also want to increase their receipt on council tax
- All of the above are supported by the council under the current Mayors Executive Power

But what is the council doing to ensure:

1. The current leasehold and freeholders will get a like for like property; surely the council needs to be fair for all and not just look after itself, housing association and the developer?

6.2 Question from Natasha Bolter

Could the Mayor please highlight his approach and to bullying within his workforce and the community at large?

6.3 Question from Kabir Hussain

Will the Mayor inform how many empty properties (excluding second homes) were in the Borough for each year between 2010-2016/17, and at the present?

6.4 Question from Dipu Jagirdar

What is the Mayor doing to stop our schools turning in to Academies?

Agenda Item 9

Non-Executive Report of the: Council 19 July 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Questions submitted by Members of the Council	

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

SUMMARY

1. Set out overleaf are the questions that were submitted by Members of the Council for response by the Mayor, the Speaker or the Chair of a Committee or Sub-Committee at the Council meeting on Wednesday 19 July 2017
2. In accordance with Council Procedure Rule 12.2 as amended, questions relating to Executive functions and decisions taken by the Mayor are put to the Mayor unless he delegates such a decision to another Member, who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.
3. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. Council Procedure Rule 12.5 provides for an answer to take the form of a written answer circulated to the questioner, a reference to a published work or a direct oral answer.
5. There is a time limit of thirty minutes at the Council meeting for consideration of Members' questions with no extension of time allowed and any questions not put within this time are dealt with by way of written responses.
6. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

MEMBERS' QUESTIONS

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

9.1 Question from Councillor Denise Jones

Can the Mayor tell us what steps he has taken to ensure fire safety on Tower Hamlets Homes and other housing provider estates following the tragic Grenfell Tower disaster?

9.2 Question from Councillor Ohid Ahmed

Can the Mayor confirm the precise figures and names of the high-rise buildings as well as tower blocks in the borough which are 'unsafe' or 'at risk' because of the 'substantial' or 'significant' fire risk, and what action has he taken to make sure these are safe?

9.3 Question from Councillor Rajib Ahmed

Can the Mayor update the council on his housing plans including the opening of Watts Grove and the new Private Renters Charter?

9.4 Question from Councillor Andrew Wood

Is the Mayor satisfied that all buildings in Tower Hamlets with cladding have now been checked or are in the process of being checked and that fire safety assessments are up to date?

9.5 Question from Councillor Candida Ronald

What is the Mayor doing to ensure that the failures revealed by the Clear Up investigation can never happen again, whoever is Mayor?

9.6 Question from Councillor Rabina Khan

Will the results of the cladding tests of both council and social high rise tower blocks in Tower Hamlets be made public?

9.7 Question from Councillor Helal Uddin

Can the lead member give an update on the performance of Work Path?

9.8 Question from Councillor Oliur Rahman

Can the Mayor confirm what salary is he claiming at present from the Council - is it the full increase to his pay packet that he granted himself in his budget - and since when has he claimed this full increase? Will he confirm if he receives any other allowances, salaries, money or perks from the Council or elsewhere? (In addition, notwithstanding what may or may not be currently on the council website buried in reports, for the sake of transparency and for the benefit of residents who may not have time to explore website links or read reports full of jargons, will the Mayor clearly list all his current, past and up to date hospitality/gifts, salaries, allowances and any financial interests since the day he became the Mayor, and list the full details in the minutes for a simple public record reference?)

9.9 Question from Councillor John Pierce

How many meetings of Tower Hamlets Homes board were inquorate, preventing key strategic decisions being made, due to non-attendance of Councillors, appointed by Mayor Rahman from 2012 – 2015?

9.10 Question from Councillor Peter Golds

Will the Mayor inform the council as to whether the four homeless families have moved into 10 Turin Street according to the decision of the Asset Management Board seven months ago on the 9th December 2016?

9.11 Question from Councillor Marc Francis

When will there be a safer crossing over the A12 at Wick Lane?

9.12 Question from Councillor Shah Alam

Following the stabbing of Syed Jamanoor Islam, the Mayor committed to the requests of the family in Altab Ali park, can he please provide an update to the council as to what he has completed to date?

9.13 Question from Councillor Danny Hassell

Will Tower Hamlets have a Creative Enterprise Zone when announced by the GLA later this year?

9.14 Question from Councillor Mahbub Alam

Given the alarming increase in Islamophobic hate crimes in recent time, particularly the shocking rise in acid attacks against Muslims, including those in Tower Hamlets, one of which took place on 29 June 2017 in Watney Market (unreported and possibly not recorded), and another attack on Burdett Road, E3 at 02:13hrs on 4 July 2017 (recorded and reported) as well as other such attacks - will the Mayor provide the figures for acid attacks, including any form of dangerous chemical, in Tower Hamlets for each year since 2011?

9.15 Question from Councillor Shiria Khatun

What is being done to ensure fire safety inspections are being carried out for residential blocks in the borough?

9.16 Question from Councillor Julia Dockerill

Following the meeting I organised on the 27th April at St Georges Town Hall to discuss Anti-Social Behaviour problems in St Katharine's & Wapping ward will the Mayor provide an update on the specific issues raised in particular the actions requested by the Borough Commander after the meeting.

9.17 Question from Councillor Dave Chesterton

Will the Mayor please take whatever action he deems necessary to prevent the demolition of the No.1 gas holder at Leven Road, Poplar? This gas holder, made at Ironworks on the Isle of Dogs and erected in 1878 is of significant local historical interest and should be preserved as part of the redevelopment of this part of Poplar.

9.18 Question from Councillor Shafi Ahmed

The legal definition of an offensive weapon includes anything intended to be used to harm another person, like a sharpened comb. Acid must also now be seen as an offensive weapon. Will the Mayor write a joint letter with all Group Leaders to the Secretary of State to review the legislation of acid so that to carry acid or corrosive substance will be an offensive weapon?

9.19 Question from Councillor Ayas Miah

Does the Mayor support the Mayor of London's Ultra Low Emission Zone?

9.20 Question from Councillor Md. Maium Miah

On Monday 26 June 2017, a mother was shockingly hit by a lorry due to dangerous driving in Westferry Road. I attended the scene and residents told me that dangerous driving and lack of proper road safety management/enforcement are among the most consistent and serious concerns for local residents, and across the Isle of Dogs. These issues, along with persistent traffic chaos, building and maintenance work activities mostly sanctioned by the council is turning the Canary Wharf Ward and the Isle of Dogs into an unsafe and chaotic place for both pedestrians and drivers. Will the Mayor tell us what action has been taken to address these issues for Canary Wharf and Isle of Dogs residents?

9.21 Question from Councillor Chris Chapman

Given issues raised in the Channel 4 Dispatches programme on the 3rd July about cruise ship related air, noise and light pollution, what steps is the Mayor and the London Borough of Tower Hamlets undertaking regarding cruise ships on the River Thames, docks and in the future docking at Enderby Wharf which is contiguous to the Isle of Dogs?

9.22 Question from Councillor Aminur Khan

The Tower Hamlets Sports Foundation delivers a fantastic sports programme for children and young people in Tower Hamlets. Will the Mayor and his Cabinet ensure that Tower Hamlets Sports Foundation continues to deliver the much needed sports programme for youngster in Tower Hamlets?

9.23 Question from Councillor Gulam Robbani

As per HMRC's children in the low-income families' local measure, the most basic and a critical set of data set for a local authority and the Government, will the Mayor confirm how many children are currently in this category and what percentage is it of the total children in Tower Hamlets?

9.24 Question from Councillor Craig Aston

Will the Mayor confirm how much S106, CIL and New Homes Bonus cash is sitting in the Councils bank account to help pay to replace the broken play equipment in Ropemakers Fields which is being held up by a lack of funds to pay for replacement equipment?

9.25 Question from Councillor Abdul Asad

Given the damaging impact of the new Council Tax Reduction scheme on self-employed residents and others in the borough will the Mayor now admit that he misled Tower Hamlets when he stated that it was still retaining 100% of the original scheme?

9.26 Question from Councillor Suluk Ahmed

Will the Mayor tell us:

- What is the level of child poverty in Tower Hamlets?
- What % and numbers of residents currently live in fuel poverty?
- How many households have an income of less than £15,000?
- How many residents have used food-banks and vouchers for each year since 2015 until now?(Please kindly provide the exact figures and information and not refer to a web-link or report. Thank you)

9.27 Question from Councillor Harun Miah

In relation to housing, will the Mayor tell us:

- How many households are currently on a borough's housing register – and how many of these are in priority categories 1 and 2. How many of these are officially overcrowded?
- How many are in temporary accommodation? Are any in Bed and Breakfast?
- What are the top three furthest places a family on a housing register been accommodated – temporarily or permanently - by the Council since June 2015 and to which areas and when?
- How many properties are under/over occupied at present?
- How many approaches to the Council about homelessness were made – broken down for each year since 2015 – until present. How many of them were already homeless and how many were at the risk of being homeless?
- How many homeless families were/are from the ethnic minorities or from the protected categories under the Public Sector Equality Duty with a breakdown for each category, please?(Please kindly provide the exact figures and information and not refer to a web-link or report. Thank you)

9.28 Question from Councillor Gulam Kibria Choudhury

Will the Mayor tell us the crime figures – with numbers and percentages from 2012/13 until now - for the following categories:

- Murders
- Assaults
- Anti-Social Behaviour
- Knife Crime
- Islamophobic crime (the Cabinet Member responsible stated at a previous council meeting that these were started to be recorded separately, possibly since 2015/16 but were never confirmed or made public?!)
- Acid and any kind of chemical attacks(Kindly do not provide a link, refer to report or that unable to find the information, please provide the precise information requested. This information is very important for community, council and residents. If for any reason it is not available, please find out and make an official request to obtain this information as a matter of urgency and let the members know and include in the minutes and the written answer)

9.29 Question from Councillor Muhammad Ansar Mustaqim

In relation to the cost of living, employment and jobs, will the Mayor inform:

- What is the average cost of living for Tower Hamlets residents now?
- What is average rent in Tower Hamlets at present, and was in 2014?
- What is the long-term youth employment in the borough for each year since 2010 until present?

- Does the Council currently provide the Education Maintenance Allowance(EMA), Higher Education/University Bursary, PGCE subsidy to teachers from BAME community who are still underrepresented compared to population ratio, if the council does, to how many young people and what are the current budgets? If not, will the Council confirm when were these stopped by the administration, and for which time-periods these three schemes operated for, how many people benefit(ted) from each scheme and what was the total budget for each scheme while in operation?

This page is intentionally left blank

<p>Cabinet – 27 June 2017</p> <p>Council – 19 July 2017</p>	
<p>Report of: Graham White, Acting Corporate Director, Governance & Interim Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Clear Up Project Final Report</p>	

Lead Member	Mayor John Biggs
Originating Officer(s)	Graham White
Wards affected	All wards
Key Decision?	No
Community Plan Theme	A fair and prosperous community

1. Executive Summary

- 1.1 This report is submitted to both Cabinet and Council to present the final report of the Clear Up Project, the details of which are contained in the report of the Independent Programme Manager attached at Appendix 1. The findings of the Clear Up Board upon the 66 complaints received are contained in a spreadsheet appended to the Programme Manager’s report at Annex A. The report and the spreadsheet are exactly as submitted by the Programme Manager; no amendments have been made by Officers.

- 1.2 The Monitoring Officer has carefully considered the report and, in particular, Annex A and where further action is required by the Council and has allocated that action to various Corporate Directors and Divisional Directors. Attached at Appendix 2 is a further spreadsheet setting out these allocations as well as appropriate comments where no action is to be taken.

- 1.3 In accordance with the policy of openness and transparency the report of the Clear Up Project and details of subsequent actions by the Council are published and in the public domain.

2. Recommendations:

- 2.1 The Cabinet and Council are recommended to note the report.

3. REASONS FOR THE DECISIONS

- 3.1 The Council has stated publicly that it would publish the final report of the Clear Up Project and this is the opportunity to do so.

4. ALTERNATIVE OPTIONS

- 4.1 The Council could choose not to publish but as the Council has stated that it is committed to publishing the final report of the Clear Up Project then the option of not doing so would be inappropriate.

5. DETAILS OF REPORT

- 5.1 The Clear Up Project was launched in September 2016, and included a nominations window that closed on 8 December 2016. A total of 66 allegations were received during this period.
- 5.2 Since the New Year the independent project team has been considering each of the allegations: reporting progress and making recommendations regularly to the Clear Up Board comprising the Chief Executive, Monitoring Officer, Corporate Director, Resources and a lead Commissioner (Chris Allison).
- 5.3 The Clear Up Board considered the final investigation reports and the draft final report at the final Board meeting on 27 March 2017. Following that meeting the report was amended to include the Board's decisions upon the final investigation reports and was finalised and is attached at Appendix 1.
- 5.4 As stated at the onset of the Clear Up Project, the Final Report and schedule was to be considered by Members and placed in the public domain. This will be achieved by way of reference to both Cabinet on 27 June 2017 and Council on 19 July 2017 respectively.
- 5.5 Following receipt of the Clear Up Project report the Monitoring Officer has carefully considered the report and, in particular, Annex A and where further action is required by the Council and has allocated that action to various Corporate Directors and Divisional Directors. Attached at Appendix 2 is a further spreadsheet setting out those allocations as well as appropriate comments where no action is to be taken. Relevant officers will notify the Monitoring Officer of actions taken and when a matter has been completed.
- 5.6 The Corporate Leadership Team will monitor progress every other month until all the matters have been completed. Quarterly reports on progress will be submitted to the Overview and Scrutiny Committee and if required to Cabinet. The Standards Advisory Committee will also receive regular reports as its terms of reference include: "To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and

complaints". The matters raised during the Clear Up Project go across both Ethical Governance and Whistleblowing.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 The cost of the project was £121,786 and has been met from the Council's corporate contingency budget provision.

7. LEGAL COMMENTS

- 7.1 The Clear-Up Team was established to conduct a review of any unconsidered or inadequately considered allegations of improper Council decision making or impropriety in the discharge of Council functions which took place between October 2010 and June 2016. The Team considered allegations submitted during a three (3) month window from 8 September 2016 to 8 December 2016.

- 7.2 The governance of the Clear-Up Team has been overseen by the Clear-Up Board consisting of:

- Three Statutory Officers of the Council (Chief Executive (Chair), Section 151 Officer and Monitoring Officer.
- One DCLG Commissioner (Chris Allison)

- 7.3 As the Monitoring Officer has been a member of the Clear-Up Board, he has ensured that any recommendations are neither unlawful nor give rise to maladministration.

- 7.4 There are no immediate legal implications arising at this time and the Monitoring Officer will be monitoring actions taken and when a matter has been completed to ensure that all appropriate lawful steps are taken to comply with the recommendations.

8. ONE TOWER HAMLETS CONSIDERATIONS

- 8.1 The Clear Up Project is a continuation of the Council's improvement to its organisational culture. It demonstrates a commitment to put the concerns of employees and local people first and for fair and transparent decision making and which contributes to the delivery of One Tower Hamlets priorities and objectives.

9. BEST VALUE (BV) IMPLICATIONS

- 9.1 The Council has a duty under 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. This is referred to as the Council's best value duty.

9.2 By virtue of Directions made by the Secretary of State on 17 March 2015 the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. Part of that plan included a recommendation that the Council set up a Clear-Up Team to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined. A natural consequence of the investigation and determination is to consider the findings and implement recommendations so as to continue to demonstrate the Council continued commitment to the best value duty.

9.3 Pursuant to the Direction of 28 March 2017 progress upon this matter will be included in the quarterly reports to the Secretary of State upon the Best Value Action Plan and Best and Best Value Improvement Plan.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

10.1 None.

11. RISK MANAGEMENT IMPLICATIONS

11.1 Ensuring a culture whereby persons feel empowered to raise concerns is an important part of risk management and should reduce risks.

12. CRIME AND DISORDER REDUCTION IMPLICATIONS

12.1 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that a criminal offence or a miscarriage of justice is likely to occur and which involves the Council should assist in reducing crime.

13. SAFEGUARDING IMPLICATIONS

13.1 Safeguarding is a term which is broader than 'child protection' and relates to the action taken to promote the welfare of children and protect them from harm. Safeguarding is everyone's responsibility. Safeguarding is defined in Working together to safeguard children 2013 as:

- protecting children from maltreatment
- preventing impairment of children's health and development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care and
- taking action to enable all children to have the best outcomes

- 5.2 Where the findings and recommendations of the Clear Up Project relate to issues of Safeguarding these have been referred to the Corporate Director, Children's Services for consideration and action.
-

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Final Report of the Clear Up Board including Annex A
- Appendix 2 – Spreadsheets showing Clear Up Project Responses and notes of actions to be taken and the Monitoring Officer Response to Clear Up Project Annex A

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

- NONE

Officer contact details for documents:

N/A

This page is intentionally left blank

London Borough of Tower Hamlets

Clear Up Project

Report of the Clear Up Board

Final Report

Date: 20 April 2017

Version 0.6 – Final

Contents

Section Number	Section	Page Number
-	Executive Summary	3
1	Introduction	4
2	Project Scope and Approach	5
3	Summary of Allegations Received, Findings and Lessons Learned	11
4	Future Work	18

Annexes:

A	Summary of Findings and Recommendations from Allegations
B	Clear Up Project Terms of Reference (published 8 September 2016)
C	Clear Up Board Terms of Reference
D	Clear Up Project Critical Success Factors
E	Investigation Phase – Overview of Process (published January 2017)
F	Clear Up Project – Investigation Procedures (published February 2017)

Executive Summary

This report is the final report and recommendations arising from the London Borough of Tower Hamlets Clear Up Project. It is the report of the Clear Up Board, comprised of the Council's three Statutory Officers and a Commissioner appointed by the Secretary of State for Communities & Local Government.

During the Clear Up nomination period (8 September – 8 December 2016) the independent Clear Up Team received 66 allegations purported to indicate improper Council decision making or impropriety in the discharge of Council functions.

Reporting to the Clear Up Board, these allegations were considered by the Clear Up Team and the findings are summarised in this report.

- A summary of the Project findings and the key learnings arising from the Clear Up Team's work is at **Section 3**
- **Annex A** provides a summary of the 66 allegations received, the findings on each allegation and the recommendations arising from the Team's work

The Council is committed to publishing this report and its Annexes, and reporting publicly on future progress in implementing the recommendations.

It should be noted that this report and its conclusions are limited to matters arising from the allegations considered by the Clear Up Team and Clear Up Board through the Clear Up Project; as such this report does not address the work of the Council more generally as this would be beyond the scope of the Project.

1. Introduction

Background

- 1.1 In December 2014 the then Secretary of State for the Department of Communities and Local Government appointed two Commissioners, Sir Ken Knight and Max Caller, to take control of decision making on a range of Local Authority functions at the London Borough of Tower Hamlets (LBTH). This included, amongst other functions, grant making and the sale and disposal of property. This followed an independent inspection by PricewaterhouseCoopers LLP (PwC) earlier that year, which had concluded that the Council was failing in its best value duty in these areas.
- 1.2 In April 2015, following the judgment of the Election Court, the Secretary of State proposed additional intervention powers for Commissioners to order the Council to take any actions needed to safeguard good governance throughout the Council until a new Mayor and management team were in place and fully embedded. The Secretary of State also appointed two new Commissioners – Chris Allison and Alan Wood - to join the existing Commissioners. The Commissioners worked with the Council to oversee these Council functions and to drive forward an Improvement Action Plan.
- 1.3 In September 2016 the Council, with the Commissioners' support, agreed to launch a new initiative – the Clear Up Project - to deal with any remaining allegations of impropriety or serious concerns residents or staff might have. A fully independent team was appointed to deliver this, working to a Clear Up Board, considering outstanding allegations relating to the period between October 2010 and June 2016.

Purpose of this Report

- 1.4 This report is the Clear Up Board's final report on the work of the Project. It includes a summary of the allegations received, the findings of the independent team in relation to these allegations, and the recommendations agreed by the Board for further action. This report also summarises the key lessons learnt from the Project, which will be fed into Council policy and practice.
- 1.5 It should be noted that this report and its conclusions are limited to those matters arising from the Clear Up Board's consideration of allegations received and considered to be within the scope of the Clear Up Project. It has not been the role of the Clear Up Project to consider the Council overall or to look into matters beyond those raised within the allegations.
- 1.6 This report will be submitted to a public meeting of the Council and will be published on the Council's website.

2. Project Scope and Approach

Project Scope

- 2.1 The terms of reference and scope of the Project were agreed in September 2016 (Mayor's Decision Log No.136) and published on Thursday 8 September 2016. The complete terms of reference are set out at **Annex B**.
- 2.2 The Clear Up Project was established to enable an independent review of any unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions during the time period between October 2010 and June 2016. This covered the period from the election of the first directly-elected Mayor to the re-launch of the Council's Whistle-blowing Policy.
- 2.3 As set out in the terms of reference, anybody could raise an allegation to the independent Clear Up Team as long as the allegation met the following criteria:
 - The allegation must have referred to a decision or activity that occurred between October 2010 and June 2016; and
 - The allegation must have included details of the alleged impropriety and any evidence which supported the complainant's claim.
- 2.4 Complainants were also asked to provide their contact details to enable a member of the Clear Up Team to discuss the allegation further with the complainant, although the Clear Up Team took the view that it would still consider any allegations submitted anonymously.
- 2.5 Complainants had several options through which to raise their allegations including to a confidential email inbox, by post to the Clear Up Team, or via the Secretary of State's Commissioners, a Member of Parliament or a Councillor.
- 2.6 The scope of the Project was clear that allegations would not be investigated if they had already been satisfactorily considered or investigated through another process, including, but not limited to:
 - the Council's complaints process;
 - the Council's Whistle-blowing procedures;
 - the Council's Code of Conduct for Members;
 - the Council's staff disciplinary procedures;
 - a Council management investigation or review;
 - an Audit Review (internal or external);
 - a Judicial Review; or
 - the PwC Best Value Inspection of Tower Hamlets Council.

It was for the Clear Up Board to assess whether any allegation had been previously satisfactorily considered prior to undertaking additional investigatory work.

Project Launch

- 2.7 The Project was launched on 8 September 2016, with a series of communications including through the Council's website and intranet and through the Commissioners writing to local MPs and to other individuals they had previously engaged with. Awareness of the Project was also raised through features in the press and in local blogs. The launch of the Project on 8 September 2016 commenced a three month period for allegations to be submitted, running to 8 December 2016.

Protecting the Identity of Complainants

- 2.8 In reviewing and investigating allegations, the Clear Up Team adopted the principle that the identity of each complainant should be protected, including through not disclosing the identity of complainants to the Clear Up Board. It was agreed that the identity of a complainant would only be disclosed with the complainant's permission and then only to do so if it would be necessary in order to progress investigatory work.

Communications with Complainants

- 2.9 Where contact details were provided, the Clear Up Team endeavoured to keep complainants up to date on progress. This included acknowledging receipt of each allegation, requesting further information or evidence where required, and summarising the findings of the Clear Up Team's work in relation to each allegation.

Project Governance

- 2.10 The Project was overseen by the Clear Up Board. This comprised four members; the three new Tower Hamlets Statutory Officers – the Chief Executive (and Clear Up Board Chair), the Chief Finance Officer and the Interim Monitoring Officer, and, to ensure independence, one Secretary of State Commissioner. No Board meeting could take place without a Commissioner present.
- 2.11 The Board met eight times during the project, and again at the end of the Project to agree this final report. The Board's duties included:
- overseeing the appointment of the independent Clear Up Team;
 - agreeing the process for scoping and investigating allegations;
 - monitoring project progress, risks and issues; and
 - appropriately dealing with any substantiated allegations, including recommending disciplinary action, referring issues to the Police and ensuring that lessons learned from the Project inform future Council policy and practice.

2.12 The Clear Up Board's Terms of Reference were agreed at its first meeting and are at **Annex C**.

Clear Up Team

2.13 An independent team was appointed to investigate the allegations, with team members selected for their professional capability and experience, and also their independence from the Council.

2.14 The team comprised one secondee project manager from the Civil Service (Cabinet Office), one secondee investigator from the Civil Service (Government Internal Audit Agency, part of Her Majesty's Treasury) and four specialist contractor investigators selected by the project manager for their mix of complementary skills and experiences following an interview process, and endorsed by the Clear Up Board. Team members were primarily part-time.

2.15 The Clear Up Project was managed as a project, with a clear governance structure, a project plan, risk and issue management, progress reporting to the Clear Up Board, communications to stakeholders, and records management processes. At the Clear Up Board's first meeting a set of 'critical success factors' were agreed for the Project (**Annex D**).

2.16 As Section 3 of this report explains, many of the allegations received by the Clear Up Team were non-specific in nature, and often with little or no evidence provided to support the allegations. The Team therefore had to make a judgement in each case as to how far to progress the review of each allegation, striking a balance between ensuring independent review of the allegation and proportionality so as not to waste Council resources. It should also be noted that the Team's work was conducted on a 'best endeavours' basis, with the Team using its judgement and experience in the case of each allegation to decide whether to accept information provided as true, taking a view on when to draw to a conclusion to the work on each allegation, and in making recommendations.

Approach to Review and Investigation of Allegations Received

2.17 At the second Clear Up Board meeting on 8 December 2016, marking the close of the nomination period, the project manager presented to the Board a summary of the allegations received and proposed an approach to the review and investigation stage of the Project.

2.18 At the meeting, the Clear Up Board agreed with the Project Manager's assessment that nine of the allegations should be closed as they were considered to be out of scope (the reasons are set out in **Annex A** - Summary of Findings and Recommendations from Allegations). In some cases, further action relating to these allegations was agreed to be taken forward outside the

scope of the Project e.g. referral of alleged housing fraud matters to the Council's specialist social housing fraud team.

- 2.19 At the 8 December Clear Up Board meeting, the Project Manager also informed the Board that many of the remaining 57 allegations were vague and non-specific in nature, with limited or no evidence provided. The Project Manager proposed to the Clear Up Board that in these cases, despite the vague nature of the allegations and the lack of evidence, the potential seriousness of the allegations warranted further work to be conducted prior to any decision on closure. The Board therefore agreed with the Project Manager's recommendation that scoping work should be completed on each of the 57 remaining allegations, to enable further information and evidence to be requested from complainants so that the allegations could be clarified and decisions taken on whether full investigations should be conducted.
- 2.20 The Clear Up Board agreed that this would be the best approach to ensure that Council resources were used appropriately, and also ensuring that complainants were given a further opportunity to present evidence before the Clear Up Team took an independent view on whether a full investigation was warranted in each case. In January 2017 this approach was published on the Council's website and provided to Members. This document is at **Annex E**.
- 2.21 The Clear Up Board also agreed with the Project Manager's assessment that six of the allegations received were more general allegations of weaknesses in Council systems and processes, and noted that work on these matters was already being taken forward through the Council's existing HR improvement projects and/or through Internal Audit review work. The Board agreed that work on these matters should continue to be progressed by these Council teams, with reports back to the Clear Up Board in March 2017 on findings and future action. A summary of the findings of this work is included in **Annex A**.
- 2.22 Following the close of the nominations period, scoping reports were prepared by the Clear Up Team and reported back to the Clear Up Board for a decision. In each case, the Clear Up Team formed a view as follows:
- That there were no grounds for further investigation e.g. because the complainant had been unable to provide any evidence and any investigation would therefore be disproportionate; or
 - The findings of the scoping work completed the investigation, with recommendations in some cases; or
 - A full investigation was recommended.
- 2.23 Following scoping work, 16 allegations were agreed for full investigation by the Clear Up Board on the advice of the Clear Up Team.

2.24 The Clear Up Team found that no existing Council methodology was in place to set out how investigations of this nature should be conducted. As a consequence, the Clear Up Team prepared a methodology for this phase of the Project. This methodology was developed by the Clear Up Team based upon best practice, in conjunction with the Council’s Audit & Risk Service and whistle-blowing process leads, and then agreed with the Clear Up Board. The methodology was published on the Council’s website in February 2017 and is at **Annex F**.

2.25 During the scoping and investigation stages of the project, in some cases matters arose that were outside the scope of the original allegation but which warranted further attention. In these cases, the Clear Up Team reported the matter to the Clear Up Board and, following the Board’s agreement, the Clear Up Team then ensured referral to the appropriate Council team for further action. These matters are referenced in **Annex A**.

Support from Council Officers and Access to Information

2.26 Throughout the Project, the Clear Up Team experienced a good level of co-operation from Council officers at all levels. In the main, the Clear Up Team has had access to all the information requested within a reasonable timeframe, apart from a small number of occasions where officers have been unable to locate historic documentation. The Clear Up Team considered any gaps in information when forming a view on each allegation, and reported these gaps to the Clear Up Board when reporting findings.

Resources

2.27 As set out at paragraph 2.14 above, the independent Clear Up Team consisted of secondees from the Civil Service alongside specialist investigators recruited through the Council’s agency workers’ contract following an interview process. The breakdown of resource usage for the Project was as follows:

Resource	Summary of Usage
Secondee Project Manager (1)	- Part-time (2 days per week) during November and December 2016 - Full-time (5 days per week) 1 January – 12 April 2017
Secondee Investigator (1)	- 24 days during the period 23 January – 29 March 2017
Agency Investigators (4)	- 151 days during the period 10 January – 21 April 2017

2.28 The cost of the project is to be confirmed by the Council as the Clear Up Project Manager did not hold a budget.

Project Critical Success Factors

- 2.29 At the start of the Project, the Clear Up Project Manager agreed 12 'critical success factors' with the Clear Up Board which, in the Project Manager's view, must have been present during the Project in order for it to deliver successfully. These Critical Success Factors are at **Annex D**.
- 2.30 The Clear Up Board reviewed the Critical Success Factors at the Board meeting held on 27 March 2017, and agreed that all had been in place and achieved, noting that:

Critical Success Factor 4

The Critical Success Factor referred to a 'gateway' which was superseded by the 'scoping' stage that was introduced by the Clear Up Board in agreement with the Project Manager. In practice, the scoping stage became the gateway decision point.

Critical Success Factor 6

The Critical Success Factor stated that the approach to investigations would be managed using the relevant, established Council investigation processes. The Clear Up Team found that there was not an established and documented Council investigation process and so created a process specifically for the Project, based upon best practice. The preparation of this was informed by the Council's Audit & Risk Service and whistle-blowing process leads. This process has been shared with the Council for possible adoption into the Council's processes.

3. Summary of Allegations Received, Findings and Lessons Learned

- 3.1 During the nomination period the Clear Up Team received 66 allegations. This included some duplicate (or similar) allegations made by separate complainants. In each case, these were logged as separate allegations to ensure that all complainants received individual communications.
- 3.2 The complainants were a broad mix of local residents, local stakeholders and also individuals with a closer link to the Council. Complainants tended to submit either one single allegation or a collection of several allegations. In some cases complainants submitted allegations on behalf of other individuals. As previously highlighted, the identity of complainants was protected by the Clear Up Team throughout the Project.
- 3.3 The majority of allegations were received later in the Clear Up nominations period, most likely as a result of the publicity push that the Clear Up Team asked the Council to run during the last fortnight of the nominations period.

Nature of Allegations Received

- 3.4 The range of allegations in terms of Council function related to, type of allegation and the date of the incident was very broad and it is not possible to highlight very specific trends.
- 3.5 There were multiple allegations relating to a number of areas including disposal of property assets, electoral services, the Council's Youth Service, past Council investigations into organisations in receipt of Council funds, and other Council payments. There were also more general allegations raised that focused on alleged weaknesses in Council corporate systems and processes, including HR processes, the use of purchase cards, declarations of interest processes, and DBS (Disclosure and Barring Service) referrals. A number of allegations received related to Council officers who were no longer in post.
- 3.6 A theme of many of the allegations received was that they tended to be vague in nature, with a lack of specific information or any supporting evidence. As explained in paragraph 2.19 above, the Clear Up Team's approach was to allow a further period of scoping beyond the end of the nomination period, to enable the Team to work with complainants to attempt to obtain evidence or further information to support allegations and to provide a focus for any investigatory work.
- 3.7 A number of the allegations received related to matters that had been considered by the Council previously in some way. In these cases, unless the allegation was very clearly out of scope, the Clear Up Team generally decided that the seriousness of the allegations merited further scoping work before taking a view on whether a full investigation was required.

Engagement with Complainants

- 3.8 Where required during the course of the scoping and investigation work, the Clear Up Team made efforts to engage with complainants, either to provide updates on progress or to seek further information about an allegation and to obtain evidence.
- 3.9 During the course of the Project, a small number of complainants chose to disengage with the Clear Up Team. The reasons given included that they felt they had provided all the information they wanted to or were able to, for personal reasons, or because they did not trust the Clear Up process.
- 3.10 Where complainants did disengage, the Clear Up Team continued to scope the allegations received and, in some cases, to conduct a full investigation as the seriousness of the allegations warranted further independent investigation even without further input from the complainant(s).

Findings

3.11 Of the 66 allegations:

- Nine were agreed by the Clear Up Board at the close of the nomination period to be out of scope of the Project and were closed (although in some cases issues raised within these allegations were referred to other Council teams for action)
 - 57 were taken forward for further scoping work, and of these a full investigation was conducted on 16 allegations
 - Of the 57 allegations considered by the project:
 - o 5 were considered to be out scope following further scoping work;
 - o 35 were rejected;
 - o 10 were partially upheld;
 - o 5 were upheld; and
 - o 1 has been referred to the Council for further consideration and investigation as the matter may be criminal
- Note:** *in addition to the above 1 allegation was partially upheld and partially rejected as the allegation contained several sub-allegations*

- 3.12 The Clear Up Team reported to the Clear Up Board with individual reports on each of the 57 allegations taken forward to the scoping and/or investigation stage. The Clear Up Board reviewed the findings according to a programme of Clear Up Board meetings during the period January – April 2017. The Clear Up Board accepted all of the Clear Up Team’s findings, conclusions and recommendations and, in some cases, proposed additional recommendations.

- 3.13 A summary of each of the allegations received, the Clear Up Team's findings, and any recommendations relating to each allegation, is set out at **Annex A**.

Overarching Findings and Lessons Learned

- 3.14 Although the scope of the Clear Up Project is limited to matters concerning the specific allegations received during the nomination period, alongside the breakdown of the 66 allegations and the findings at **Annex A**, it has been possible to draw out some key overarching findings and opportunities for lessons learned from the Project.
- 3.15 The Clear Up Team considers these matters to be important for the Council to consider and take action on, as all represent an opportunity to improve Council policy and practice.

Organisational Culture - Whistle-blowing and Reporting Concerns

- 3.16 In the course of engaging with complainants and considering allegations, the Clear Up Team noted from multiple sources that, whilst there have been improvements, there is still some distrust in the Council's current arrangements for whistle-blowing and reporting concerns. This includes distrust in the Council's processes for how concerns are assessed, investigated and acted upon, and also in the Council's commitment to fully protect the identity of whistle-blowers should they request to remain anonymous for fear of reprisal.
- 3.17 Whilst it is important to clarify that the Clear Up Project's scope did not specifically include review of the current whistle-blowing arrangements, the Clear Up Team did note that the current system is fragmented across several business areas, that a response to the telephone hotline is limited to work hours only, that concerns can only be reported in English, that there is a perception that some individuals who receive whistle-blowing reports have close connections in other departments of the Council, and that anonymous allegations are discouraged. The Team's view is that there are opportunities to improve the process further to help build trust in it.
- 3.18 The Clear Up Team is encouraged that the Council has already acted on the need to further improve the current arrangements, evidenced by the appointment of Grant Thornton UK LLP in early 2017 to undertake a review of the Council's current whistle-blowing arrangements. Grant Thornton's scope includes comparison of the current processes with best practice examples and guidance, making recommendations for any changes required and developing a plan for implementing these changes.
- 3.19 The Clear Up Team has shared its learning with the Council's whistle-blowing leads throughout the Project and also met with the Grant Thornton project team. Given the current distrust that still exists, the Team considers it crucial

that the Council acts upon the findings of the Grant Thornton review as soon as possible once it is complete, and notes that this work is already contained in the Council's future Improvement Plan.

Approach to Investigations

3.20 Underlying a significant proportion of the 66 allegations is the Council's approach to conducting investigations. This includes the approach to corporate fraud investigations, investigations of organisations in receipt of Council funds, management investigations, HR/disciplinary investigations and also the recommendation of external investigators to schools.

3.21 The Clear Up Team's work to review the allegations found evidence of inconsistencies and some failings in the Council's past approach to investigations. There remains a risk that unless these inconsistencies are addressed similar problems may occur in the future. The issues seen by the Clear Up Team included:

- A fragmented system where fraud investigations have sometimes been commissioned within Directorates without the involvement or advice of the specialist Corporate Investigations Team (within the Audit & Risk Service);
- A failure to complete and/or finalise HR/disciplinary and other investigations in good time, and a failure to track progress in the implementation of actions arising from investigations;
- A lack of guidance for senior managers on when and how to commission an investigation, who should be involved, how to select an investigator, how to set the scope and terms of reference, the process to be followed, including guidance on how to investigate if a matter may have a criminal aspect to it, and on who has the skills and responsibility to review the quality of the investigation report produced;
- The appointment of investigators who may not be right for the task because the scope of the investigation is not clear, because they do not have all the required skills and training, or because they do not have sufficient time available to focus properly on the investigation and complete it in a reasonable timescale alongside their 'day job'; and
- A general lack of consistency of approach and lack of urgency, including in the case of potentially very serious allegations e.g. allegations involving children.

3.22 The Clear Up Team also saw some evidence of internal audit reports not being completed in good time, meaning that any findings and recommendations had less relevance by the time that the report was accepted for action.

3.23 Whilst **Annex A** provides a number of specific recommendations arising from the Clear Up Team's consideration of each allegation, the Team recommends that the Council considers how its approach to investigations overall could be strengthened. The Team notes that the Council has already started to acknowledge these concerns and plans to improve corporate fraud

investigation processes, HR/disciplinary processes and whistle-blowing investigations are now being developed.

Election Procedures

3.24 The Clear Up Team received a number of allegations relating to past elections, and primarily the May 2014 elections. In the course of its work to review these allegations, the Clear Up Team found that, following the well-documented problems that have occurred in the past, the Council has significantly improved its election procedures. There is, however, the opportunity for further improvement and the Clear Up Team has therefore made recommendations to further strengthen election procedures and provide additional reassurance ahead of future elections. This includes work to explain these improvements to voters to help build trust ahead of the 2018 election.

Monitoring Compliance following Council decision points

3.25 The Clear Up Team considered a number of allegations that highlighted failings of the Council to appropriately monitor actions / implementation after a decision has been taken. This includes (i) awarding property leases but then failing to monitor to ensure that the building is being used for the purposes original applied for; (ii) commissioned service providers not being monitored consistently and with sufficient frequency to ensure standards and value for money; (iii) grant conditions; and (iv) as highlighted above, implementation of actions from Council investigations or audits. The Council may wish to reflect on this learning and consider what improvements can be made to monitoring.

HR Policies and Practices

3.26 The Council's past HR policies and practices, and the problems arising from them, was a theme across several allegations. Specific examples were provided as Clear Up allegations alongside more general comments from complainants about weaknesses in this area.

3.27 The Clear Up Board was reassured by the scope and ambition of the HR improvement work that is already underway through the One HR programme, which was reported to the Clear Up Board. The Interim Divisional Director for HR and Transformation is leading an ambitious programme of improvement work which includes consideration of how the Council handles disciplinary matters, how investigations are conducted, and how recruitment is managed. There appears to be a willingness from across the Council to improve and embed this across the organisation.

3.28 The findings of the Clear Up Team are that, with more robust HR policies, and with a consistent approach being taken to these across the Council, many of the HR-related allegations considered by the Team might not have materialised in the first place. As such, the Team considers that it is crucial that the Council

continues to progress this programme of improvement as quickly as possible, including ensuring that any changes and improvements are backed up by upskilling of staff and managers across the Council so that they are better equipped to deal with HR matters in the future.

Council Systems and Processes

- 3.29 Alongside HR policies and practices, the Clear Up Team also identified that there are opportunities to improve other Council-wide corporate systems and processes, and was encouraged that the Council's leadership has already started to act on this. This includes (i) improvements to the processes for DBS checks and referrals; (ii) the system for booking Councillor Ward surgeries; and (iii) the approval and completion of timesheets for part-time and zero hour contract staff.
- 3.30 New recommendations arising from the Clear Up Project and outlined in **Annex A** include further improvements to Council timesheets systems and also to procurement evaluation panel processes.
- 3.31 The Clear Up Team is encouraged by the Council's recent internal audit work to review officers' declarations of interest. In addition, given findings by the Clear Up Team during the course of the Clear Up Project concerning Members' declarations (referenced in **Annex A**), the Clear Up Team has recommended to the Council that the scope of this work should be extended to also include Members' declarations of interests.

Member / Officer Protocols

- 3.32 The Clear Up Team received allegations, and also heard anecdotal evidence, relating to the earlier part of the Clear Up period which related to concerns that Members had inappropriately pressurised officers into bypassing Council procedures, covering a number of matters including Council grants, Council payments and recruitment.
- 3.33 The appropriate interaction between Members and officers is supposed to be regulated by the Member / Officer Protocol in the Council's Constitution. However, the Clear Up Team has identified examples of:
- An officer pressurised to make a payment which they knew would breach Financial Procedures;
 - An officer failing to obtain competitive quotes and appointing a supplier on the instructions of a Member;
 - A Member committing the Council to expenditure without any advance authorisation by the officer who was the budget holder; and
 - Direct contact by Members with relatively junior officers when any contact should be at a more senior level.

3.34 These specific instances of unacceptable behaviour by Members have been referred to the Interim Monitoring Officer for further consideration, and it is recommended that the Member / Officer Protocol is reviewed to consider whether additional guidance is required regarding acceptable behaviour.

Security / Confidentiality

3.35 During the course of the Clear Up Team's work a number of security and confidentiality issues arose that the Council should consider and seek to address. Specifically these include:

- A history of leaks of confidential Council conversations and documents, which appears to be an ongoing issue (although not from the Clear Up Project);
- A weakness in the control of exempt information provided to Members (Pink Papers), particularly where it relates to ongoing litigation and litigation legal privilege applies; and
- Inappropriate IT access - a specific case where the Clear Up Team requested access to several former officers' email accounts and the Clear Up Team's confidential rationale for requesting this was mistakenly copied by an IT officer on more than one occasion to another officer who should not have seen the request.

Police Referrals

3.36 The Clear Up Team considered various allegations that made reference to the withholding of information by the Council from the Police. From the Clear Up Team's work in relation to these allegations, there is clear evidence that the Council has proactively provided potentially relevant information to the Police and that there has been full cooperation with all Police requests received. Any decisions made, or actions taken, by the Police in response to the information provided to them is outside of the scope of the Clear Up Project.

4. **Future Work**

- 4.1 This report, the final report of the Clear Up Board, formally closes the Clear Up Project.
- 4.2 The Clear Up Board has agreed that the Council's Monitoring Officer will be responsible for implementing recommendations from this report (as set out at **Annex A**) and embedding lessons learned from the Project, with reporting to, and oversight from the new Council Improvement Board. This will include reporting publicly on progress to ensure openness and transparency.
- 4.3 For those allegations where, as a result of the Clear Up Team's work, disciplinary action may be required, the Statutory Officers have agreed that in each case this process will be managed by one of the other three Chief Officers of the Council, with oversight by the Statutory Officers. In each case, an appropriate Divisional Director will chair any disciplinary hearings required, with a Chief Officer acting as the appeal chair if required.
- 4.4 Project records have been handed over to the Council's Interim Monitoring Officer by the Project Manager, and are stored within a protected storage system with controlled access limited to a small number of Council officers. Release of any records will only be through the agreement of the Monitoring Officer. The decision on what records to hand over has been taken by the independent Clear Up Team. Any material that could potentially identify any complainant has not been handed over to the Council and has been securely destroyed, protecting the key principle of complainant anonymity which has underpinned the Clear Up Project.

Future Complaints to the Council or Whistleblowing

- 4.5 The Council operates a whistle-blowing process alongside a corporate complaints process. As set out in paragraph 3.18 above, the Council is currently reviewing whistle-blowing arrangements with a view to making further improvements, which the Clear Up Team supports.
- 4.6 Further information on raising a future concern or complaint can be found on the Council's website at:
 - **Whistleblowing**
http://www.towerhamlets.gov.uk/content_pages/online_services/Report_it/Whistleblowing.aspx
 - **Complaints**
http://www.towerhamlets.gov.uk/lgn/council_and_democracy/complaints/complaints.aspx

ANNEX A

Clear Up Project – Summary of Findings and Recommendations from Allegations

See separate document

ANNEX B

Clear Up Project (Terms of Reference / Reporting Guidance)

1. Scope

1.1 The Clear Up project is established to conduct a review of any unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions. The project will focus on allegations which relate to any decisions or activity which took place between October 2010 and June 2016 (the period from the election of the first directly-elected mayor to the re-launch of the Whistle-blowing policy).

1.2 A key aim of the project is to encourage people to identify impropriety covering the above time period that has not been considered to date. An independent Clear Up Team will investigate these allegations.

1.3 The team's work will be led by a Programme Manager and overseen by a Clear Up Board which will be tasked with appropriately dealing with any substantiated allegations. This may include recommending disciplinary action, referring issues to the Police and ensuring that the learning from this project informs future Council practice.

1.4 Anybody can raise an allegation to the independent Clear Up Team as long as it meets the following criteria:

- The allegation refers to a decision or activity that occurred between October 2010 and June 2016;
- The allegation is notified directly to the Clear Up Team between Thursday 8th September 2016 and Thursday 8 December 2016 via the confidential email inbox clearupteam@towerhamlets.gov.uk;
- or posted to Clear Up Team, London Borough of Tower Hamlets, Town Hall, Mulberry Place, 5 Clove Crescent London E14 2BG (please mark as private and confidential) or via the Secretary of State's Commissioners, a Member of Parliament or a Councillor, and includes details of the alleged impropriety and any evidence which supports the complainant's claim.
- The complainant should also provide their contact details to allow a member of the Clear Up Team to discuss further the allegation.

1.5 Allegations will not be investigated if they have already been satisfactorily considered or investigated through another process. This would include, but is not limited to:

- the Council's complaints process;
- the Council's Whistle-blowing procedures;
- the Council's Code of Conduct for Members;
- the Council's staff disciplinary procedures;
- a Council management investigation or review;
- an Audit Review (internal or external);

CONFIDENTIAL - PROTECT

- a Judicial Review;
- the PwC Best Value Inspection of Tower Hamlets Council.

1.6 The Clear Up Team will assess whether any allegation has been previously considered prior to undertaking any investigatory work.

1.7 In investigating allegations, the Clear Up Team will:

- Seek to protect the anonymity of complainants in investigating the allegation wherever possible;
- Notify the complainant and provide an outline timetable for investigating the allegation;
- Seek to complete all investigations by 31 March 2017.

Given the potentially complex nature of some allegations, and the time lapsed from the date they may have occurred, it is not possible to provide a generic timetable for investigation. However, the Clear Up Team will provide individual guidance on this in each case.

1.8 For each allegation, the Clear Up Team will seek to provide details on the resolution of the investigation to the complainant.

1.9 Complaints concerning matters arising since June 2016 can be made through the Council's existing procedures such as the Whistleblowing procedure or the corporate complaints procedure details of which are on the Council's website.

2. Governance

2.1 Clear Up Board - The Board membership will comprise:

- 3 x Tower Hamlets Statutory Officers (Chief Executive (Chair), Chief Finance Officer and Monitoring Officer)
- 1 x Secretary of State's Commissioner

2.2 The Board, meeting regularly, will oversee the appointment of the Clear Up Team and management of the team once they are in place.

2.3 The Clear Up Team will comprise of an external and independent Programme Manager who will draw upon external and independent investigating officers as required.

2.4 At the first meeting of the Board following the close of the nomination period, the Clear Up Programme Manager will inform the Board of the number and nature of the allegations and provide indicative timescales for completing the investigations. In any instances where it is not entirely clear whether an allegation has previously been considered or investigated, the Clear Up Team will present the summary details of any allegation to the Board which will decide on the merits of investigating any elements of the allegation that have not been identified or sufficiently considered previously.

2.5 At the second meeting following the close of the nomination period the Clear Up Programme Manager will provide proposed timescales for the completion of

CONFIDENTIAL - PROTECT

investigations and reporting the findings. It is anticipated that the work of the Clear Up Team will be completed by the end of March 2017 or earlier subject to volume and complexity.

- 2.6 The Clear Up Programme Manager should escalate any issues, such as of access to information or employees in the Council, to the Clear Up Board which will take action to ensure that any blockages are resolved quickly and efficiently.
- 2.7 The Programme Manager will produce a report on each of the investigations detailing:
 1. Whether the allegation is upheld or rejected;
 2. Where an allegation is upheld, a view on whether the impropriety has since been remedied. For example, by changes to Council practices and internal controls;
 3. Recommendations for further action, including in relation to individuals involved.
- 2.8 The Clear Up Board will consider each investigation report and recommend action, if any, to the appropriate body or person.

3. Project close

- 3.1 The Board will produce a final report on the work of the Clear Up Project including details of the number and nature of the allegations made; the number of allegations that were substantiated and any action taken as a result of the investigations. The report will also summarise any lessons learnt from the project and how these will be fed into policy and practice in the future. The report will be submitted to a public meeting of the Council and published on the Council's website.

ANNEX C

London Borough of Tower Hamlets: Clear Up Project Board

TERMS OF REFERENCE

Version	1.1 Agreed by Project Board 29 Nov 2016 1.2 Updated following agreement at Project Board 7 February 2017 that in the absence of the lead Commissioner another Commissioner can attend in their place
Date	29 November 2016; updated 7 February
Author	Clear Up Project Manager

1 Purpose

The purpose of the Clear Up Project Board ('the Board') is to oversee the delivery of the London Borough of Tower Hamlets Clear Up Project.

In particular the Board will:

- Oversee and manage the work of the independent Clear Up Team;
- Agree project documentation including the project plan, critical success factors and the approach to investigations;
- Agree, at the end of the nomination period, which allegations should proceed to the investigation stage, including agreeing to investigation of any allegations that have previously been considered through another Council process but where the process was not deemed to be satisfactory;
- Where required, agree the prioritising of investigations;
- Agree the pool of external investigators;
- Agree and monitor the budget for the project;
- Monitor project risks;
- If requested to do so by the Clear Up Team, resolve any blockages to investigations including access to staff and information;
- Agree to the involvement of the Police for any relevant allegations;
- Receive final reports on investigations and agree how any substantiated allegations will be dealt with by the Council;
- Contribute to / agree the final report for the project at project closure; and
- Contribute to capturing learning from the project as it proceeds to enable this to be fed into the Council's enduring Whistleblowing procedures.

Due to the nature of the items being considered by the Board, all matters will be considered as confidential.

The Project Manager shall minute the proceedings, decisions taken and actions arising. The draft minutes and actions will be provided to all Board members for comment prior to their finalisation.

7 Declaration of Interests

It will be the responsibility of Board Members to raise any declarations of interest at each Board meeting.

8 Reporting

Following the end of the nomination window, the Project Manager will prepare a regular highlight report for the Board summarising progress.

ANNEX D Critical Success Factors (Agreed by the Clear Up Board 29 Nov 2016)

In order for the Clear Up project to succeed in its objectives, 12 critical success factors are proposed:

1. There will be clear leadership from a dedicated Project Board involving the new Statutory Officers and an independent Commissioner
2. The Clear Up Project Manager and investigators will be external and independent of the Council
3. Investigators will be selected for their experience and knowledge of the issues being considered
4. The project will prioritise investigations to ensure maximum impact, balanced with seeking to deliver early 'quick win' results to demonstrate progress; an early 'gateway' will be included in each investigation so that, if it is found that there are no grounds for further investigation, the investigation can be closed early to prevent waste of Council resources
5. As the project progresses the learning from it will be implemented into the Council's Whistleblowing procedures in 'real time' to strengthen this crucial process and to raise confidence in Whistleblowing across the Council
6. The approach to investigations will be based upon a best practice methodology; investigations will be managed using the relevant, established Council investigation processes
7. Each investigation and any recommendations will be evidence based
8. The anonymity of complainants will be protected wherever possible, including with Project Board members. Where it becomes necessary to disclose the identity of a complainant in order to progress an investigation the consent of the complainant will be sought
9. The project will be run as a project, using project management techniques and maintaining excellent document control and written notes. All sensitive documents will be marked as confidential and handled appropriately
10. Complainants will be kept updated throughout the project, and specifically to confirm whether an allegation is to be investigated, on the outline timescales for any investigation and on the outcome of any investigation
11. If all allegation appears to relate to criminal activity the Project Board will decide whether the Police should be involved at an early stage
12. The project's final report including lessons learned will be published to ensure transparency

ANNEX E (Published 13 January 2017)

London Borough of Tower Hamlets (LBTH) - Clear Up Project

Investigations Phase – Overview of Process

Nomination Period Phase

The nomination period for the Clear Up Project ran from 8 September – 8 December 2016. The published Clear Project Reporting Guidance http://www.towerhamlets.gov.uk/ignl/council_and_democracy/Transparency/Clear_up_project.aspx confirmed that in order for allegations to be considered they must meet the following criteria:

- *The allegation refers to a decision or activity that occurred between October 2010 and June 2016;*
- *The allegation is notified directly to the Clear Up Team between Thursday 8th September 2016 and Thursday 8 December 2016 via the confidential email inbox or by post, or via the Secretary of State's Commissioners, a Member of Parliament or a Councillor;*
- *The allegation must include details of the alleged impropriety and any evidence which supports the complainant's claim. The complainant should also provide their contact details to allow a member of the Clear Up Team to discuss further the allegation.*
- *Allegations will not be investigated if they have already been satisfactorily considered or investigated through another process. This includes, but is not limited to the Council's complaints process, the Council's Whistleblowing procedures, the Council's Code of Conduct for Members, the Council's staff disciplinary procedures, a Council management investigation or review, an Audit Review (internal or external), a Judicial Review, and the Best Value Inspection of Tower Hamlets Council.*

At the close of the nomination period the Clear Up Project Board (comprising the three LBTH Statutory Officers and a Secretary of State appointed Commissioner) considered recommendations from the Project Manager concerning which of the allegations received met the criteria and as a result should progress to the investigations phase of the project.

Where the Project Board agreed that an allegation should not progress to the investigations phase, in each case the Project Manager has contacted the complainant (where contact details were provided) to confirm the reason for this.

Investigations Phase

The investigations phase of the project commenced in late December 2016. A team of independent, expert investigators has been appointed to support this phase of the project, working to the Clear Up Project Manager. The investigators are all independent of the Council.

The investigations phase of the Project consists of two stages:

1) Scoping Stage

The purpose of this stage is to qualify the allegations received in advance of any full investigation, including seeking further evidence from complainants where required. During this stage:

- Complainants will be notified to confirm that scoping work is taking place
- Each allegation will be assigned to a lead investigator
- The investigator will seek to qualify the allegation in order to determine whether a full investigation is required
- This stage may include the investigator seeking to obtain further evidence to support the allegation, including from the complainant where it is possible to do so, further fact finding work through document review, interviews with Council officers/other parties, and/or review of any previous Council investigatory work completed in relation to the allegation
- For each allegation a scoping report will be completed for Project Board decision, detailing whether a full investigation is recommended, and if so setting out the proposed approach and timings for this
- It is anticipated that in some cases it will be possible to complete all required investigatory work during the scoping phase
- At the end of the scoping stage and following Project Board decision the Project Team will provide an update to the complainant on the resolution.

During scoping, and also during any subsequent full investigation, the Clear Up Team will continue to protect the identity of the complainant, including with the Project Board. If it becomes necessary to disclose the complainant's identity in order to progress an investigation the consent of the complainant will be sought.

2) Full Investigation

Following scoping, where the Project Board decides that a full investigation is required the Clear Up Team will commence this work, seeking to complete all investigations by 31 March 2017, subject to the complexity of the matter to be investigated. The complainant will be notified of the outline timetable.

Investigation plans will be agreed with the Project Board and will be consistent with existing LBTH processes and procedures for investigations.

At the end of this stage the Clear Up Team will report detailed findings and recommendations to the Project Board for a decision, detailing whether each allegation is upheld or rejected. Where an allegation is upheld, a view on whether the impropriety has since been remedied will be provided. This will include recommendations for further action, including in relation to individuals involved, and the Clear Up Board will consider each investigation report and recommend action, if any, to the appropriate body or person.

The Team will seek to provide details on the resolution of the investigation to the complainant.

Embedding Learning into Enduring Council Processes and Procedures

Throughout the project lessons learned will be captured and fed into the Council's enduring processes so these can continue to improve e.g. the LBTH new Whistleblowing Procedures

Project Close

At project close a final report on the work of the Clear Up Team will be produced including details of the number and nature of the allegations made; the number of allegations that were substantiated and any action taken as a result of the investigations. The report will also summarise any lessons learnt from the project and how these will be fed into policy and practice in the future. The report will be submitted to a public meeting of the Council and published on the Council's website

ANNEX F (published 13 February 2017)

Clear Up Team – Investigations Procedures

The following will apply to all Clear Up Project investigations.

Confidentiality

- All steps of the investigation process will be treated as confidential, including all meeting notes and information collected

Scope

- The scope of the investigation will be limited to the scope of the original allegation received and the investigation approach agreed with the Clear Up Board
- If, during the course of an investigation, matters outside of the scope of the investigation are raised, these should be notified to the Clear Up Board for consideration via the Project Manager
- All investigations will proceed on the assumption that the matter being investigated will not lead to a criminal case; if at any time a criminal matter is uncovered this will be notified to the Clear Up Board immediately via the Project Manager
- If, during the course of an investigation, the investigator believes that it has become necessary to amend the investigation approach (for example, conducting an additional interview or requesting additional documentary evidence) then this amendment will be approved in advance by the Project Manager and one other investigator. The investigation approach undertaken will be clearly set out in the Investigation Report.
- The number of days agreed by the Clear Up Board for each investigation will not be exceeded without further approval from the Board

Fact-Finding Meetings and Interviews

- Clear Up investigations will include two types of meetings-
- The majority will be **fact-finding meetings**, where the investigator meets with an individual e.g. a Council Officer to obtain information relating to an allegation under investigation
- Where a meeting is required with an individual who may be responsible for some form of misconduct then an **interview** will be held.
 - o For interviews, the purpose of the meeting will be communicated to the individual in advance, informing them that they are attending on a voluntary basis, that a written summary of the interview will be produced, that they are free to leave the discussion at any time, and that they may bring along a colleague or TU representative if they choose
 - o Two members of the Clear Up Team will be present for interviews, the investigator and a note taker. A written summary of the interview will be produced and shared with the individual for accuracy. The investigator and individual will be required to sign and date the written summary

Written Records

- An appropriate record of fieldwork undertaken will be maintained by the investigator to track activity related to the investigation, including contact made with individuals, interviews conducted and documentation reviewed – including the source of the documentation
- Documentation will be stored by the investigator and issued to the Project Manager at the end of the investigation and once the Clear Up Project's records management arrangements are agreed

Investigation Report format

- Investigation reports will be clear and concise and will be completed using the agreed template (guideline 4-12 pages in length)
- Investigation reports will be password protected before being circulated electronically, including in draft format
- The identity of the whistle-blower will not be disclosed within the investigation report
- The investigation report template will include the following:
 - Executive Summary section that sets out the allegation, the key findings and conclusion of the investigation and the recommendation to the Clear Up Board on future action (to take forward disciplinary action against an individual, to strengthen controls, to conduct further investigation etc.)
 - Background to the allegation and detailed findings of the investigation in the main body of the report, including a summary of the timing of events concerning the allegation
 - Confirmation of documentation reviewed and meetings and interviews conducted

This page is intentionally left blank

Annex A: Summary of Findings and Recommendations from Allegations received by the Clear Up Project

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 001	Formation of Tower Hamlets Homes Allegation that Tower Hamlets Homes was formed to remove Council responsibility for housing problems and at a loss to the taxpayer.	Pre-Clear Up Period	Out of Scope	Tower Hamlets Homes was formed prior to the Clear Up period (Oct 2010 – June 2016) and the complainant did not provide further, specific allegations relating to the Clear Up period when requested. This allegation was therefore considered to be outside of the scope of the project.	No recommendations
CU 002	Conversion of the Ben Jonson Road Retail Units from 8 to 16 units Allegation that the decision to convert the retail units gave an unfair advantage to specific individuals who would not have been able to pay the rent otherwise, and that this decision went against the residents' wishes. Allegation the decision was then effectively 'reversed' in June 2016 when it was agreed that 3 of the units would be leased to a supermarket with a six month rent free period. Allegation that both of these decisions resulted in a financial loss to tax payers and that an intention to benefit certain individuals had caused this situation.	April 2013 and June 2016	Rejected	The Clear Up Team found that whilst the background to the situation described in the allegation is mostly supported by evidence identified, the substance of the allegation that something improper has occurred is rejected. <ul style="list-style-type: none"> - There was a change in the Council's approach to identifying appropriate traders for the Ben Jonson Road shops between April 2013 when a Cabinet Decision was taken and July 2016 when a Mayoral Decision and Commissioners' Decision were taken. This appears to have been partly as a result of a difference in political approach three years after the original decision and partly as a response to advice received from an external property agent. - The change in approach means that it is possible that if a supermarket is identified which wishes to lease a larger sized unit, then there may be a need to remove a breeze block partition wall that was previously built and that additional water and electricity connections have been installed unnecessarily. The potential 'wasted' costs would be less than £20,000; however a contract with a supermarket has not yet been agreed so this may not occur. The supermarket would be responsible for any further costs incurred to alter the layout of the units so there is no risk of further costs to the taxpayers. - The potential rent free period currently being discussed with a supermarket is consistent with external advice provided to the Council, and similar arrangements have also been negotiated with the tenants of the other (single) units. - There is no indication that there was any attempt to create an unfair advantage to specific individuals as alleged. The only preference shown was to the displaced previous traders who had a legal 'right to return'. 	No recommendations
CU 003	Dorset Library closure and transfer Allegation that this asset was handed to a community association by the Borough's former Mayor in 2011 or 2012, and now runs as a Mosque thereby excluding many residents on the estate.	2012 and ongoing	Rejected	The allegation is rejected, on the basis that (i) the community association was correctly selected in preference to the two other applicants through the Council's "Allocation process for Council-owned property to Third Sector Organisations" (which had been approved by the Cabinet in 2010); and (ii) that there is no requirement for the community association to grant access to the Dorset Library to other community groups. <ul style="list-style-type: none"> - Documentary evidence has been located which demonstrates that procedures were followed appropriately in the selection of the community association as the third sector organisation to be allocated the lease for the former Dorset Library building, and that this process involved a number of Council officers from different departments. No evidence has been identified of any involvement of the former Mayor in that decision. 	The Legal Department should review the wording of any template lease used for third sector organisations, to consider (i) if it is sufficiently specific with regards to the anticipated usage of the building and if it would be enforceable if an alternative use was made of the building; and (ii) how requirements for diversity and inclusivity can be built into the arrangements. For the future allocation of properties to Third Sector organisations, the Council's Third Sector Team should consider the relevance of the application form once a lease has been agreed, and how delivery of the submitted proposal is monitored.
CU 004	Dorset Library closure and transfer Allegation that the library was closed and then transferred without any consultation in 2011 or 2012, with the asset being put up for bid as a business concern and awarded to a community association with a five year contract to 2017. Allegation that upkeep on the property is paid for by local taxes, and that there has been investment, but that other local groups are excluded, and not invited to the AGM.	2012 and ongoing	Rejected	<ul style="list-style-type: none"> - The lease between the Council and the community association stated the permitted usage is "community centre" but with other wording indicating that it would also be used as a place of worship. The wording has been interpreted as permitting any usage under the planning category D1 (which includes usage such as library, community centre, nursery or place of worship). - Once the application received from the community association had been assessed against the criteria set out in the Allocation Process and the community association had been selected as the winning applicant, then no further reference was made to the information contained in the application form. This creates a risk that an organisation can complete the application form with the information that they believe will 'score points' in the assessment process and then, having been awarded the lease, actually deliver something completely different. - The lease does not include any obligation to provide access to the building to other community groups. The application submitted by the community association indicated that they would work with other local groups and there is evidence that this happened between at least 2012 and 2014. - Maintenance of the Dorset Library building is not currently being paid for by 	The existing lease between the Council and the community organisation in this allegation should be considered as part of the current Main Stream Grants review.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
				the Council. However, the community association did receive £14,918.61 from the Community Faith Buildings Support Scheme between 14 August 2013 and 18 March 2015. Currently the community association is receiving payments under two grant programmes which are for "Older People Lunch Club" and "Get Involved".	
CU 005	Improper Council disposal of Calder's Wharf / Calder's Wharf Community Centre assets Allegation that these community facilities were inappropriately disposed of by the Council.	Pre-Clear Up Period	Out of Scope	The matter raised in the allegation refers to decisions taken in advance of the Clear Up period (Oct 2010 – June 2016). Following a complaint to the Council by the complainant prior to the Clear Up Project being launched, this matter was also already being considered by the Council's Interim Monitoring Officer. It was therefore agreed with the complainant that this matter would not be considered by the Clear Up Project.	No recommendations
CU 006	Sale of Council Property - 31 Turner Street Allegation that the property was placed for sale and then removed from sale, despite bids being received offering the asking price, without proper Cabinet approvals, and that a friend of the former-Mayor was one of the bidders. Allegation that this issue has been covered up and not resolved.	2014	Partially Upheld	The allegation correctly identified that there was a lack of proper Cabinet approvals in relation to the proposed disposal of this property. However, the issue has previously been investigated and responded to, procedures have changed, and there is no evidence that it has been covered up or left unresolved. <ul style="list-style-type: none"> - An independent investigation was undertaken by Mazars (an accountancy firm which provides Internal Audit services to the Council) in 2015 which appears to have had an appropriate scope, and which reached conclusions that were supported by the evidence identified. The recommendation proposed by Mazars has been completed. - Until 31 March 2017, procedures were in place that any decision to dispose of property required the approval of the Commissioners and strengthened procedures have been put in place enabling the handing back of control to the Council. - No evidence has been identified that there has been an attempt to conceal the results of Mazars' investigation from the Statutory Officers. 	No recommendations
CU 007	Sale of Passmore Edwards Library Allegation that (i) Limehouse Library was sold at less than market value; and (ii) that the use of Limehouse Library has changed from restaurant to student housing; and that these events have occurred as a result of corruption in the Council.	2012	Rejected	Whilst the background to the situation described in the allegation is supported by evidence identified, the substance of the allegation is rejected. <ul style="list-style-type: none"> - The former Limehouse Library building was independently valued prior to being marketed. The lease price paid was within the predicted range and was close to the top of the range. According to the PwC Best Value Inspection report, 12 bids were received, indicating that the process was competitive. - The Lease was agreed with the second highest bidder, on the basis of independent advice that the highest bidder was not credible and that there were significant concerns regarding the ability of the highest bidder to complete the transaction. - The Lease agreement permitted use of the property in accordance with any planning permission obtained, and did not specify any further limitations regarding what this use may be. Planning permission was obtained by the Lessee in 2014 to convert and extend the property for use as student accommodation. The only potential link between the property and a restaurant is that the Lessee is registered at Companies House as trading as "Licensed Restaurants". However, there is no indication within either the Lease or the Planning Applications that there was an intention to use the former Limehouse Library building as a restaurant. 	No recommendations
CU 008	Council housing fraud Allegation that a property in the Borough was gained through a family member's links to the Council.	No dates given	Out of Scope	Although the property's address was provided, no dates were given by the complainant. The complainant stated that no further information would be provided. The Clear Up Board agreed that this matter would be best taken forward by the Council's social housing fraud team and as a result it was referred to the team by the Clear Up Project Manager. The complainant was informed.	No recommendations

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 009	'Cover up' or failure to investigate alleged grant fraud by a local Mosque Allegation that a referral to the Council's Corporate Investigations Team (with the Risk & Audit Service) alleging misuse of lunch club grants by a Mosque, which was also linked to Council officers, was suppressed or not followed up. Allegation that findings in the referral were leaked to the Mosque by a Council officer which resulted in threats being made.	2015-2016	Partially Upheld	There is no evidence to suggest that any investigation into the Mosque was deliberately suppressed, and indeed, there was evidence to show that one issue arising in the original referral had been dealt with. However, the poor case management practices evidenced have led to either (i) allegations not being investigated or (ii) the allegations may have been considered and rejected but no rationale for this decision has been recorded. In the absence of records or detailed recollections from the Council's Risk & Audit Service, it has not been possible to prove that the original fraud referral was adequately investigated. It is understood that the Mosque is no longer provided with funding by the Council and that individuals who made, or were the subject of outstanding allegations contained within the original referral, no longer work for the Council.	The Corporate Investigation Team to re-examine the allegations contained within the original referral in relation to the Mosque, in order to consider whether any retrospective investigation is required to satisfy the Council that public funds have not been misused. Head of Risk & Audit to facilitate a full review of corporate investigation case management systems, investigative policy and process to ensure: - All cases are properly tracked, managed and supervised from initial logging to conclusion, to include any transfers of cases to investigators and the provision of regular updates by investigators on progress. Rationales for decisions and case closures to be fully documented. - That all cases allocated for investigation are only closed with the provision of a Final Investigation Report to evidence that a proper investigation has taken place, even if there are no adverse findings. - Evidence and case documents, where possible, are recorded and organised in electronic formats within a secured shared drive, with paper records held if required for evidential purposes. The specific issues detailed within the recommendations should also be tested at least annually through the standard independent auditing or assurance processes.
CU 010	'Cover up' of an investigation report into a local community organisation Allegation that an investigation report into grant funding for a local community organisation was not acted upon or covered up in the case of potential fraud involving officers.	Sept 2015	Rejected	No evidence was found to substantiate the allegation. Investigations into this organisation were undertaken in 2015 and concluded that there was no evidence to substantiate concerns relating to misuse of grants.	No recommendations
CU 011	'Cover up' of findings relating to a local community organisation in receipt of lunch club grants Allegation that an Internal Audit Report issued in 2015, which raised concerns about misuse of grants awarded to the community organisation was covered up or not acted upon. The report was said to contain findings relating to the misuse of grants and threats made by Council officers to Grants officers, as well as poor conduct by a Member allegedly influencing the grants process.	2015	Partially Upheld	No evidence was found to substantiate the allegation that the Investigation Report was suppressed or covered up. However, it was found that some recommendations in the report had been acted upon or considered through informal interviews, there was limited audit trail or physical evidence to show this in the Councils' case management systems or case files. It was also found that there was no immediate evidence that a serious allegation of potentially corrupt and threatening behaviour by a Council officer mentioned in the report, was considered or acted upon and the Council's Risk and Audit Service have been unable confirm their actions in this regard to date. The case file for the community organisation had been closed down on the case management system on the basis of an assumption that a report had been issued but without confirmation. There were no clear Investigation Policy or Process documents in place to assist the Clear Up Team with ascertaining what records or audit trails should be retained and how report recommendations are followed up.	The Corporate Investigation Team to re-examine the original investigation report, in order to ensure that any issues that require investigation or action are followed up. Officers responsible for the writing and review of Investigation Reports to ensure: - That all investigation reports are scrutinised to ensure matters relating to poor conduct, bribery or corruption are included in recommendations and taken forward; or - That there are notes on file to evidence that such matters have been considered and discounted, with clear rationale for the decision made. Head of Risk & Audit to facilitate a full review of corporate investigation and Internal Audit case management systems, investigations policies and processes to ensure: - All cases are recorded on a suitable case management system from initial referral to conclusion, ensuring that all key decisions made with rationale are clearly noted. - That there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process.
CU 012	'Cover up' of findings relating to a local youth club Allegation that an audit into this local youth club receiving Council funds was covered up or suppressed in some way.	Oct/Nov 2015	Partially Upheld	No evidence was found to suggest that the recommendations within the Additional Findings Report (AFR) on the youth club dated November 2015 were covered up. However there is partial merit to the allegation that the report was not acted upon. It was found that the findings outlined in the report were considered at the appropriate level and remedial actions were proposed; however there was inadequate documented follow up or reporting back to ensure completion of these actions, some of which were not completed, or completed in full.	Head of Risk & Audit to ensure that there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 013	'Cover up' of investigation report into a local organisation that received Council grants Allegation that concerns with a local organisation were raised but were covered up/not acted upon. The concerns surrounded misuse of grants and untoward involvement by a Member, as well as an allegation of extremist material being found on the organisation's Facebook page.	2015	Partially Upheld	<p>There was no evidence found to suggest that any formal referrals stating concerns against the organisation were made to the Council's Risk & Audit Service. However, there was a case to suggest that the allegations made in relation to the actions of a Member connected to the organisation should have been considered further and reported to the Monitoring Officer as a potential breach of the Code of Conduct for Members Section 3.2 (e). In any case, it would have been prudent for the Risk & Audit Service to formally record this allegation and the rationale for not taking the matter forward. As it stands, this matter was not acted upon.</p> <p>During the course of the Investigation, when reviewing alleged links between the organisation and Members, it became apparent that there were potential anomalies in the Register of Interests for the Member. Upon closer inspection, there are three organisations/companies where this individual may have had pecuniary interests, which were seemingly not declared. This could be considered a potential breach of Code of Conduct for Members, section 8.1.</p> <p>Under the "Other Interests - Charities" section of the Register of Interests for the Member, an organisation is listed. Within this organisation's Facebook pages an image was found posted in 2015 of a letter using Tower Hamlets headed paper, allegedly from Mayor John Biggs supporting the organisation. Spelling and grammatical mistakes on the letter indicate that the letter was forged or counterfeit.</p>	<p>The Head of Risk & Audit should consider, within the corporate investigation case management processes, that all allegations of wrongdoing or impropriety by officers or Members should be formally recorded, with the rationale for any issues not being investigated (or those considered under the remit of different teams) being clearly stated in records.</p> <p>The Head of Risk & Audit should consider ensuring referral and investigative processes explicitly direct that all allegations against Members regarding impropriety or exerting undue influence should additionally be reported to the Monitoring Officer as per Council procedures.</p> <p>The Clear Up Team has notified the Monitoring Officer of the potential breach of the Code of Conduct relating to a Member's pecuniary interests that may not have been declared to the Council.</p> <p>The Monitoring Officer should raise with the Member and take any action that is required in relation to the issue that they attempted to influence an audit.</p> <p>Legal Services to consider whether it is appropriate to make contact with the organisation to request the removal of an image posted on Facebook showing a seemingly forged or counterfeit letter of support from Mayor John Biggs.</p>
CU 014	Irregularity of governance and misuse of public funds concerning a local community association Allegation of ongoing irregularity in governance and misuse of public (Council) funds by individuals connected with the organisation.	During Clear Up Period	Ongoing	Following initial investigation by the Clear Up Team, this matter was referred to the Council for further investigation due to potentially criminal findings.	Referred to Council Monitoring Officer and Head of Risk & Audit following agreement by the Clear Up Board.
CU 015	Suppression of an investigation following collective grievance concerning a former Head of Service Allegation that an Investigation Report issued in September 2014 as the result of a collective grievance against the then Head of Community Language Services, was suppressed at the former Mayor's request. Allegation that a further investigation was deliberately commissioned as part of this cover up, which produced different conclusions. In the meantime, the Head of Service had left the Council through Voluntary Early Retirement. A subsequent review of the Service by Mazars awarded "Nil Assurance"	2014/15	Rejected	<p>The allegations are rejected, on the basis that (i) no evidence was found to indicate that the original investigation report was suppressed; (ii) the correct process was used to investigate the Head of Service throughout, with appropriate engagement with HR, Legal and the Corporate Director; and (iii) the Head of Service left the employment of the Council under standard severance terms under the voluntary redundancy procedure.</p> <p>It was found that the process for undertaking investigations into harassment, grievance and disciplinary investigations was inefficient at the time of events and led to the Head of Service being suspended for a very long period. It is noted that some of the findings highlighted in this report will be mitigated in the future by work being carried out within the Council's One HR (improvement) programme. The recommendations should be considered together with this initiative.</p>	<p>The Council's HR Division to review the investigation process for Grievance; Combatting Harassment and Discrimination (CHAD) and Disciplinary issues with a view to ensuring members of staff are only investigated once for the same issue, with outcomes settled (not including appeals) after the first investigation. The current system whereby Grievance / CHAD investigations then lead to disciplinary investigations could be considered inefficient, wasteful of resources and public money, together with being a potential strain on all involved.</p> <p>Consider whether it would be more efficient to centralise investigations under an appropriate Directorate where there are allegations of a complex nature or serious misconduct, to ensure independence, faster turnaround of cases, and the utilisation of investigative specialist expertise. The current system leads to delays in concluding matters as Investigation Officers for HR matters still have to fulfil their normal role objectives and, in many cases, do not have professional investigative expertise.</p> <p>It is recommended that when an officer leaves Council employment whilst under investigation, a final investigation report is still completed and submitted to the appropriate Service Head / Director and HR, to ensure completeness of records and in anticipation of any future legal challenge to outcomes.</p> <p>HR processes and guidance on the suspension of employees should be reviewed, to ensure that suspension periods are as short as possible.</p>
CU 016	Behaviour of the committee of a local Mosque Allegation concerning the behaviour of the committee of a local Mosque in relation to a planning application and other matters.	Summer 2016	Rejected	<p>This organisation has recently been investigated by the Council's Risk & Audit team following concerns raised by a Member.</p> <p>The previous investigation report, a briefing note on this provided to the Chief Executive and also previous investigation findings by PwC in the 2014 Best Value Inspection have been considered, and it is concluded that sufficient work has been conducted to address any concerns.</p>	No recommendations

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 017	Former Mayor's communications advisors Allegation that the former Mayor employed communications advisors and that (i) there appears to be limited evidence available regarding what services they delivered for the payments made; and (ii) the payments ended suddenly when the Commissioners were appointed.	2010-2015	Upheld	The Clear Up Team found that previous investigations into this matter undertaken by PwC, as set out in the Best Value Inspection report, concluded that the appointment and monitoring of the Mayor's media advisors had failed to comply with best value duty. Other evidence published by a local blog also appears to indicate that best value may not have been achieved. However, PwC did identify evidence that the required procurement procedures had mostly been followed, and that invoices and timesheets had received approval. These findings would suggest that although the existing controls were mostly being followed, they were not effective in achieving best value.	Consideration should be given by the Council as to whether any improvements are required to increase the effectiveness of current controls in respect of Mayoral advisors, in particular considering: <ul style="list-style-type: none"> - Whether clear measurement of expected outputs is defined when a contract for an advisor is agreed, which is measured through KPIs or deliverables as opposed to the number of days to be invoiced; and - Activity undertaken by advisors to the Mayor (for media or any other services) is clearly defined and recorded, in order to demonstrate that it does not include any party political activity.
CU 018	Fraudulent Payment Allegation that a payment was made by the Council to a local organisation with no goods or services provided to the Council in return. The organisation then made a payment of the amount less £1,000 to a different organisation and retained the £1,000 as a payment for having completed the transactions. Allegation that this series of payments happened twice.	March 2012	Partially Upheld	The Clear Up Team found one instance of a payment of £6,000 was made by the Council to a local organisation in March 2012 with no goods or services provided to the Council in return, with the intention of channelling funds to another organisation, and that £1,000 of this payment was retained by the first organisation. No evidence has been identified to indicate that any similar payment was made by the Council to the organisation on a second occasion. As a consequence, this element of the allegation is rejected. The Clear Up Project Board decided that this matter will not be reported to the Police as (i) it was not clear that the payment was criminal in nature (2) the offence took place over five years ago when the Council's culture for raising concerns / whistle-blowing was very different, (3) the officer admitted everything when asked and cooperated fully with the Clear Up Project, (4) the officer had been placed under pressure from multiple individuals to make the payment, including their line manager who is no longer in post, (5) the whistle-blowing arrangements in the Council at the time had been insufficient and were not trusted by officers, (6) the officer had refused to carry out a similar payment a second time, and (7) the officer did not personally gain in any way from the transaction. The Board also agreed that as (i) the payment had been made over five years ago; and (ii) there is limited information about the nature of the payment; it would not be proportionate for the Council to attempt to recover it. The Clear Up Team was also able to establish that this organisation is not currently in receipt of any Council funds.	Disciplinary action - meeting to take place between the officer and their Senior Manager, with a letter to be sent to the individual, thanking the officer for cooperating but also making it clear that their actions were a very serious matter and should not be repeated. Any recommendations resulting from the current review of whistle-blowing procedures currently being undertaken by Grant Thornton should be acted upon as soon as possible, to assist with increasing the confidence of officers in raising concerns when they feel that they are being placed under undue pressure.
CU 019	Excessive payment to a Council supplier Allegation that excessive payments were made to a catering company in early 2014 and in April 2015 for a quantity and value of food that was not provided to the Council.	2014 and 2015	Partially Upheld	The allegation is unsubstantiated on the basis that it is not possible to determine the quantity or quality of food that was delivered to the Council by the catering company at events held several years ago. However, Financial Procedures appear to have been breached by both the officer at the centre of this allegation and by a Member. The officer continued to breach Financial Procedures in 2014 and 2015, despite having been reminded on at least three previous occasions about the relevant requirements.	Disciplinary action – meeting to take place between the officer who has repeatedly breached the Financial Procedures and their Senior Manager with possible further action. The Constitutional Working Party should consider whether any additional wording is required within the Member / Officer Protocol to specify that Members are not permitted to order goods from suppliers on behalf of the Council. Referral to the Monitoring Officer the issue of a Member purchasing goods from a Council budget without prior approval. The Resources Directorate to undertake a check to confirm that the instructions contained on the Support Services Request Form regarding the number of quotes required at different thresholds are consistent with current Financial Procedures. Corporate Director of Resources to consider whether any further checks or controls may be required in order to identify and challenge supplier invoices which are lacking sufficient information.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 020	Use of Community Centres for Ward surgeries Allegation that Ward surgeries held by a Member did not take place, and/or that excessive amounts were being charged.	During Clear Up period	Out of Scope	<p>The Clear Up Team found that this allegation has already been investigated by the Council's Head of Members' Support, concluding in April 2016. The investigation established that the Member typically held two hour surgeries, whereas other Members held one hour surgeries, accounting for the higher spend. No evidence was found to support the allegation that payments were charged for surgeries which did not take place. The Member was subsequently advised to hold one hour surgeries, in line with other Members.</p> <p>The investigation recommended a new process, invoicing system, checks and a cap on the maximum contribution per Member to provide better value for money and consistency in booking venues through the Member Support Team for all Members.</p>	<p>Proposed new process for booking Ward surgeries to be implemented as soon as possible.</p> <p>NOTE – the Council confirmed that the new policy and process was effective from 3 March 2017</p>
CU 021	Purchase Card Fraud Allegation that the system of checks and balances for Council issued credit card/purchase cards is weak and open to fraud.	No specific dates	Upheld	<p>Work was already underway within the Council through the Internal Audit Team to audit the systems and processes for Purchase Cards and to address any control issues.</p> <p>The Clear Up Board reviewed the findings at the Clear Up Board Meeting on 14 March 2017. The Board heard that audit work had been completed with a focus on the Youth Service in 2013/14 and 2014/15 and that this had revealed four main weaknesses in (1) the issuing of cards, (2) how cards are used, (3) monitoring arrangements and (4) payments processes. The audits found an improvement in terms of the number and materiality of issues arising from 2013/14 and 2014/15. The Board noted that recommendations had been made and work was underway to improve systems and processes.</p> <p>The Clear Up Board also welcomed the organisation-wide audit of purchase cards that commenced in March 2017.</p>	<p>Internal Audit should seek to complete the Council-wide audit of purchase cards as quickly as possible, agree recommendations arising from the findings, and implement the action plan Council-wide.</p>
CU 022	Disclosure and Barring Service (DBS) Checks and Referral Processes Allegation that Council systems for DBS checks have been historically weak and that these weaknesses persist. Allegation that the Council does not refer dismissed individuals to the DBS.	No specific dates	Upheld	<p>Work was already underway within the Council through the Internal Audit Team to consider the Council's control and monitoring of DBS checks.</p> <p>The Clear Up Board reviewed the findings at the Clear Up Board Meeting on 14 March 2017. The Board heard that the audit work had completed in January 2017 and that only a Limited Assurance opinion had been reported. In particular, the audit found that:</p> <ul style="list-style-type: none"> - there were some inconsistencies in the Council's database of all posts requiring DBS checks - there have been cases of long delays in carrying out risk assessments when the Council is notified of a disclosure - the processes and controls for undertaking, recording and approving risk assessments by Council officers and notifying the results to HR promptly need to be improved and strengthened, and the quality of risk assessments require improvement and appropriate checks need to be carried out by HR <p>The Council's HR Division also reported to the Clear Up Board to confirm that the Council makes referrals to the DBS and professional bodies when it is appropriate to do so e.g. when the Council believes a person has caused harm or poses a future risk of harm to vulnerable groups. The Council's DBS procedures have been updated recently and were due to be approved by the Council's Corporate Safeguarding Board in March 2017.</p>	<p>The Council should ensure that the weaknesses identified in the audit work on DBS are addressed as soon as possible, with progress to be reported to the new Council Improvement Board.</p> <p>The new DBS procedures should be implemented as soon as possible.</p>

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 023	<p>Youth Service Summer Programme 2016</p> <p>Allegation that in relation to the Summer Youth Programme 2016 ("SYP16"):</p> <p>(i) procurement procedures were not followed for the Evaluation Panel decision;</p> <p>(ii) providers delivering the programme were not monitored effectively; and</p> <p>(iii) providers did not deliver what they were paid for.</p>	May-August 2016	Upheld	<p>The Clear Up Team found that:</p> <p>The Council's Procurement Procedures (issued 1 January 2016) do not provide any guidance regarding how Evaluation Panels should be formed or conducted, including the number of evaluators or how independence is maintained.</p> <p>There is currently no formal way in which knowledge of the previous performance of potential suppliers of Youth Services is considered within the procurement process. Attempts to introduce the consideration of prior knowledge into the procurement process by the evaluators during the Evaluation Panel resulted in misunderstandings between the evaluators and a delay to the procurement outcome being finalised.</p> <p>A scoring threshold was introduced by the Evaluation Panel which had not been specified in the Invitation To Tender ("ITT"), and there was no rationale for the level at which it was set.</p> <p>The individual scores included in the evaluation matrix for the SYP16 provided to the Procurement Team, which were purported to be the outcome of the Evaluation Panel had been fabricated by one of evaluators in order to make the total percentage score for each applicant (nearly) match the total percentage score for each applicant that had previously been incorrectly calculated. The providers selected to be awarded the contract would have been different if correct procurement procedures had been followed.</p> <p>The Interim Service Head signed the evaluation outcome on the basis of the total percentages, which she believed to have been correct, but did not review the scores entered into each tab in the evaluation matrix.</p> <p>The scoring methodology in the standard template evaluation matrix can result in preference being given to low quality at a low cost over a better quality at a higher cost, which may not necessarily result in best value being achieved. The consideration of pricing for the SYP16 was only at the level of the total cost and did not consider how that funding would be used, for example, the split between salaries, building rental, and directly on activities for young people.</p> <p>The Procurement Team accepted the explanation provided by one evaluator regarding why another evaluator had not signed the evaluation outcome, without confirming the explanation directly with the evaluator who had not signed. There is a risk that the true reasons for the lack of a signature could have been misrepresented.</p> <p>Monitoring of delivery of the SYP16 was ineffective, mainly as a consequence of the programme only running for one month and this being considered as insufficient time to allow unsatisfactory providers to demonstrate improvements. A draft report (which has not been finalised) was issued a month after the SYP16 had ended, saying that one of the providers should be terminated until issues were resolved.</p> <p>There is no Council policy that sets out how and when monitoring visits should be conducted, and what actions within what timescale should be taken in response to any identified unsatisfactory provision.</p> <p>No report to record challenges encountered or lessons learned was written at the end of the SYP16. The report that was prepared was based upon information received by the Council from the providers, and was only shared between the Youth Service Development Manager and the Interim Service Head.</p> <p>No analysis was undertaken to consider value for money, or to assess whether or not the providers had delivered what they had proposed in their applications.</p> <p>Contracts between the Council and two of the providers were executed more than half way through the SYP16, and with a third provider after the SYP16 had ended. A contract between the Council and the fourth provider cannot be located. No entries were made in the Council's risk register in relation to the lack of signed contracts by the Corporate Director and there appears to have been no authorisation for the commencement of services in advance of a signed contract.</p>	<p>Procurement Procedures should be revised to include procedures relating to:</p> <ol style="list-style-type: none"> how many individuals should form an Evaluation Panel; how the individuals to form an Evaluation Panel should be selected; how the Evaluation Panel should conduct the scoring session; whether, and for how long, individual notes of scoring should be retained; and what should happen in instances where there is a disagreement between Evaluation Panel members, including that Procurement should independently verify this with the evaluators and not rely upon statements made by one evaluator on behalf of other evaluators. <p>The Procurement Initiation Form should be revised to include consideration of:</p> <ol style="list-style-type: none"> whether or not a threshold is required; and whether any existing knowledge regarding potential bidders is to be taken into consideration. <p>The Procurement Team should review a sample of recent evaluation matrices and consider whether the relative weighting between price and quality is achieving results that represent best value. Guidance should then be provided by Procurement as to what an appropriate balance of weighting between price and quality should be.</p> <p>For future evaluations, Evaluation Panel members should be reminded that they can only score applications against the criteria that were set out in the ITT, and are only permitted to consider the information provided to them and not any other knowledge they may have. Evaluation Panels should not proceed if required information is missing from applicants, to allow that information to be provided and then be considered for all applicants within the evaluation scoring.</p> <p>The Youth Services Team should document a procedure for the monitoring of the provision of Youth Services by external providers, including when monitoring visits should be conducted, how frequently they should be repeated, what actions within what timescale should be taken in response to any identified unsatisfactory provision, and how and to whom the findings should be reported. Preparation of this documented procedure should take into consideration existing practices for monitoring in other departments of the Council in order to learn from any effective monitoring practices already in place.</p> <p>The Corporate Director for Children's Services should be requested to consider the oversight of outcomes from Youth Service activity and how value for money is being measured and monitored.</p> <p>The Legal Department should consider the communication processes between the Legal Team and the relevant Council delivery team to ensure that there is clarity regarding when all executed contracts have been received and delivery can commence or, if delivery is commenced in the absence of a signed contract, for the delivery team to correctly follow the procedures to obtain approval and record the decision on the Council's risk registers.</p> <p>Internal Audit is requested to undertake a review of the next procurement process involving Evaluators 1 and 2, in order to gain assurance that lessons have been learned and the same issues are not continuing to be repeated.</p> <p>Internal Audit is requested to undertake a review on a sample basis of Evaluation Panel scoring, covering both larger and smaller procurements, to consider (i) if there is an independent element to the formation of the Evaluation Panel; and (ii) if the scores allocated appear reasonable when considering the applications submitted e.g. lower scores where responses are absent or very brief.</p> <p>Internal Audit is requested to undertake a review on a sample basis to consider in relation to providers selected through Evaluation Panels: (i) the date on which a contract was executed with the selected provider(s); and (ii) the date on which the provision of services commenced. In instances where the provision of services has commenced prior to the Council entering into a contract, then it should be tested whether this was correctly notified to the Head of Corporate Procurement and the Monitoring Officer and included on a risk register.</p> <p>The Chief Executive is to speak with the Corporate Director regarding oversight of the team, and to consider whether it is appropriate and proportionate to take any action in relation to two of the evaluators, including the provision of further training regarding procurement procedures or any disciplinary action.</p>

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 024	<p>Weakness in Council's timesheets for overtime and zero hours contracts</p> <p>Allegation that officers routinely claim for work they have not done, especially when they are working across two service areas as there is no way for managers to check on one system whether they are claiming twice. Allegation of weaknesses in checks and balances, and potential fraud involving managers. Allegation focussed on Youth Service but extended to the whole Council.</p>	Historic and ongoing	Partially Upheld	<p>The Clear Up team considered two concerns:</p> <ol style="list-style-type: none"> 1) That there were/is no transparency and no systems in place to identify part-time and zero hour contract staff claiming for hours on timesheets which they did not work <ul style="list-style-type: none"> - The Clear Up Team found that this has already been addressed by the Council, and measures and controls have been put in place within the Youth Service since November 2015 to address this matter. - Since November 2015 there have been no over-time and no zero hour contracts in the Youth Service. - A sample test of the revised timesheets from April 2016 to January 2017 confirmed implementation of the current controls and systems and concluded they are sound. 2) That there were/are no systems and controls in place to identify claims for overlapping hours where an individual works across two services for two different managers (Council-wide matter) <ul style="list-style-type: none"> - The Clear Up team found that no systems and controls have been put in place to date to address this. 	<p>Controls and systems should be devised as soon as possible to prevent and identify staff recording overlapping hours on timesheets; once devised these are implemented immediately – Council wide</p>
CU 025	<p>Allegation concerning Youth Service Officers</p> <p>Allegation that (1) a Youth Service officer has failed to declare an interest with a youth club and that (2) another former officer who was dismissed from the Council works with this organisation.</p> <p>Allegation that (3) a Youth Service officer was recruited into the Council without a proper DBS check, and that this individual may have changed their name by deed poll in advance of joining to cover up past issues that may have prevented them being employed.</p> <p>Allegation (4) of officers failing to declare interests in a local youth club [no names supplied].</p> <p>Suggestion (5) of wider problems in the Youth Service and potentially across the Council overall in declarations of interest and DBS checks and referrals.</p>	No dates supplied	Partially Upheld	<p>The complainant disengaged from the Clear Up process meaning no further information or evidence was available; however, the Clear Up Team considered the allegations based upon the information provided and found them to be partially substantiated.</p> <p>Referrals were made to the parts of the Council best placed to deal with future action in relation to each matter raised. It should be noted that some of the allegations relate to activities after the Clear Up period (October 2010 – June 2016).</p> <ol style="list-style-type: none"> (1) Based on the information provided, the Clear Up Team was unable to establish whether there has been a failure to declare an interest by this officer. The details were referred to the Risk and Audit Service that is currently undertaking detailed audit work on officer declarations of interests (2) An Employment Tribunal is ongoing in the case of this dismissed officer. The Clear Up Team was unable to establish whether this former officer is currently employed by the youth club. Agreed that once the result of the Employment Tribunal is known the officer to be referred to the Head of the Integrated Youth Service, Head of Risk and Audit and HR team to confirm whether a DBS referral is required, and to establish whether this officer is employed at the youth club in any capacity. If it is discovered that the individual is an employee of the youth club, Youth Service and Legal to agree whether this is in breach of the contract between the Council and the youth club. (3) The Clear Up Team has not been able to confirm whether the officer changed their name by deed poll to secure a role in the Council and cover up a past issue that would have prevented them securing a role, but notes that previous names are covered by DBS checks. An issue with the officer's DBS check has been highlighted, and this matter has been referred to HR for follow up. (4) Without names from the complainant it was not possible for the Clear Up team to establish whether any Youth Service officers have failed to declare interests with this organisation. It was noted that the secretary of the youth club has an identical name to a Council youth service officer and so this matter was referred to the Risk and Audit Team to consider. (5) In relation to the complaint's suggestion of wider problems in the Youth Service and potentially across the Council overall in declarations of interest and DBS checks and referrals, as no further evidence has been received this matter cannot be considered by the Clear Up project. <p>See also findings of CU022 relating to DBS matters.</p>	<p>Relevant Council teams/officers to look into the specific matters identified in more detail following the referral by the Clear Up Team.</p> <p>In light of the learning from the scoping of this allegation, the Clear Up Team considers it critical that the Council fully accepts the recommendations of the Internal Audit work on declarations of interests and DBS checks and referrals, and implements the findings from this work as soon as possible. Progress on DBS checks and referrals, and on declarations of interest, should report to the new Council Improvement Board (see also allegation CU022).</p> <p>In light of a number of matters relating to Member interests being uncovered by the Clear Up Team during the course of the Clear Up Project, Internal Audit is requested to undertake an audit of Member declarations of interests alongside the continuing work on officer declarations.</p>

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 026	Drug and Alcohol Team funded organisations Allegation that there were widespread problems in the Drug and Alcohol Team including organisations receiving sums of money from the Council without proper checks to ensure outcomes were delivered, problems with Disclosure and Barring Service checks and failure of officers to make declarations of interests.	During Clear Up period	Rejected	The complainant disengaged from the Clear Up process and was unwilling to provide more specific information or evidence in support of these allegations. As this allegation is vague and there were no specific matters that could be investigated further without further input from the complainant, no action was taken. <i>See also findings of CU022 relating to the Council's DBS processes and CU025 relating to Declarations of Interest matters.</i>	No recommendations
CU 027	Weaknesses in HR services General allegation of past and present weaknesses across the Council's HR services, including: - HR policies and inconsistencies in how these are applied; - How CHAD (combatting harassment and discrimination) and grievances are investigated; frustration of disciplinary investigations within HR and leakage of information; and - Inappropriate pay-offs.	During Clear Up period	Upheld	The allegation was not specific, and referenced more general weaknesses. Clear Up Team found that work was already underway within the Council through the One HR Project to address weaknesses and deliver improvements to HR services. The Clear Up Board reviewed progress at the Clear Up Board Meeting on 8 March 2017. The Board heard that the Council's HR Policies & Practice workstream within the One HR Project is focussing on improvements to a range of HR policies including to disciplinary procedures, grievances/ complaints of harassment and discrimination, and sickness absence, and also including a review of the role of investigating officers in HR cases. On settlements, the Interim Divisional Director HR and Transformation reported to the Clear Up Board on 8 March 2017 to confirm that, in addition to voluntary redundancy, settlement agreements are sometimes used by the Council, and that where these are used they require a business case justifying the need for an exit and the approval of the Monitoring Officer.	Council to progress the One HR (improvement) Project and the HR Policies & Practices workstream and implement recommendations / actions arising once complete. Progress to be reported to the Council's new Improvement Board. The Council's HR Division to consider how any reporting on the numbers of settlement agreements could be improved to increase transparency.
CU 028	Improper Recruitment of Officers Allegation that Officers have been recruited without proper recruitment processes being followed, often under pressure from Members, and resulting in Members having 'plants' in key service areas.	No specific dates	Rejected	Clear Up Team found that work was already underway within the Council through the One HR Project to improve recruitment practices. The Clear Up Board reviewed progress at the Clear Up Board Meeting on 8 March 2017 and heard that the recruitment review work will report findings and recommendations in the Spring. The Board also noted that a 2016/17 audit had considered recruitment processes and awarded a Substantial opinion, and that a follow up audit is now taking place. The Board also considered past recruitment programmes and agreed that work should be undertaken to review the outcomes of these programmes.	Interim Divisional Director HR and Transformation to conduct a review of historic recruitment schemes including 'Workforce to Reflect the Community' and 'Take a Chance' to consider outcomes and learning.
CU 029	Employment Options Programme Allegation that individuals who should have been subject to disciplinary proceedings were allowed to leave through the Employment Options Programme with a pay settlement.	2014 - 2015	Rejected	The Interim Divisional Director for HR and Transformation confirmed to the Clear Up Board through a report to the 8 March 2017 Clear Up Board that no individuals who were going to have disciplinary findings against them or who had investigations pending for Gross Misconduct were given an exit or voluntary redundancy through the Programme. An Internal Audit was also completed for the Programme and awarded Substantial Assurance.	No recommendations

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 030	<p>Failure to refer an officer to the Police Allegation that an officer in the Youth Service has been recently dismissed, and whilst this should have been a Police matter the Council chose not to act, suggesting potential cover up. Officer was allegedly involved in writing funding proposals for organisations that did not exist; this included writing false proposals for politicians. Allegation that this individual and possibly others benefitted financially from this alleged fraud.</p>	2015-16	Rejected	<p>The Clear Up Team concludes that the matter was referred to the Police but that the Police had decided not to pursue it. No evidence was found to support any cover up by the Council; the allegation therefore appears to be unfounded, and is rejected.</p> <ul style="list-style-type: none"> - On 4 December 2014, during a face to face meeting at Limehouse Police station, information was provided to the Police regarding an organisation which involved a Council officer. - Sometime after 13 July 2015, a Council Investigator had engaged with the Metropolitan Police and made an informal referral of the Officer's involvement in the organisation. - The Council Investigator continued to email the Police with information involving the organisation and the officer which the investigator had considered to be of interest to the Police, until the end of the investigation in November 2015. - In January 2016, the Police were provided with a briefing paper setting out the findings of the investigation into the officer involving the organisation and other organisations and individuals, and with various allegations. - In early summer 2016 the Chief Executive and another Senior Officer met with a Metropolitan Police senior officer, who had informed them that the Police would not be taking any further action involving any of the organisations and individuals they were looking in to, including the officer named in the allegation. 	No recommendations
CU 031	<p>Officer actions during the Election Court Hearing and how these matters were looked into by the Council</p> <p>Allegation that:</p> <ul style="list-style-type: none"> i) a Communications Support Officer attended a court hearing in private by saying that they worked for a newspaper (East End Life - a Council paper). Complainant states that this matter was looked at by a Senior Officer in Communications ii) A former Officer in the Mayor's Office was investigated for tweets sent from the Election Court which were then passed on to supporters of the former Mayor who then sent them out 'pretending' it was from them. Complainant states that the former Democratic Service Head and former HR Head looked into this matter. <p>The allegation is that both of these matters should have been looked into by someone who is not in the chain of command at the Council.</p>	March/April 2015	Rejected	<p>Whilst the complainant was unwilling to provide any further information or evidence, the Clear Up Team considered this matter on the basis of the information received.</p> <p>The Team found that whilst there may be some substance to the allegation, all of the individuals involved have left the Council, the complainant had no further information to provide, and the Clear Up Team was been unable to find any further evidence to substantiate the allegation or to confirm that any breach took place. In particular:</p> <ul style="list-style-type: none"> - The two individuals referred to in the allegation were both employed by the Council at the time of the Election Court hearing. However, both have subsequently left the Council. - In relation to part (i) of the allegation, as this refers to a private court meeting it has not been possible to confirm whether or not the individual attended the meeting. - In relation to part (ii), whilst there is information on various blogs and some tweets that refer to the alleged tweets, the Clear Up Team was unable to locate the tweets referred to in the allegation. - In respect of any disciplinary action or investigation, in the case of individual (i) there is no record on the individual's HR files that refers to any disciplinary action or investigation. It appears that an informal meeting may have taken place between the then Head of Communications and the individual, and this may have related to the issue raised in the allegation, although no outcome of this meeting can be located. If, in the first instance informal disciplinary action was taken by the individual's management chain, then this appears to have been in line with the Council's Disciplinary Policy at the time. - In the case of person (ii), both of the individuals named in the allegation as having looked into this matter have left the Council and so it has not been possible to determine whether any disciplinary action took place. There is no record on the individual's HR files that refers to any disciplinary action or investigation. Given the seniority of person (ii) and the nature of their role, the former Head of HR and former Democratic Service Head would appear to have been appropriate officers to have progressed this matter. <p>The Clear Up Team's view was that any further investigation into this allegation beyond referring the findings to the Council's project that is looking at improving HR policies and practice, including disciplinary processes, would be disproportionate.</p>	Learning from this allegation to be considered within the current One HR (improvement) programme and the HR Policies and Practice workstream, with particular regard to how disciplinary matters are considered, investigated and actioned.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 032	Fabrication of evidence in order to dismiss staff Allegation that two Senior Managers fabricated evidence in a RIPA (the Regulation of Investigatory Powers Act 2000) application.	2014-2015	Rejected	The allegations are not upheld on the basis that there was no evidence found to indicate that the Council did not follow correct procedures in the application and approval of the RIPA authority in relation to the surveillance operation in question. The Council acted on credible evidence provided from multiple sources including two separate whistleblowers and there was nothing found to suggest that any evidence had been fabricated.	The Council should consider whether the external company/investigator that led the investigation in question should be retained as a potential supplier for investigatory services in light of findings that evidence was gathered outside of the terms of a RIPA authority. The Council may also wish to consider whether to review other investigations, in particular where surveillance has been undertaken by the external security company involved, to provide assurance that the outputs are accurate.
CU 033	Misuse of RIPA Allegation that a spurious investigation was conducted into several members of staff, with a false statement made to obtain authority under The Regulation of Investigatory Powers Act 2000 (RIPA).	2014-2015	Rejected	An external security supplier contracted by the Council was identified as being responsible for acting outside of the terms of the RIPA authority, thereby gathering inadmissible evidence. The external lead investigator responsible for the management of the investigation and collation of the evidence and shared some responsibility for this issue, as does the Council since an Officer overviewing the case missed that some evidence was gathered incorrectly immediately after the surveillance operation. The issue was identified by the Council during the latter stages of the investigation and was subject to legal debate/review which was not commented upon in the Clear Up Team's investigation. It should be noted that there was no evidence to suggest that this issue was any more than an oversight by the parties involved. Although it was established that the Council Central Procurement Team had dealt with procurement of the external investigator to assist with the investigation in question, unfortunately no records appear to have been retained by the Council in relation to this. It was also noted from public records that the company from where the external investigator was sourced do not advertise an investigations service nor publish any investigative credentials. It was unknown why this company was engaged by the Council to undertake investigatory services.	It is also recommended that the Council put in an internal process to ensure that any such surveillance output relating to a RIPA authority should be checked for validity before disciplinary proceedings are commenced. Finally, in the absence of procurement records for the external company that led the investigation, the Council may wish to review the procurement records management process for individual assignments relating to Investigations, also ensuring that investigative credentials are held and that potential conflicts of interest are considered before accepting suppliers.
CU 034	Cost of a Parks and Open Spaces consultant Allegation that a consultant was paid for Council work that was not needed to be undertaken at that level and that could have been handled by Council staff.	From April 2016	Rejected	The Clear Up Team has looked into the process for the procurement of this consultant which was through the Council's corporate Comensura contract and therefore satisfies the Council's procurement requirements. The consultant was engaged as interim Head of Parks following an interview process and the appointment was approved by the then Head of Paid Service. Appointment to the role was urgent following a serious incident in a local park. The consultant's interim role with the Council finished at the end of November 2016.	No recommendations
CU 035	Recruitment to a Council Grants Team Allegation that a recruitment panel member in Adult Services was – for no obvious reason – excluded from a recruitment panel. Another panel member in Adult Services then interviewed an applicant for a Grants Lunch Club Officer and appointed the candidate. The interviewer had informed a Council officer that the candidate's name had been provided by a Member. Allegation that the Council 'bent the rules' on recruitment to appoint this person following influence by a Member. The candidate was subsequently responsible for signing off grants and monitoring delivery.	End 2012	Partially Upheld	The Clear Up Team heard during a fact finding meeting with a Senior HR Manager that there were instances where officers had felt pressure from Members to appoint preferred candidates to roles within the Council in 2012/2013. This included the allegation in question. The HR manager recalled that an officer reported informally that a Member had pressurised a former Director to appoint an officer into a temporary assignment with the Council, who in turn asked the officer to appoint the candidate. HR advised the officer to follow the process and appoint the right candidate upon merit, with further advice to escalate the situation if required. It was asserted that the officer later returned to HR and advised that although the candidate had been appointed to the role, the correct process had been followed and he was the best person for the job. The Member alleged to be involved is no longer in office. Pre-recruitment records are only held by HR for a period of six months, and therefore details of the recruitment interviews and, any scoring and checks undertaken are not available to the Clear Up Project Team. There is also a more informal approach taken to recruitment for agency staff and it was not unheard of for recruiting managers to interview candidates on their own or issue orders to agencies for named staff.	As part of the current One HR (improvement) programme, it is recommended that the recruitment process for temporary staff is reviewed to ensure a consistent approach is taken - using the right governance, and more in line with the standard recruitment guidance, with the use of risk assessed exceptions to policy agreements in exceptional circumstances, thereby ensuring that the Local Government & Housing Act 1989 is being adhered to.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 036	Cover up of abuse of a child at a school Allegation that the Council has covered up the abuse of a child at a local school and failed to investigate.	2016 and ongoing	Out of Scope	This matter is already being investigated through the Children's Social Care complaints process that includes independent investigation and as a result this matter is deemed to be out of scope of the Clear Up project.	No recommendations
CU 037	Cover up of abuse of a child at a school Allegation mirrors allegation CU036 (above).	2016 and ongoing	Out of Scope		
CU 038	Social Workers used for political purposes and to victimise complainants and whistle-blowers Allegation that Council social workers have been used for political purposes and to victimise complainants and whistle-blowers, with the former Mayor and their associates rewarding supporters by appointing them to the Social Services department. In turn some social workers have colluded in unprofessional targeting of certain individuals for reasons of intimidation and to discredit complaints.	No dates supplied	Rejected	The Clear Up Team attempted to gain more specific information and evidence from the complainant to enable investigatory work to take place. The complainant was unable to provide any further information. Therefore, as this allegation is vague and there were no specific matters that could be investigated no further action was taken.	No recommendations
CU 039	Staff involvement in May 2014 Election activities That in May 2014: (i) individuals from the Youth Service were involved in both canvassing (with the intention of falsifying the Register of Electors) and in campaigning for certain candidates; (ii) individuals from the Youth Service were employed at Polling stations to alter voting; and (iii) individuals from the Youth Service were employed at the electoral count with the intention of falsifying the election count; and (iv) that the same individuals referred to in point (i) above were also involved in timesheet fraud.	Lead up to May 2014	Rejected	<u>Canvassing</u> One individual from the Youth Service was involved in canvassing. Canvassers wear high visibility jackets and an identification badge, which should result in it being visually clear when an individual is undertaking the canvasser role. It is not known whether or not the individual campaigned for any particular candidate in his personal time. However, it is noted that canvassing takes place significantly prior to an election, and not when the candidates are officially campaigning. No evidence has been identified to indicate that an individual falsified any entries on the Register of Electors. The transition process to Individual Electoral Registration commenced in the summer of 2014. This involved a data matching exercise where all individuals on the existing electoral roll at the time were matched to Government data. Records were rejected if there was not a match of name, national insurance number and date of birth. This procedure would have identified, and rejected, any individuals that had falsely been added to the Register of Electors if that had happened. Subsequent to this data matching exercise, any additions to the electoral roll have required evidence of national insurance number and date of birth, which are then cross-checked against data held by government departments.	Internal Audit is requested to undertake a review to test that a sample of electors added to the electoral roll have provided appropriate evidence of their eligibility (including nationality, date of birth and address of residence). This review should be completed prior to the 2018 Mayoral and local elections. The Returning Officer and Electoral Services Team should consider what level of information regarding (i) the procedures undertaken to ensure the integrity of the electoral roll; and (ii) the checks and procedures undertaken during verification and counting; should be shared publicly (for example, through a series of articles or a short video) to help increase the confidence of electors in the results.
CU 040	Allegation covering the same matters as CU039 (above).	Lead up to May 2014	Rejected	<u>Polling stations and counts</u> The number of Youth Service employees involved with the polling and count was relatively small proportionally. The result of the May 2014 Mayoral election has already been declared void by the High Court. It is not possible to examine the votes from the 2014 Local Election due to them having been destroyed (in line with standard procedures). Following problems with the May 2014 count, as set out in the Electoral Commission's report, it was recognised by the Council's Election Services Team that improvements to the procedures were required. Subsequently, a significant number of changes have been made for the elections held in 2015 and 2016 and planning has already commenced for the Mayoral and local elections in 2018. Note: The part of the allegation relating to timesheet fraud was considered under CU024	

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 041	Editing of Audit Reports relating to the Youth Service Allegation that Audits of the Youth Service in 2015 and 2016 were edited prior to them being finalised, with some important facts being removed.	Feb – March 2016	Rejected	No evidence was found to substantiate the allegation that the reports were materially edited with important facts removed. However, it would appear that the former report in the allegation, "Fact Finding Report, Youth Service Review", has never been finalised or any formal outcomes advised, although the Clear Up Team is aware that some actions are in progress as a consequence.	2016 Internal Audit Report 'Fact Finding Report, Youth Service Review' to be finalised as soon as possible. The Council's Risk and Audit Service to ensure that there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process.
CU 042	Corruption in the Borough Allegation of 30 years corruption in the Borough.	Before and during Clear Up Period	Out of Scope	The Clear Up Team requested more specific information from the complainant, but this was rejected by the complainant unless the Clear Up Team could provide 'something in return'. Without anything specific to consider the allegation was agreed to be Out of Scope.	No recommendations
CU 043	Blockages and cover up Allegation from a complainant who reports they have tried to raise issues with the Council but that they have been repeatedly blocked.	No dates given	Out of Scope	The Clear Up team requested more specific information from the complainant, but did not receive a response. Without anything specific to consider the allegation was agreed to be Out of Scope.	No recommendations
CU 044	Widespread corruption Allegation of widespread corruption that has led to the complainant being forced to flee the UK, and making reference to phone tapping, entrapment, and a private police force in operation in the Borough.	No dates given	Out of Scope	The complainant provided an allegation implicating a wide variety of public figures and agencies in a corruption claim. The allegation was extremely vague, and as a result the Clear Up Team requested more specific information from the complainant. No further information was received from the complainant and as such the allegation was considered to be Out of Scope.	No recommendations
CU 045	Payment made to a Corporate Director Copy of a press article sent to the Clear Up Team making reference to how a payment to a Council Corporate Director was treated in the Council's Accounts.	2011-2012	Out of Scope	The Clear Up Team wrote to the complainant to ask whether there was a specific allegation they wished to make in relation to the article. The complainant did not respond. As a result, the allegation was considered to be Out of Scope.	No recommendations
CU 046	Serious issue in a local park in 2015 Allegation relating to conduct of officers	2015	Out of Scope	As this matter is already being considered by another statutory and independent investigation (Coroner's investigation) it was considered to be out of scope of the Clear Up Project.	No recommendations
CU 047	Electoral wrongdoing (i) That the counting of ballot papers for the Lansbury Ward at the May 2014 election was manipulated as a result of counters swapping desks, intimidation of counters by observers, and a Presiding Officer counting a ballot box that they had been responsible for in the polling station, and that there were insufficient supervisors for the number of counters. (ii) That a specific error on the electoral roll identified during the 2012 London Mayoral election was not corrected by the Electoral Services team.	2012 and 2014	Partially Upheld	Issues raised regarding procedures during the May 2014 election count had already been recognised by the Electoral Services team as requiring improvement. The result of the May 2014 Mayoral election has already been declared void by the High Court. It is not possible to examine the votes from the 2014 Local election due to them having been destroyed (in line with standard procedures, which required them to be retained for a statutory period of 1 year and 1 day from the election and which was extended by a further 6 months at the request of the Electoral Court). Subsequently, significant changes have been made to the electoral procedures which appear to cover all the points raised by the complainant with the exception of one. The one area that does not appear to have been considered by the Electoral Services team is the risk of a Presiding Officer or Polling Clerk for a particular polling station also counting the votes from that ballot box - a recommendation is made in relation to this point. The alleged electoral roll error related to an example of two children having been included on the electoral roll in 2012, and that these errors were not manually amended by an Officer in the Electoral Services team when he was notified. Whilst children may have been included on the electoral roll in error in 2012, these errors should now have been corrected during the transition to Individual Electoral Registration.	The Electoral Services Team should add an additional requirement to procedures, stating that an individual is not permitted to count votes from a ballot box for which they were either the Presiding Officer or a polling clerk. Internal Audit is requested to undertake a review to test that a sample of electors added to the electoral roll have provided appropriate evidence of their eligibility (including nationality, date of birth and address of residence). This review should be completed prior to the 2018 Mayoral and local elections. The Returning Officer and the Electoral Services Team should consider what level of information regarding (i) the procedures undertaken to ensure the integrity of the electoral roll; and (ii) the checks and procedures undertaken during verification and counting; should be shared publicly (for example, through a series of articles or short videos) to help increase the confidence of electors in the results.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 048	St Peters Ward Local Councillor election May 2014 Allegation that, at the first count, a Labour candidate received 2,270 votes. A recount was ordered, allegedly by the former Mayor. The complainant reports that the next day the new figure for the candidate was 1,680 - a reduction of 590 votes. The candidate was not elected as a Ward Councillor. The complainant alleges that election officials colluded.	May 2014	Rejected	The Clear Up Team found no evidence to suggest votes were lost or that ballot boxes were tampered with. The results were not challenged at the time of the election, and the matter was also considered by the Electoral Commission in its report 'Delays at the verification and count for the May 2014 elections in Tower Hamlets' (July 2014). St Peters Ward has been confirmed as one of 6 wards where there was a recount at the 2014 local elections. Verification certificates have been obtained and reviewed, showing 4650 papers verified from ballot papers and 1,533 postal votes. This figure is consistent with the figure reported in the election results on the Council's website. The 2014 local election ballot papers have since been destroyed, being retained for the statutory period of 1 year and 1 day from the election date, and extended by a further 6 months as required by the Electoral Court.	No recommendations
CU 049	Fraudulent housing allocations Allegation that a supporter of the former Mayor boasted that they were given social housing as a reward for their services	Dec 2014	Rejected	The complainant supplied the name of an individual and an address. The Clear Up team obtained electronic copies of this individual's Housing Application form and the associated documents/evidence leading to making an offer of a flat to the applicant. A review of the application, the associated documents/evidence, and Comino and SX3 (Council databases) checks did not identify anything untoward. The records showed that at least seven different officers from different teams were involved in processing the application concerned. The Clear Up Team concludes that based on these findings, the allocation of a flat to this individual had met all the required criteria and therefore this allegation was unfounded.	No recommendations
CU 050	Grants obtained fraudulently Allegation that grants have been fraudulently obtained by a local resident with close links to Council officers	Up to 2016	Out of Scope	The Clear Up Team found that this allegation had been previously investigated by the Council's Corporate Investigation Team, and a final report was issued in July 2016. The matter related to a 'care package' for providing support to individuals with learning and physical disabilities and not a grant. The investigation did not find any evidence of fraud against the Council, but did identify irregularities, and these have already been referred by the Council to other agencies to investigate.	Progress of the outstanding recommendations from the investigation report needs to be monitored, with actions completed by their target dates.
CU 051	Fraud in collection of business rates Allegation that businesses renting shop units at New Providence Wharf have not had to pay rent and/or business rates to the Council and instead these funds have been diverted to organisations linked to the former Mayor.	During Clear Up period	Rejected	The Clear Up Team did not find any evidence to substantiate the allegations, and no further evidence was provided by the complainant. During the investigatory work, and not linked to this allegation, prima facie evidence was found which indicates that an existing Member has not declared pecuniary interests.	Matter related to potential non-declared pecuniary interests of a Member referred to Council's Interim Monitoring Office and Head of Risk & Audit.
CU 052	Council property service charge fraud Allegation that a number of individuals who have purchased leasehold ex-Council properties/flats have not had to pay services charges once the properties have been let to council house tenants – as a result of fraudulent activity by officers on the instruction of the former Mayor. One company name provided.	c.2013	Rejected	The complainant did not provide any further evidence to support the claim. The company was found to have had an agreement with Council to let properties between 2012 and 2015, with only two Council-owned properties let in that time. The company was removed from the approved register of letting agents in August 2015 by the Strategic Housing Team. The Strategic Housing Team did not have records to show why the company was removed from the approved register, although a member of the team remembered a Council Investigator had been involved in the case. It was found that the company was removed from the register due to potential illegal subletting and for recording themselves as landlords on a Council-owned property, giving rise to the risk that the allegations at least have partial merit. The company was also referred to Trading Standards.	Council to review the approved letting agent register to ensure that rationales for removing agents are recorded appropriately within the framework of the law, to ensure agents known to have acted fraudulently cannot re-apply. To mitigate an apparent reliance within the Risk & Audit Service upon email records saved in Outlook, it is recommended that a full review is undertaken of case management practices and case record management to ensure they are complementary and facilitate the efficient retrieval of information. Council to conduct a 'property' against 'rent account' matching exercise. Vetting arrangements of letting agents to be reviewed by the Council to ensure they are robust.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 053	Allegation of favouritism in the provision of 'crisis grants' Allegation that there has been favouritism for a number of years to certain groups on race/religious grounds in the provision of 'crisis loans'. Allegation that many genuine cases have been turned down because of their race / religion.	During Clear Up period	Rejected	<p>The complainant was unable / unwilling to provide specific examples to support the allegation. The Clear Up Team considered the processes for Crisis Grants and reviewed and analysed relevant data and could find no indication of favouritism.</p> <ul style="list-style-type: none"> - Crisis Grant is made under the Local Welfare Provision. Applications for this grant are received / completed online by the Customer Services Customer Access team. - Completed applications are then passed on to the Revenues Processing and Reconciliation Team to process. The processing consists of three stages, the initial assessment, approving the assessment and making payments to successful applicants. Each of these stages is completed by a different member of staff in the main, although in the event of staff shortages, either the approver or the assessor would also make the payment to the customer. - If the approver disagrees with the assessment, it is fed back to the assessor to review their initial assessment. If after the review, the assessor agrees with the approver, the approver's decision will stand. If they are unable to reach an agreement, it is escalated to the manager or to a Senior Officer to make a decision. - It is voluntary for a customer to state their ethnicity and religion on the application form. Data for Crisis Grant for May, July, September and November 2016 was analysed. The findings varied across the field. Taking the 'prefer not to say' numbers into account, and given that applicants had to be in receipt of Housing Benefit, the figures appear to reflect the make-up of the community in the Borough. The findings did not indicate favouritism of any religious or ethnic group over any other. - Given that there was segregation of duties and no indication of favouritism identified, the investigation concludes that the allegation is not founded. - The Clear Up Team did note that, although there is segregation of duties, the three stages are undertaken by five assessors of the same grade, who approve each other's assessments and make payments for each other. It is possible for an individual member of the team to process an application from end to end after it has been received. This puts the staff at risk of being accused of irregularities. 	Council to put in place measures, controls and systems to mitigate the risk surrounding the Crisis Grants assessment, approvals and payments processes.
CU 054	Allegation of collusion between Council Senior Officer and the Police Allegation that two former Senior Officers of the Council had links to the local Police, and would influence the Police at the instruction of the former Mayor. Allegation of misfeasance in public office, by using contacts in the Police to harass individuals who were political enemies or complainants of the former Mayor.	No dates supplier	Rejected	The Clear Up Team attempted to gain more specific information and evidence from the complainant to enable investigatory work to take place. The complainant claimed to have direct links to several other potential complaints who allegedly have important evidence related to this allegation. The Clear Up Team provided full assurance to the complainant that the identities of these individuals would be protected if they were to come forward, including providing details of the Prescribed Persons arrangements. However, despite these assurances no further specific information, evidence or other whistle-blowers came forward. As this allegation is vague and there were no specific matters that could be investigated, no further action was taken.	No recommendations
CU 055	Council budgets misappropriated and provided to organisations with extremist views. Allegation that council funds from a number of budgets, including the housing budget had been held back under the instruction of the ex-Mayor. Further allegation that public money had been defrauded from the Council by several organisations in receipt of grant funding and sent to terrorist groups.	2012-2014	Rejected	<p>There was no evidence found to suggest that (i) Council Budgets were held back or misappropriated in any way to fund grants for specific organisations and (ii) there is no tangible evidence found to link the organisations named in the allegations and their grant funding to extremist or terrorist activity. It should be noted however, that the latter point cannot be proved conclusively as the Clear Up Team did not have direct access to the named organisations.</p> <p>There were clear anomalies in the decision making processes for the grants sampled in 2013. Organisations sampled had received awards after Grant Officers had declined applications or recommended lower amounts. No rationale for the changed awards was recorded. In addition, two linked organisations sampled may have applied for small grants with the intention of deceiving the council given the anomalies in information provided. As they were forward funded and did not meet monitoring conditions, it is unknown how funds were spent.</p> <p>However, it is accepted that many of these issues are historic and were also reported on in the PWC Best Value Report. It is noted that current grant award processes are now more transparent and monitoring is more robust, which was substantiated by positive feedback from Grant Officers.</p>	<p>The Council should consider whether they wish to approach officials of the two organisations where grant applications may have been submitted with intent to deceive, to request an explanation of the similarities and issues with their Mayor's Community Chest grant applications made in 2013. It should also be considered whether it would be appropriate to request the return of the funding provided subject to proof being provided that the funds were spent in accordance with the grant agreements.</p> <p>The Council should also consider a review of the Tower Hamlets Anti Money Laundering Policy and Guidance, together with the grant award processes to ensure that all money laundering risks are taken into account for outgoing funds. It is suggested that Suspicious Activity Reports are submitted in relation to organisations who fail to fulfil grant monitoring conditions after being forward funded.</p> <p>It is also recommended that the Council ensures that training in anti money laundering and terrorist financing regulations is refreshed for all Grant Officers with the subsequent provision of a rolling programme of training annually.</p> <p>Finally, the Council should consider whether checks are made against trustees or directors or organisations during the grant assessment process to protect the Council against potential conflicts of interest arising.</p>

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
				<p>Due diligence in relation to grant assessments was generally sound, but there may be scope to check further into the background of an organisation and its trustees/directors to provide assurance against conflicts of interest.</p> <p>There does however remain a risk (not however, significant) that the grant award processes could be subject attempts by unscrupulous organisations to use public money for the purposes of financial crime or terrorist funding, given the process to allow forward funding and the limited money laundering awareness evidenced by Grant Officers.</p>	
CU 056	Fraud at Tower Hamlets Homes Various allegations of fraud within Tower Hamlets Homes.	No dates supplied	Rejected	<p>The Clear Up Board's view is that THH is a separate legal entity and as such that organisation should have the opportunity to investigate these claims in the first instance.</p> <p>The Clear Up Team attempted to broker a meeting between the THH CEO and the complainant, with the identity of the complainant being fully protected. The THH CEO is very keen to consider these allegations.</p> <p>A range of options were proposed to the complainant to enable this to take place, with the Clear Up Team continuing to play an introductory role. As of the close of the Clear Up Project, the complainant has not yet taken up the opportunity to raise these matters with THH.</p>	No recommendations
CU 057	Failure to conduct a fair disciplinary process Allegation of improper behaviour in relation to several individuals and of procedural failings in connection with a harassment and discrimination complaint against an individual, an alleged unfair disciplinary investigation process and a flawed appeal.	2013-2016	Rejected	<p>Following document review and an informal fact finding interview, the Clear Up Team's view is that, as this matter has progressed through the Council's disciplinary processes to the appeal stage there are no grounds for further investigation.</p> <p>Separate investigations were carried out at the CHAD (combatting harassment and discrimination) and disciplinary stages by two different investigators, and the appeal was heard by a Corporate Director, in line with the Council's policy. The complainant had the opportunity to raise matters relating to the case at each stage, including at the appeal stage.</p> <p>On a prima facie assessment of the information it would appear there was an acceptance by management that there were procedural failures during the CHAD investigation but on a prima facie assessment the disciplinary investigation took a narrow view of the charges WB11 was ultimately disciplined on. It appears as though the earlier procedural irregularities were addressed at the second investigation and at the appeal stage.</p>	This case and the issues raised within it should be used as a management review within the One HR Programme / HR Policies and Practice Project to strengthen the robustness of CHAD, grievance, disciplinary and appeals processes, to establish fairness of the Council's procedures and how these are practised so as to make improvements in the future.
CU 058	Treatment of a local resident Allegation that a local resident and business owner had been made bankrupt by the Council on the basis of non-compliance with County Court Judgements (CCJ's) despite having paid all outstanding claims. Further allegation that this event and previous/subsequent harassment by officials working for the Council and East End Homes Ltd (EEH) stemmed from a personal issue with a former Respect Party member and friend of the former Mayor. Allegation that complaints made by the resident have not been taken seriously and have been dismissed.	2004 onwards	Rejected	<p>The allegation claiming that the resident was made bankrupt improperly is rejected on the basis that (i) no evidence could be found to substantiate the claim from available Council records and (ii) evidence promised by the complainant to substantiate the allegation was not provided.</p> <p>However, there was evidence found that suggested a disparity between records held on Council systems and correspondence and emails held on the resident's file relating to the payment of a CCJ. In the absence of evidence being provided by the complainant, it cannot be conclusively proved that the resident satisfied the CCJ twice. It is unfortunate that this disparity was not picked up by the Council in the investigation of previous complaints made by the resident.</p> <p>The allegation that business rent statements were tampered with by the Council is rejected on the basis that a review of electronic rent records for the resident have proved that the anomalous entries evidenced were typing errors and/or were valid invoices in all cases.</p> <p>There was no evidence found of any impropriety by Council Officers in their dealings with the resident.</p>	Given the disparity in records held by the Council in relation to the satisfaction of the CCJ, it is recommended that the Council remain open to the receipt of further evidence that proves that the CCJ was paid twice. This evidence should include a breakdown of payments made by the third party who settled the bankruptcy petition on behalf of the resident, including references, beneficiaries, dates and times in order facilitate further investigations by the Council and their appointed solicitors.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 059	<p>Improper Council decision making in relation to 'Rich Mix' S106 funds and litigation</p> <p>A decision taken by the Strategic Development Committee ("SDC") in 2010 to allocate funds to Rich Mix Cultural Foundation ("Rich Mix") was not in the best interests of tax payers, and the decision should properly have been made through grant-making procedures and not by the SDC. The decision was influenced by Members having personal connections with Trustees of Rich Mix.</p> <p>Individual Mayoral Decision 101 on 18 June 2015 was not in the best interests of tax payers due to a lack of information and was made in a secretive way.</p> <p>A Member who had a conflict of interests was involved in discussions relating to the matter during an Overview and Scrutiny Committee meeting.</p>	2010 and 2015	Rejected	<p>The decision relating to the allocation of S106 funds (which are not a grant) to Rich Mix appears to have been referred to the SDC in 2010 by an Officer on the basis that it was his view that it was likely to be a particularly sensitive decision. Considering that the SDC's decision is still being discussed more than six year later then this does not appear to have been an unreasonable view for the Officer to have held.</p> <p>No conflict of interests arises purely by virtue of the fact that a member of the same political party of someone else with a connection to an organisation is involved in the decision making.</p> <p>The Mayor felt that he had sufficient information available to him in order to make Individual Mayoral Decision 101 in June 2015. The information available to the Mayor could not be published at the time, due to (i) some relating to the financial and business affairs of Rich Mix; and (ii) a need to maintain legal privilege whilst litigation was ongoing. Permission was sought from Rich Mix for financial information to be published. Subsequently, following signing of the Settlement Agreement (i.e. when legal privilege no longer needed to be maintained), both Rich Mix's financial information and the Decision Report which the Mayor had considered when making the Decision were published.</p> <p>A Member's non-pecuniary interest was declared at the Overview and Scrutiny Committee meeting held on 7 July 2015. The Council's Constitution did not specify what action should be taken in response. Whilst it may have been advisable for the Member to leave the OSC meeting for the avoidance of the perception of a conflict in their roles, by remaining in the meeting they did not commit any breach of the Council's regulations.</p>	The Constitutional Working Party is requested that (i) their review of Part 5 of the Constitution (Codes and Protocols) considers what actions should be taken by a Member who declares a non-pecuniary interest, particularly in relation to matters that are Exempt due to Legal Privilege; and (ii) their review considers whether it would assist the Monitoring Officer in maintaining the confidentiality of Exempt information if additional guidance was included relating to the procedures for the issuing and protection of Exempt information (pink papers).
CU 060	<p>Council housing fraud</p> <p>Allegation that a resident has received unwarranted works in a Council property through favouritism and dishonesty, and that the occupier has another private property.</p>	Not given	Out of Scope	<p>Although the property's address was provided, no dates were given by the complainant. The Clear Up Board agreed that this matter would be best taken forward by the Council's social housing fraud team and as a result it was referred to the team by the Clear Up Project Manager.</p> <p>The complainant was informed.</p>	No recommendations
CU 061	<p>Allegation of conspiracy to pervert the course of justice / collusion in respect of investigations into Youth Service</p> <p>In May 2016 Cllr Rachael Saunders stated to Council that around 75 investigations were underway into actions of staff in the Youth Services team. Complainant alleges there will be no prosecutions of any Youth Services staff as a result of evidence being "incorrectly packaged" and the Metropolitan Police Service not forwarding the evidence to the Crown Prosecution Service. The Council's response to FOI 6081379 stated that the MPS informed the Council that the reason for the MPS not proceeding with criminal prosecutions was because there was "Insufficient evidence to proceed".</p> <p>Allegation is that (i) Council Officers have lied to Council Members (not specified which) regarding the reasons for there being no prosecutions of Youth Service staff; and (ii) that there is collusion between Council Officers and the MPS to bury evidence.</p>	2016	Rejected	<p>No evidence has been identified in relation to this allegation to substantiate that either (i) Council Officers have lied to Council Members regarding the reasons for there being no prosecutions of Youth Service staff; or (ii) that there is collusion between Council Officers and the MPS to bury evidence.</p> <p>There is evidence that alternative wording for the reasons for there being no prosecution has been used in a private meeting, but there does not appear to have been any attempt to lie or mislead.</p> <p>The allegation includes facts relating to three different 'batches' of investigation evidence:</p> <ul style="list-style-type: none"> (i) Relating to 9 organisations which purportedly provided services to the Youth Service but were found not to exist; (ii) Relating to individuals who have been employed by the Youth Service at some time during the last 3 years and are being investigated in relation to potentially inappropriate expenditure on Council Payment Cards; and (iii) Relating to individuals who have been employed by the Youth Service at some time during the last 3 years and are being investigated in relation to potential failure to declare conflicts of interest. <p>The statement made by Cllr Rachael Saunders to Council on 18 May 2016 related to batches (ii) and (iii).</p> <p>The statement made in response to FOI 6081379 related to batch (i).</p>	No recommendations

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 062	Blocking of enquiries Allegation that a former Senior Officer of the Council repeatedly blocked internal and external enquiries into wrongdoing at Tower Hamlets Council and Tower Hamlets Homes. Specific allegation relating to an incident in November 2013 when three individuals purporting to be from Tower Hamlets Homes knocked on the door of a resident asking how the former Mayor could help, and of an alleged blocked enquiry into this event.	November 2013	Rejected	The complainant was unable to supply any further evidence on this allegation other than an account already provided. The Clear Up Team did not pursue this matter further as: - This matter has been looked at by the Metropolitan Police - Other than Senior Officers who have now left the Council, information of the names of staff involved, either within the Council or TH Homes are unknown - The exact breach that may have occurred is unclear Any investigation would therefore be disproportionate and would be unlikely to reach a firm conclusion	No recommendations
CU 063	Allegations of fraud (1) Photocopying of postal votes, obtaining grants and housing benefit fraud Allegation of an individual photocopying postal votes during an election. Allegation that the individual has obtained grants for a local organisation. Allegation that this individual claims housing benefit fraudulently.	No dates given – asserted to be during Clear Up period	Rejected	The allegation of photocopying postal votes has been rejected as the complainant has been unable to provide any dates or documentation to support these assertions A referral has been made to the DWP Housing Benefits Department to investigate the allegation of possible housing benefits fraud in relation to the individual. The allegations of fraudulent activities and links to a terrorist organisation by members of a local organisation rejected due to lack of any supporting evidence. Information report supplied to the Charity Commission to advise that a Trustee for the local organisation is also a Trustee for an organisation that supports a foreign political party.	Referral of Housing Benefit matter made by Clear Up Team. Referral to Charity Commission made by Clear Up Team. Grants Team to ensure that the outstanding monitoring visit to the organisation for failings in returning accurate and timely reports is actioned as soon as possible.
CU 064	(2) Allegation of fraud involving a local organisation Allegation that members of an organisation with alleged extremist views have taken over the organisation from more moderate members of the community. Allegation of fraudulent activities of obtaining grants and monies raised in this organisation being used to fund other activities.		Rejected	An issue relating to the local organisation's non-compliance of submitting their grants forms on time and of an outstanding monitoring visit (since April 2016) have been found to still need addressing by the Grants Team. The Clear Up Team also found that there is another whistle-blowing matter connected to this allegation running in parallel to the Clear Up Project, and this is being addressed through the Council's whistle-blowing process.	
CU 065	Wrongdoing concerning the Council's Rapid Response Team Allegation of drug taking, drinking, and postal vote fraud involving the Rapid Response Team.	Early 2014	Rejected	As this allegation is vague, and no specific investigable details are provided the Clear Up Team's view is that and any investigation would be disproportionate. The complainant was unable to provide any further evidence. The substance of the allegation could neither be upheld nor rejected.	There are a number of Council reviews underway that impact on the role of the Rapid Response Unit (e.g. the new Anti-Social Behaviour Strategy), and there have been a number of audits and investigations in the past that have reported findings and recommendations in relation to the Unit. The Council should ensure that any past findings and/or recommendations relating to the Unit and any future recommendations as a result of these reviews are carefully tracked and implemented.

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
CU 066	<p>Failure of HR to provide appropriate advice during a disciplinary process and failure of the Council to respond to complaints raised in relation to this</p> <p>Complainant won an Employment Tribunal which determined that he had been unfairly dismissed by a voluntary aided school. Complainant alleges that:</p> <ol style="list-style-type: none"> 1. The Head teacher of the School pre-determined the outcome prior to any investigation; 2. HR advice provided by the Council to the Governing Body during the investigation / disciplinary / appeal was incorrect and biased; 3. The External Investigating Officer recommended by the Council to the Governing Body was not independent, did not conduct an appropriate investigation, and had pre-determined the outcome on the basis of instructions from the School and / or the Council; 4. Council investigated the complaint against HR and the HR investigator, using another investigator also from HR who was not independent; and 5. The Complainant has raised the issue repeatedly during the last two years and the Commissioners / Head of Paid Services / Chief Executive have failed to respond. 	2012 and ongoing	<p>Partially out of scope</p> <p>Partially rejected</p>	<p>The Clear Up Team conducted a full investigation of this matter and provided feedback to the complainant.</p> <p>Due to a restricted reporting order having been put in place in relation to the Employment Tribunal judgement and the reasons for it, the detailed findings in relation to these allegations will not be published.</p>	<p>Recommendations made in this case must be allocated as action points against a timetable and progress in implementing them must be tracked and monitored. A number of the recommendations were made 30 months ago, but there has been limited progress made in implementing them since then. A report with an action plan is to be reported to the Statutory Officers' meeting.</p> <p>Officers in the Schools HR Team should clearly and contemporaneously document all HR advice that is provided to schools, and a formal part of the pre-meeting for a suspension should be to inform schools that, if they act contrary to HR advice that is provided to them, then they will become responsible for any costs that are incurred.</p> <p>An HR Officer should be appointed as the owner of the list of potential independent external Investigating Officers. The list should be refreshed, and background checks undertaken on the reputation and experience of those included on the list.</p> <p>The HR Senior Manager should instruct all Officers in the Schools HR Team that, when requested by a school to recommend an external Investigating Officer, they should provide details of at least three potential Investigating Officers so that it is clearly the school which makes the decision as to who to appoint and there is not a perception that the Investigating Officer has been appointed by the Council.</p> <p>The HR Senior Manager should review whether a presumption that all activity in relation to investigations being conducted in schools ceases during the six weeks summer holiday is necessary, given that this results in a loss of timeliness in the collation of evidence and some witnesses may be available during this period.</p> <p>Officers in the Schools HR Team should be provided with further training in relation to the requirements of the Burchell Test in relation to investigations, and advising on this should become a standard element of advice provided to Disciplinary Panels and Disciplinary Appeal Panels.</p> <p>The role of the independent Investigating Officer at a Disciplinary Panel should be clarified by the HR Policies and Procedures Project Board and the wording in the Schools Personnel Manual Procedure for the Disciplinary Hearing should be amended.</p> <p>The Governors Service should conduct mandatory training for any governor who will chair either a Disciplinary Panel or a Disciplinary Appeal Panel, and the chair should run the Panel and ask questions of the witnesses and the Investigating Officer.</p> <p>As part of the standard procedures when advice is provided in relation to a new allegation, the Schools HR Team should consider the potential conflict of interests that may arise in relation to the roles of the Head teacher and how these will be mitigated, for example, considering if the Head teacher is the key witness whether it is appropriate that the Head teacher should also commission and brief the external Investigating Officer.</p> <p>When an Employment Tribunal rules that a dismissal has been unfair, then the Legal Officer involved in the case should request an independent HR Officer to undertake a review of the case, the HR advice that was given, and the details of the judgement, in order to identify and lessons to be learned and any changes to procedures required.</p> <p>The HR Policies and Procedures Project Board should consider whether any clarification is required in relation to which policies apply in relation to voluntary aided schools at which, in addition to relevant Council procedures, there are also relevant diocesan procedures, and that these policies are consistent in the requirements set out.</p> <p>The HR Policies and Procedures Project Board should review the wording in the standard suspension letter template to consider clarifying that the onus is on the suspended employee to contact the Link Officer to obtain updates, and that updates will not be proactively offered. Alternatively, it should be agreed at what milestones during the process or at what intervals the Link Officer will contact the suspended employee.</p> <p>The HR Policies and Procedures Project Board should review who is responsible for the provision of counselling for a person who allegations have been made against.</p> <p>In order to avoid an incorrect external perception that internal investigations into the conduct of HR Officers are conducted by other closely connected HR Officers with a lack of independence, any letter informing a complainant of an outcome of an investigation should clearly state how the person who has conducted the investigation is independent of the individuals who the allegation(s) have been made against, and this guidance should be incorporated into the current HR Policies and Procedures Project Board.</p> <p>At the end of a Complaints procedure, whether conducted by the Complaints Team or elsewhere in</p>

Case Ref No	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations for Further Action Agreed by the Clear Up Board
					<p>the Council, when the Complainant is informed that all steps of the process (including a senior review) have been completed then wording included in the final outcome letter should be explicitly clear that "no further correspondence will be entered into".</p> <p>The Corporate Director for Children's Services should consider whether the risk of the Council being liable to reimburse the costs of schools losing cases of unfair dismissal at Employment Tribunals as a consequence of being unable to prove when schools have not complied with HR advice provided to them due to either (i) the advice not being documented at the time; or (ii) the appropriate advice not actually being provided; should be added to the Council's Risk Register.</p> <p>The Schools HR Team should advise Disciplinary Panels and Disciplinary Appeal Panels that minuting of the proceedings should stop when the Panel adjourns to discuss and make a decision.</p> <p>A number of further recommendations were made in relation to this allegation, which cannot be published as a consequence of the Employment Tribunal's ruling that reporting restrictions apply.</p>

Report Paragraph Number	Area	Findings	Monitoring Officer Response	Future Actions
3.16	Organisational Culture - Whistle-blowing and Reporting Concerns	In the course of engaging with complainants and considering allegations, the Clear Up Team noted from multiple sources that, whilst there have been improvements, there is still some distrust in the Council's current arrangements for whistle-blowing and reporting concerns. This includes distrust in the Council's processes for how concerns are assessed, investigated and acted upon, and also in the Council's commitment to fully protect the identity of whistle-blowers should they request to remain anonymous for fear of reprisal	(1) The Council's intention is to improve organisational culture. On the one hand, the Council wishes to support staff who wish to raise concerns but on the other hand there needs to be explicit support for whistleblowing from senior managers. The new Whistleblowing Policy is part of a drive to create an environment where staff are able to raise concerns within the Council. It is accepted that this cultural change in perception will not happen overnight and that trust will have to be re-earned	(1) The Monitoring Officer will continue to oversee Whistleblowing and will take appropriate steps where necessary
3.18	Organisational Culture - Whistle-blowing and Reporting Concerns	The Clear Up Team is encouraged that the Council has already acted on the need to further improve the current arrangements, evidenced by the appointment of Grant Thornton UK LLP in early 2017 to undertake a review of the Council's current whistle-blowing arrangements. Grant Thornton's scope includes comparison of the current processes with best practice examples and guidance, making recommendations for any changes required and developing a plan for implementing these changes	(2) During the Grant Thornton review, pro-active changes have been made to the Whistleblowing process that can be immediately implemented (e.g. additional information when recording information)	(1) Once Grant Thornton report their findings and recommendations, these will be considered and actioned by the Monitoring Officer
3.20	Approach to Investigations	Underlying a significant proportion of the 66 allegations is the Council's approach to conducting investigations. This includes the approach to corporate fraud investigations, investigations of organisations in receipt of Council funds, management investigations, HR/disciplinary investigations and also the recommendation of external investigators to schools	<p>The Council undertakes investigations for a number of different purposes and there is a need to separate those that are undertaken as part of the Council's enforcement functions which are undertaken by trained investigators (e.g. Trading Standards officers investigating an allegations in respect of the sale of counterfeit goods) with those other types of investigations that are undertaken (e.g. a disciplinary investigation).</p> <p>The 'criminal' investigations are conducted in accordance with the Police and Criminal Evidence Act 1984 and the Criminal Procedure and Investigations Act 1996 and under the umbrella of the Council's Enforcement Policy.</p> <p>There should, however, be a corporate methodology in respect of 'other' investigations and this can be achieved by the introduction of a Corporate Investigations Procedure covering areas such as:</p> <ul style="list-style-type: none"> - Training and guidance - Standards - Commissioning external investigators - Setting robust and realistic timetables 	The preparation of such a Procedure has been referred to the Divisional Director, HR and Transformation for consideration and to action with the assistance of the Monitoring Officer
3.24	Election Procedures	The Clear Up Team received a number of allegations relating to past elections, and primarily the May 2014 elections. In the course of its work to review these allegations, the Clear Up Team found that, following the well-documented problems that have occurred in the past, the Council has significantly improved its election procedures. There is, however, the opportunity for further improvement and the Clear Up Team has therefore made recommendations to further strengthen election procedures and provide additional reassurance ahead of future elections. This includes work to explain these improvements to voters to help build trust ahead of the 2018 election	These matters have been addressed in more detail in Annex A of the Clear-Up Board Report and recommendations for further action [see CU 039, CU 040 and CU 047]	See entries for CU 037, CU 040 and CU 047 for steps being taken to address recommendations for further actions

3.25	Monitoring Compliance following Council decision points	The Clear Up Team considered a number of allegations that highlighted failings of the Council to appropriately monitor actions / implementation after a decision has been taken. This includes (i) awarding property leases but then failing to monitor to ensure that the building is being used for the purposes original applied for; (ii) commissioned service providers not being monitored consistently and with sufficient frequency to ensure standards and value for money; (iii) grant conditions; and (iv) as highlighted above, implementation of actions from Council investigations or audits. The Council may wish to reflect on this learning and consider what improvements can be made to monitoring	The issuing of monitoring crosses Directorates but there should be a corporate methodology in respect of monitoring and this can be achieved by the introduction of a Monitoring Policy setting out corporate standards	The preparation of such a Procedure has been referred to the Divisional Director, Strategy, Policy, Equality and Partnerships for consideration and to action with the assistance of the Monitoring Officer
3.26	HR Policies and Practices	The Council's past HR policies and practices, and the problems arising from them, was a theme across several allegations. Specific examples were provided as Clear Up allegations alongside more general comments from complainants about weaknesses in this area	These matters have been addressed in more detail in Annex A of the Clear-Up Board Report and recommendations for further action [see CU 015, CU 017, CU 022, CU 024, CU 025, CU 026, CU 027, CU 031, CU 035, CU 057 and CU 066]	See entries for CU 015, CU 017, CU 022, CU 025, CU 027, CU 031, CU 035, CU 057 and CU 066 for steps being taken to address recommendations for further actions
3.29	Council Systems and Processes	Alongside HR policies and practices, the Clear Up Team also identified that there are opportunities to improve other Council-wide corporate systems and processes, and was encouraged that the Council's leadership has already started to act on this. This includes (i) improvements to the processes for DBS checks and referrals; (ii) the system for booking Councillor Ward surgeries; and (iii) the approval and completion of timesheets for part-time and zero hour contract staff	(1) The matter in (i) and (iii) have been addressed in more detail in Annex A of the Clear-Up Board Report and recommendations for further action [see CU 022, CU 024, CU 025 and CU 026] (2) As to (ii) a new booking system has now been introduced following agreement by CMT	(1) See entries for CU 022, CU 024, CU 025 and CU 026 for steps being taken to address recommendations for further actions (2) No further action
3.31	Council Systems and Processes	The Clear Up Team is encouraged by the Council's recent internal audit work to review officers' declarations of interest. In addition, given findings by the Clear Up Team during the course of the Clear Up Project concerning Members' declarations (referenced in Annex A), the Clear Up Team has recommended to the Council that the scope of this work should be extended to also include Members' declarations of interests	(3) This matter has been addressed in more detail in Annex A of the Clear-Up Board Report and recommendations for further action [see CU 025]	(3) See entry for CU 025 for steps being taken to address recommendations for further actions
3.32	Member / Officer Protocols	The Clear Up Team received allegations, and also heard anecdotal evidence, relating to the earlier part of the Clear Up period which related to concerns that Members had inappropriately pressurised officers into bypassing Council procedures, covering a number of matters including Council grants, Council payments and recruitment	The Member/ Officer Protocol has been reviewed and a revised Member/ Officer Relations' Protocol has been prepared	Present the revised Member/ Officer Relations' Protocol to a future Constitutional Working Party for consideration

<p>3.35</p>	<p>Security/ Confidentiality</p>	<p>During the course of the Clear Up Team’s work a number of security and confidentiality issues arose that the Council should consider and seek to address. Specifically these include:</p> <ul style="list-style-type: none"> - A history of leaks of confidential Council conversations and documents, which appears to be an ongoing issue (although not from the Clear Up Project); - A weakness in the control of exempt information provided to Members (Pink Papers), particularly where it relates to ongoing litigation and litigation legal privilege applies; and - Inappropriate IT access - a specific case where the Clear Up Team requested access to several former officers’ email accounts and the Clear Up Team’s confidential rationale for requesting this was mistakenly copied by an IT officer on more than one occasion to another officer who should not have seen the request 	<p>(1) Regarding leaks of confidential information and a weakness in control of exempt information provided to Members, data protection is important and both the Member/ Officer Protocol and the Employees' Code of Conduct have been reviewed and a revised Member/ Officer Relations' Protocol and a revised Employees' Code of Conduct prepared. Both these documents address confidential and exempt information and the need to protect data</p> <p>(2) Inappropriate cc'ing of emails is unacceptable. The Council has an Email and Internet Policy and which addresses this.</p>	<p>(1) The revised Member/ Officer Relations' Protocol and Employees' Code of Conduct will be presented to a future Constitutional Working Party for consideration</p> <p>(2) The specific cases referred to in respect of inappropriate IT access has been referred to the Divisional Director IT for consideration and action</p>
-------------	---	--	---	---

This page is intentionally left blank

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 001	<p>Formation of Tower Hamlets Homes Allegation that Tower Hamlets Homes was formed to remove Council responsibility for housing problems and at a loss to the taxpayer.</p>	Pre-Clear Up Period	Out of Scope	Tower Hamlets Homes was formed prior to the Clear Up period (Oct 2010 – June 2016) and the complainant did not provide further, specific allegations relating to the Clear Up period when requested. This allegation was therefore considered to be outside of the scope of the project.	No recommendations	<p>No further action Tower Hamlets Homes was set up to separate the day to day housing management role of the Council as landlord from its wider strategic housing role. Through the ALMO Programme, DCLG offer additional resources towards the cost of achieving the Decent Homes Standard and which the Council could not otherwise access. The Government would not have consented to the establishment of Tower Hamlets Homes without clear evidence that the council has consulted its tenants and leaseholders and can demonstrate a balance of support from them for the ALMO proposal</p>
CU 002	<p>Conversion of the Ben Jonson Road Retail Units from 8 to 16 units Allegation that the decision to convert the retail units gave an unfair advantage to specific individuals who would not have been able to pay the rent otherwise, and that this decision went against the residents' wishes. Allegation the decision was then effectively 'reversed' in June 2016 when it was agreed that 3 of the units would be leased to a supermarket with a six month rent free period. Allegation that both of these decisions resulted in a financial loss to tax payers and that an intention to benefit certain individuals had caused this situation.</p>	April 2013 and June 2016	Rejected	The Clear Up Team found that whilst the background to the situation described in the allegation is mostly supported by evidence identified, the substance of the allegation that something improper has occurred is rejected. - There was a change in the Council's approach to identifying appropriate traders for the Ben Jonson Road shops between April 2013 when a Cabinet Decision was taken and July 2016 when a Mayoral Decision and Commissioners' Decision were taken. This appears to have been partly as a result of a difference in political approach three years after the original decision and partly as a response to advice received from an external property agent. - The change in approach means that it is possible that if a supermarket is identified which wishes to lease a larger sized unit, then there may be a need to remove a breeze block partition wall that was previously built and that additional water and electricity connections have been installed unnecessarily. The potential 'wasted' costs would be less than £20,000; however a contract with a supermarket has not yet been agreed so this may not occur. The supermarket would be responsible for any further costs incurred to alter the layout of the units so there is no risk of further costs to the taxpayers. - The potential rent free period currently being discussed with a supermarket is consistent with external advice provided to the Council, and similar arrangements have also been negotiated with the tenants of the other (single) units. - There is no indication that there was any attempt to create an unfair advantage to specific individuals as alleged. The only preference shown was to the displaced previous traders who had a legal 'right to return'.	No recommendations	<p>No further action The Summary of Findings is accepted</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 003	Dorset Library closure and transfer Allegation that this asset was handed to a community association by the Borough's former Mayor in 2011 or 2012, and now runs as a Mosque thereby excluding many residents on the estate.	2012 and ongoing	Rejected	<p>The allegation is rejected, on the basis that (i) the community association was correctly selected in preference to the two other applicants through the Council's "Allocation process for Council-owned property to Third Sector Organisations" (which had been approved by the Cabinet in 2010); and (ii) that there is no requirement for the community association to grant access to the Dorset Library to other community groups.</p> <p>- Documentary evidence has been located which demonstrates that procedures were followed appropriately in the selection of the community association as the third sector organisation to be allocated the lease for the former Dorset Library building, and that this process involved a number of Council officers from different departments. No evidence has been identified of any involvement of the former Mayor in that decision.</p> <p>- The lease between the Council and the community association stated the permitted usage is "community centre" but with other wording indicating that it would also be used as a place of worship. The wording has been interpreted as permitting any usage under the planning category D1 (which includes usage such as library, community centre, nursery or place of worship).</p> <p>- Once the application received from the community association had been assessed against the criteria set out in the Allocation Process and the community association had been selected as the winning applicant, then no further reference was made to the information contained in the application form. This creates a risk that an organisation can complete the application form with the information that they believe will 'score points' in the assessment process and then, having been awarded the lease, actually deliver something completely different.</p>	<p>(1) The Legal Department should review the wording of any template lease used for third sector organisations, to consider (i) if it is sufficiently specific with regards to the anticipated usage of the building and if it would be enforceable if an alternative use was made of the building; and (ii) how requirements for diversity and inclusivity can be built into the arrangements.</p> <p>(2) For the future allocation of properties to Third Sector organisations, the Council's Third Sector Team should consider the relevance of the application form once a lease has been agreed, and how delivery of the submitted proposal is monitored.</p> <p>(3) The existing lease between the Council and the community organisation in this allegation should be considered as part of the current Main Stream Grants review.</p>	<p>(1) This recommendation has been referred to the Divisional Director, Legal for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, Property and Major Programmes for consideration and to action as part of the review of the Council's Community Asset Strategy</p> <p>(3) No further action This already happens as quarterly monitoring reports relation to MSG looks at the lease arrangements between the Council and community organisations in receipt of such</p>
CU 004	Dorset Library closure and transfer Allegation that the library was closed and then transferred without any consultation in 2011 or 2012, with the asset being put up for bid as a business concern and awarded to a community association with a five year contract to 2017. Allegation that upkeep on the property is paid for by local taxes, and that there has been investment, but that other local groups are excluded, and not invited to the AGM	2012 and ongoing	Rejected	<p>- The lease does not include any obligation to provide access to the building to other community groups. The application submitted by the community association indicated that they would work with other local groups and there is evidence that this happened between at least 2012 and 2014.</p> <p>- Maintenance of the Dorset Library building is not currently being paid for by the Council. However, the community association did receive £14,918.61 from the Community Faith Buildings Support Scheme between 14 August 2013 and 18 March 2015. Currently the community association is receiving payments under two grant programmes which are for "Older People Lunch Club" and "Get Involved".</p>		
CU 005	Improper Council disposal of Calder's Wharf / Calder's Wharf Community Centre assets Allegation that these community facilities were inappropriately disposed of by the Council.	Pre-Clear Up Period	Out of Scope	The matter raised in the allegation refers to decisions taken in advance of the Clear Up period (Oct 2010 – June 2016). Following a complaint to the Council by the complainant prior to the Clear Up Project being launched, this matter was also already being considered by the Council's Interim Monitoring Officer. It was therefore agreed with the complainant that this matter would not be considered by the Clear Up Project.	No recommendations	No further action This is a matter that the Monitoring Officer has been dealing with. Calder's Wharf was properly disposed of there is no evidence that has been provided which shows otherwise

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 006	Sale of Council Property - 31 Turner Street Allegation that the property was placed for sale and then removed from sale, despite bids being received offering the asking price, without proper Cabinet approvals, and that a friend of the former-Mayor was one of the bidders. Allegation that this issue has been covered up and not resolved.	2014	Partially Upheld	The allegation correctly identified that there was a lack of proper Cabinet approvals in relation to the proposed disposal of this property. However, the issue has previously been investigated and responded to, procedures have changed, and there is no evidence that it has been covered up or left unresolved. - An independent investigation was undertaken by Mazars (an accountancy firm which provides Internal Audit services to the Council) in 2015 which appears to have had an appropriate scope, and which reached conclusions that were supported by the evidence identified. The recommendation proposed by Mazars has been completed. - Until 31 March 2017, procedures were in place that any decision to dispose of property required the approval of the Commissioners and strengthened procedures have been put in place enabling the handing back of control to the Council. - No evidence has been identified that there has been an attempt to conceal the results of Mazars' investigation from the Statutory Officers.	No recommendations	No further action This is a matter that was addressed prior to the complaint to the Clear-Up Team and the recommendation by Mazars was implemented
CU 007	Sale of Passmore Edwards Library Allegation that (i) Limehouse Library was sold at less than market value; and (ii) that the use of Limehouse Library has changed from restaurant to student housing; and that these events have occurred as a result of corruption in the Council.	2012	Rejected	Whilst the background to the situation described in the allegation is supported by evidence identified, the substance of the allegation is rejected. - The former Limehouse Library building was independently valued prior to being marketed. The lease price paid was within the predicted range and was close to the top of the range. According to the PwC Best Value Inspection report, 12 bids were received, indicating that the process was competitive. - The Lease was agreed with the second highest bidder, on the basis of independent advice that the highest bidder was not credible and that there were significant concerns regarding the ability of the highest bidder to complete the transaction. - The Lease agreement permitted use of the property in accordance with any planning permission obtained, and did not specify any further limitations regarding what this use may be. Planning permission was obtained by the Lessee in 2014 to convert and extend the property for use as student accommodation. The only potential link between the property and a restaurant is that the Lessee is registered at Companies House as trading as "Licensed Restaurants". However, there is no indication within either the Lease or the Planning Applications that there was an intention to use the former Limehouse Library building as a restaurant.	No recommendations	No further action The Summary of Findings is accepted
CU 008	Council housing fraud Allegation that a property in the Borough was gained through a family member's links to the Council.	No dates given	Out of Scope	Although the property's address was provided, no dates were given by the complainant. The complainant stated that no further information would be provided. The Clear Up Board agreed that this matter would be best taken forward by the Council's social housing fraud team and as a result it was referred to the team by the Clear Up Project Manager. The complainant was informed	No recommendations	This is a matter being investigated by the Council's Risk Management and Continuity Planning Team and will be reviewed by the Monitoring Officer once the outcome of the investigation is known

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 009	<p>Cover up' or failure to investigate alleged grant fraud by a local Mosque Allegation that a referral to the Council's Corporate Investigations Team (with the Risk & Audit Service) alleging misuse of lunch club grants by a Mosque, which was also linked to Council officers, was suppressed or not followed up. Allegation that findings in the referral were leaked to the Mosque by a Council officer which resulted in threats being made</p>	2015-2016	Partially Upheld	<p>There is no evidence to suggest that any investigation into the Mosque was deliberately suppressed, and indeed, there was evidence to show that one issue arising in the original referral had been dealt with.</p> <p>However, the poor case management practices evidenced have led to either (i) allegations not being investigated or (ii) the allegations may have been considered and rejected but no rationale for this decision has been recorded. In the absence of records or detailed recollections from the Council's Risk & Audit Service, it has not been possible to prove that the original fraud referral was adequately investigated.</p> <p>It is understood that the Mosque is no longer provided with funding by the Council and that individuals who made, or were the subject of outstanding allegations contained within the original referral, no longer work for the Council.</p>	<p>(1) The Corporate Investigation Team to re-examine the allegations contained within the original referral in relation to the Mosque, in order to consider whether any retrospective investigation is required to satisfy the Council that public funds have not been misused.</p> <p>(2) Head of Risk & Audit to facilitate a full review of corporate investigation case management systems, investigative policy and process to ensure: - All cases are properly tracked, managed and supervised from initial logging to conclusion, to include any transfers of cases to investigators and the provision of regular updates by investigators on progress. Rationales for decisions and case closures to be fully documented. - That all cases allocated for investigation are only closed with the provision of a Final Investigation Report to evidence that a proper investigation has taken place, even if there are no adverse findings - Evidence and case documents, where possible, are recorded and organised in electronic formats within a secured shared drive, with paper records held if required for evidential purposes.</p> <p>(3) The specific issues detailed within the recommendations should also be tested at least annually through the standard independent auditing or assurance processes</p>	These recommendations have been referred to the Corporate Director, Resources for consideration and to action
CU 010	<p>'Cover up' of an investigation report into a local community organisation Allegation that an investigation report into grant funding for a local community organisation was not acted upon or covered up in the case of potential fraud involving officers.</p>	42248	Rejected	<p>No evidence was found to substantiate the allegation.</p> <p>Investigations into this organisation were undertaken in 2015 and concluded that there was no evidence to substantiate concerns relating to misuse of grants</p>	No recommendations	<p>No further action The Summary of Findings is accepted</p>
CU 011	<p>'Cover up' of findings relating to a local community organisation in receipt of lunch club grants Allegation that an Internal Audit Report issued in 2015, which raised concerns about misuse of grants awarded to the community organisation was covered up or not acted upon. The report was said to contain findings relating to the misuse of grants and threats made by Council officers to Grants officers, as well as poor conduct by a Member allegedly influencing the grants process.</p>	2015	Partially Upheld	<p>No evidence was found to substantiate the allegation that the Investigation Report was suppressed or covered up.</p> <p>However, it was found that some recommendations in the report had been acted upon or considered through informal interviews, there was limited audit trail or physical evidence to show this in the Councils' case management systems or case files.</p> <p>It was also found that there was no immediate evidence that a serious allegation of potentially corrupt and threatening behaviour by a Council officer mentioned in the report, was considered or acted upon and the Council's Risk and Audit Service have been unable to confirm their actions in this regard to date. The case file for the community organisation had been closed down on the case management system on the basis of an assumption that a report had been issued but without confirmation.</p> <p>There were no clear Investigation Policy or Process documents in place to assist the Clear Up Team with ascertaining what records or audit trails should be retained and how report recommendations are followed up.</p>	<p>(1) The Corporate Investigation Team to re-examine the original investigation report, in order to ensure that any issues that require investigation or action are followed up.</p> <p>(2) Officers responsible for the writing and review of Investigation Reports to ensure: - That all investigation reports are scrutinised to ensure matters relating to poor conduct, bribery or corruption are included in recommendations and taken forward; or - That there are notes on file to evidence that such matters have been considered and discounted, with clear rationale for the decision made</p> <p>(3) Head of Risk & Audit to facilitate a full review of corporate investigation and Internal Audit case management systems, investigations policies and processes to ensure: - All cases are recorded on a suitable case management system from initial referral to conclusion, ensuring that all key decisions made with rationale are clearly noted. - That there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process</p>	These recommendations have been referred to the Corporate Director, Resources for consideration and to action

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 012	'Cover up' of findings relating to a local youth club Allegation that an audit into this local youth club receiving Council funds was covered up or suppressed in some way.	Oct/Nov 2015	Partially Upheld	No evidence was found to suggest that the recommendations within the Additional Findings Report (AFR) on the youth club dated November 2015 were covered up. However there is partial merit to the allegation that the report was not acted upon. It was found that the findings outlined in the report were considered at the appropriate level and remedial actions were proposed; however there was inadequate documented follow up or reporting back to ensure completion of these actions, some of which were not completed, or completed in full	Head of Risk & Audit to ensure that there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process	These recommendations have been referred to the Corporate Director, Resources for consideration and to action
CU 013	'Cover up' of investigation report into a local organisation that received Council grants Allegation that concerns with a local organisation were raised but were covered up/not acted upon. The concerns surrounded misuse of grants and untoward involvement by a Member, as well as an allegation of extremist material being found on the organisation's Facebook PAGE.	2015	Partially Upheld	There was no evidence found to suggest that any formal referrals stating concerns against the organisation were made to the Council's Risk & Audit Service. However, there was a case to suggest that the allegations made in relation to the actions of a Member connected to the organisation should have been considered further and reported to the Monitoring Officer as a potential breach of the Code of Conduct for Members Section 3.2 (e). In any case, it would have been prudent for the Risk & Audit Service to formally record this allegation and the rationale for not taking the matter forward. As it stands, this matter was not acted upon. During the course of the Investigation, when reviewing alleged links between the organisation and Members, it became apparent that there were potential anomalies in the Register of Interests for the Member. Upon closer inspection, there are three organisations/companies where this individual may have had pecuniary interests, which were seemingly not declared. This could be considered a potential breach of Code of Conduct for Members, section 8.1. Under the "Other Interests - Charities" section of the Register of Interests for the Member, an organisation is listed. Within this organisation's Facebook pages an image was found posted in 2015 of a letter using Tower Hamlets headed paper, allegedly from Mayor John Biggs supporting the organisation. Spelling and grammatical mistakes on the letter indicate that the letter was forged or counterfeit	(1) The Head of Risk & Audit should consider, within the corporate investigation case management processes, that all allegations of wrongdoing or impropriety by officers or Members should be formally recorded, with the rationale for any issues not being investigated (or those considered under the remit of different teams) being clearly stated in records. (2) The Head of Risk & Audit should consider ensuring referral and investigative processes explicitly direct that all allegations against Members regarding impropriety or exerting undue influence should additionally be reported to the Monitoring Officer as per Council procedures. (3) The Clear Up Team has notified the Monitoring Officer of the potential breach of the Code of Conduct relating to a Member's pecuniary interests that may not have been declared to the Council. (4) The Monitoring Officer should raise with the Member and take any action that is required in relation to the issue that they attempted to influence an audit. (5) Legal Services to consider whether it is appropriate to make contact with the organisation to request the removal of an image posted on Facebook showing a seemingly forged or counterfeit letter of support from Mayor John Biggs	(1) This recommendation has been referred to the Corporate Director, Resources for consideration and to action (2) This recommendation has been referred to the Corporate Director, Resources for consideration and to action (3) The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members (4) The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members (5) This recommendation has been referred to the Divisional Director, Legal for consideration and to action
CU 014	Irregularity of governance and misuse of public funds concerning a local community association Allegation of ongoing irregularity in governance and misuse of public (Council) funds by individuals connected with the organisation.	During Clear Up Period	Ongoing	Following initial investigation by the Clear Up Team, this matter was referred to the Council for further investigation due to potentially criminal findings.	Referred to Council Monitoring Officer and Head of Risk & Audit following agreement by the Clear Up Board	This is a matter being investigated by the Council's Risk Management and Continuity Planning Team and will be reviewed by the Monitoring Officer once the outcome of the investigation is known

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 015	Suppression of an investigation following collective grievance concerning a former Head of Service Allegation that an Investigation Report issued in September 2014 as the result of a collective grievance against a then Head of Service, was suppressed at the former Mayor's request. Allegation that a further investigation was deliberately commissioned as part of this cover up, which produced different conclusions. In the meantime, the Head of Service had left the Council through Voluntary Early Retirement. A subsequent review of the Service by Mazars awarded "Nil Assurance"	2014/15	Rejected	The allegations are rejected, on the basis that (i) no evidence was found to indicate that the original investigation report was suppressed; (ii) the correct process was used to investigate the Head of Service throughout, with appropriate engagement with HR, Legal and the Corporate Director; and (iii) the Head of Service left the employment of the Council under standard severance terms under the voluntary redundancy procedure. It was found that the process for undertaking investigations into harassment, grievance and disciplinary investigations was inefficient at the time of events and led to the Head of Service being suspended for a very long period. It is noted that some of the findings highlighted in this report will be mitigated in the future by work being carried out within the Council's One HR (improvement) programme. The recommendations should be considered together with this initiative.	(1) The Council's HR Division to review the investigation process for Grievance; Combatting Harassment and Discrimination (CHAD) and Disciplinary issues with a view to ensuring members of staff are only investigated once for the same issue, with outcomes settled (not including appeals) after the first investigation. The current system whereby Grievance / CHAD investigations then lead to disciplinary investigations could be considered inefficient, wasteful of resources and public money, together with being a potential strain on all involved. (2) Consider whether it would be more efficient to centralise investigations under an appropriate Directorate where there are allegations of a complex nature or serious misconduct, to ensure independence, faster turnaround of cases, and the utilisation of investigative specialist expertise. The current system leads to delays in concluding matters as Investigation Officers for HR matters still have to fulfil their normal role objectives and, in many cases, do not have professional investigative expertise. (3) It is recommended that when an officer leaves Council employment whilst under investigation, a final investigation report is still completed and submitted to the appropriate Service Head / Director and HR, to ensure completeness of records and in anticipation of any future legal challenge to outcomes. (4) HR processes and guidance on the suspension of employees should be reviewed, to ensure that suspension periods are as short as possible	These recommendations have been referred to the Divisional Director, HR and Transformation for consideration and to action as part of the Council's One HR (improvement) programme
CU 016	Behaviour of the committee of a local Mosque Allegation concerning the behaviour of the committee of a local Mosque in relation to a planning application and other matters.	Summer 2016	Rejected	This organisation has recently been investigated by the Council's Risk & Audit team following concerns raised by a Member. The previous investigation report, a briefing note on this provided to the Chief Executive and also previous investigation findings by PwC in the 2014 Best Value Inspection have been considered, and it is concluded that sufficient work has been conducted to address any concerns	No recommendations	No further action The Summary of Findings is accepted
CU 017	Former Mayor's communications advisors Allegation that the former Mayor employed communications advisors and that (i) there appears to be limited evidence available regarding what services they delivered for the payments made; and (ii) the payments ended suddenly when the Commissioners were appointed.	2010-2015	Upheld	The Clear Up Team found that previous investigations into this matter undertaken by PwC, as set out in the Best Value Inspection report, concluded that the appointment and monitoring of the Mayor's media advisors had failed to comply with best value duty. Other evidence published by a local blog also appears to indicate that best value may not have been achieved. However, PwC did identify evidence that the required procurement procedures had mostly been followed, and that invoices and timesheets had received approval. These findings would suggest that although the existing controls were mostly being followed, they were not effective in achieving best value.	Consideration should be given by the Council as to whether any improvements are required to increase the effectiveness of current controls in respect of Mayoral advisors, in particular considering: - Whether clear measurement of expected outputs is defined when a contract for an advisor is agreed, which is measured through KPIs or deliverables as opposed to the number of days to be invoiced; and - Activity undertaken by advisors to the Mayor (for media or any other services) is clearly defined and recorded, in order to demonstrate that it does not include any party political activity	These recommendations have been referred to the Divisional Director, HR and Transformation for consideration and to action as part of the Council's One HR (improvement) programme

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 018	<p>Fraudulent Payment Allegation that a payment was made by the Council to a local organisation with no goods or services provided to the Council in return. The organisation then made a payment of the amount less £1,000 to a different organisation and retained the £1,000 as a payment for having completed the transactions. Allegation that this series of payments happened twice</p>	March 2012	Partially Upheld	<p>The Clear Up Team found one instance of a payment of £6,000 was made by the Council to a local organisation in March 2012 with no goods or services provided to the Council in return, with the intention of channelling funds to another organisation, and that £1,000 of this payment was retained by the first organisation.</p> <p>No evidence has been identified to indicate that any similar payment was made by the Council to the organisation on a second occasion. As a consequence, this element of the allegation is rejected.</p> <p>The Clear Up Project Board decided that this matter will not be reported to the Police as (i) it was not clear that the payment was criminal in nature (2) the offence took place over five years ago when the Council's culture for raising concerns / whistle-blowing was very different, (3) the officer admitted everything when asked and cooperated fully with the Clear Up Project, (4) the officer had been placed under pressure from multiple individuals to make the payment, including their line manager who is no longer in post, (5) the whistle-blowing arrangements in the Council at the time had been insufficient and were not trusted by officers, (6) the officer had refused to carry out a similar payment a second time, and (7) the officer did not personally gain in any way from the transaction.</p> <p>The Board also agreed that as (i) the payment had been made over five years ago; and (ii) there is limited information about the nature of the payment; it would not be proportionate for the Council to attempt to recover it.</p> <p>The Clear Up Team was also able to establish that this organisation is not currently in receipt of any Council funds.</p>	<p>(1) Disciplinary action - meeting to take place between the officer and their Senior Manager, with a letter to be sent to the individual, thanking the officer for cooperating but also making it clear that their actions were a very serious matter and should not be repeated.</p> <p>(2) Any recommendations resulting from the current review of whistle-blowing procedures currently being undertaken by Grant Thornton should be acted upon as soon as possible, to assist with increasing the confidence of officers in raising concerns when they feel that they are being placed under undue pressure</p>	<p>(1) This has happened</p> <p>(2) This will be for the Monitoring Officer once Grant Thornton report their findings and recommendations</p>
CU 019	<p>Excessive payment to a Council supplier Allegation that excessive payments were made to a catering company in early 2014 and in April 2015 for a quantity and value of food that was not provided to the Council</p>	2014 and 2015	Partially Upheld	<p>The allegation is unsubstantiated on the basis that it is not possible to determine the quantity or quality of food that was delivered to the Council by the catering company at events held several years ago. However, Financial Procedures appear to have been breached by both the officer at the centre of this allegation and by a Member. The officer continued to breach Financial Procedures in 2014 and 2015, despite having been reminded on at least three previous occasions about the relevant requirements</p>	<p>(1) Disciplinary action – meeting to take place between the officer who has repeatedly breached the Financial Procedures and their Senior Manager with possible further action.</p> <p>(2) The Constitutional Working Party should consider whether any additional wording is required within the Member / Officer Protocol to specify that Members are not permitted to order goods from suppliers on behalf of the Council.</p> <p>(3) Referral to the Monitoring Officer the issue of a Member purchasing goods from a Council budget without prior approval.</p> <p>(4) The Resources Directorate to undertake a check to confirm that the instructions contained on the Support Services Request Form regarding the number of quotes required at different thresholds are consistent with current Financial Procedures.</p> <p>(5) Corporate Director of Resources to consider whether any further checks or controls may be required in order to identify and challenge supplier invoices which are lacking sufficient information</p>	<p>(1) This matter has been referred to the appropriate Divisional Director</p> <p>(2) The Monitoring Officer has reviewed the Member/ Officer Protocol and a revised Member/ Officer Relations' Protocol has been prepared and will be presented to a future Constitutional Working Party for consideration</p> <p>(3) The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members</p> <p>(4) This recommendation has been referred to the Corporate Director, Resources for consideration and to action</p> <p>(5) This recommendation has been referred to the Corporate Director, Resources for consideration and to action</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 020	Use of Community Centres for Ward surgeries Allegation that Ward surgeries held by a Member did not take place, and/or that excessive amounts were being charged.	During Clear Up period	Out of Scope	The Clear Up Team found that this allegation has already been investigated by the Council's Head of Members' Support, concluding in April 2016. The investigation established that the Member typically held two hour surgeries, whereas other Members held one hour surgeries, accounting for the higher spend. No evidence was found to support the allegation that payments were charged for surgeries which did not take place. The Member was subsequently advised to hold one hour surgeries, in line with other Members. The investigation recommended a new process, invoicing system, checks and a cap on the maximum contribution per Member to provide better value for money and consistency in booking venues through the Member Support Team for all Members.	Proposed new process for booking Ward surgeries to be implemented as soon as possible. NOTE – the Council confirmed that the new policy and process was effective from 3 March 2017	No further action As noted in the recommendations, the new policy and process is now effective
CU 021	Purchase Card Fraud Allegation that the system of checks and balances for Council issued credit card/purchase cards is weak and open to fraud.	No specific dates	Upheld	Work was already underway within the Council through the Internal Audit Team to audit the systems and processes for Purchase Cards and to address any control issues. The Clear Up Board reviewed the findings at the Clear Up Board Meeting on 14 March 2017. The Board heard that audit work had been completed with a focus on the Youth Service in 2013/14 and 2014/15 and that this had revealed four main weaknesses in (1) the issuing of cards, (2) how cards are used, (3) monitoring arrangements and (4) payments processes. The audits found an improvement in terms of the number and materiality of issues arising from 2013/14 and 2014/15. The Board noted that recommendations had been made and work was underway to improve systems and processes. The Clear Up Board also welcomed the organisation-wide audit of purchase cards that commenced in March 2017.	Internal Audit should seek to complete the Council-wide audit of purchase cards as quickly as possible, agree recommendations arising from the findings, and implement the action plan Council-wide.	The outcome of the organisation-wide audit of purchase cards that commenced in March 2017 is awaited
CU 022	Disclosure and Barring Service (DBS) Checks and Referral Processes Allegation that Council systems for DBS checks have been historically weak and that these weaknesses persist. Allegation that the Council does not refer dismissed individuals to the DBS.	No specific dates	Upheld	Work was already underway within the Council through the Internal Audit Team to consider the Council's control and monitoring of DBS checks. The Clear Up Board reviewed the findings at the Clear Up Board Meeting on 14 March 2017. The Board heard that the audit work had completed in January 2017 and that only a Limited Assurance opinion had been reported. In particular, the audit found that: - there were some inconsistencies in the Council's database of all posts requiring DBS checks - there have been cases of long delays in carrying out risk assessments when the Council is notified of a disclosure - the processes and controls for undertaking, recording and approving risk assessments by Council officers and notifying the results to HR promptly need to be improved and strengthened, and the quality of risk assessments require improvement and appropriate checks need to be carried out by HR The Council's HR Division also reported to the Clear Up Board to confirm that the Council makes referrals to the DBS and professional bodies when it is appropriate to do so e.g. when the Council believes a person has caused harm or poses a future risk of harm to vulnerable groups. The Council's DBS procedures have been updated recently and were due to be approved by the Council's Corporate Safeguarding Board in March 2017	(1) The Council should ensure that the weaknesses identified in the audit work on DBS are addressed as soon as possible, with progress to be reported to the new Council Improvement Board. (2) The new DBS procedures should be implemented as soon as possible	These recommendations have been referred to the Divisional Director, HR and Transformation for consideration and to action

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 023	<p>Youth Service Summer Programme 2016 Allegation that in relation to the Summer Youth Programme 2016 ("SYP16"):</p> <ul style="list-style-type: none"> (i) procurement procedures were not followed for the Evaluation Panel decision; (ii) providers delivering the programme were not monitored effectively; and (iii) providers did not deliver what they were paid for. 	<p>May-August 2016</p>	<p>Upheld</p>	<p>The Clear Up Team found that:</p> <p>The Council's Procurement Procedures (issued 1 January 2016) do not provide any guidance regarding how Evaluation Panels should be formed or conducted, including the number of evaluators or how independence is maintained.</p> <p>There is currently no formal way in which knowledge of the previous performance of potential suppliers of Youth Services is considered within the procurement process. Attempts to introduce the consideration of prior knowledge into the procurement process by the evaluators during the Evaluation Panel resulted in misunderstandings between the evaluators and a delay to the procurement outcome being finalised.</p> <p>A scoring threshold was introduced by the Evaluation Panel which had not been specified in the Invitation To Tender ("ITT"), and there was no rationale for the level at which it was set.</p> <p>The individual scores included in the evaluation matrix for the SYP16 provided to the Procurement Team, which were purported to be the outcome of the Evaluation Panel had been fabricated by one of evaluators in order to make the total percentage score for each applicant (nearly) match the total percentage score for each applicant that had previously been incorrectly calculated. The providers selected to be awarded the contract would have been different if correct procurement procedures had been followed.</p> <p>The Interim Service Head signed the evaluation outcome on the basis of the total percentages, which she believed to have been correct, but did not review the scores entered into each tab in the evaluation matrix.</p> <p>The scoring methodology in the standard template evaluation matrix can result in preference being given to low quality at a low cost over a better quality at a higher cost, which may not necessarily result in best value being achieved. The consideration of pricing for the SYP16 was only at the level of the total cost and did not consider how that funding would be used, for example, the split between salaries, building rental, and directly on activities for young people.</p> <p>The Procurement Team accepted the explanation provided by one evaluator regarding why another evaluator had not signed the evaluation outcome, without confirming the explanation directly with the evaluator who had not signed. There is a risk that the true reasons for the lack of a signature could have been misrepresented.</p> <p>Monitoring of delivery of the SYP16 was ineffective, mainly as a consequence of the programme only running for one month and this being considered as insufficient time to allow unsatisfactory providers to demonstrate improvements. A draft report (which has not been finalised) was issued a month after the SYP16 had ended, saying that one of the providers should be terminated until issues were resolved.</p> <p>There is no Council policy that sets out how and when monitoring visits should be conducted, and what actions within what timescale should be taken in response to any identified unsatisfactory provision.</p>	<p>(1) Procurement Procedures should be revised to include procedures relating to:</p> <ul style="list-style-type: none"> a) how many individuals should form an Evaluation Panel; b) how the individuals to form an Evaluation Panel should be selected; c) how the Evaluation Panel should conduct the scoring session; d) whether, and for how long, individual notes of scoring should be retained; (e) and what should happen in instances where there is a disagreement between Evaluation Panel members, including that Procurement should independently verify this with the evaluators and not rely upon statements made by one evaluator on behalf of other evaluators <p>(2) The Procurement Initiation Form should be revised to include consideration of:</p> <ul style="list-style-type: none"> a) whether or not a threshold is required; b) and whether any existing knowledge regarding potential bidders is to be taken into consideration. <p>(3) The Procurement Team should review a sample of recent evaluation matrices and consider whether the relative weighting between price and quality is achieving results that represent best value. Guidance should then be provided by Procurement as to what an appropriate balance of weighting between price and quality should be.</p> <p>(4) For future evaluations, Evaluation Panel members should be reminded that they can only score applications against the criteria that were set out in the ITT, and are only permitted to consider the information provided to them and not any other knowledge they may have. Evaluation Panels should not proceed if required information is missing from applicants, to allow that information to be provided and then be considered for all applicants within the evaluation scoring.</p> <p>(5) The Youth Services Team should document a procedure for the monitoring of the provision of Youth Services by external providers, including when monitoring visits should be conducted, how frequently they should be repeated, what actions within what timescale should be taken in response to any identified unsatisfactory provision, and how and to whom the findings should be reported. Preparation of this documented procedure should take into consideration existing practices for monitoring in other departments of the Council in order to learn from any effective monitoring practices already in place.</p> <p>(6) The Corporate Director for Children's Services should be requested to consider the oversight of outcomes from Youth Service activity and how value for money is being measured and monitored.</p>	<p>(1) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(3) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(4) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(5) This recommendation has been referred to the Corporate Director, Children's for consideration and to action</p> <p>(6) This recommendation has been referred to the Corporate Director, Children's for consideration and to action</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
				<p>No report to record challenges encountered or lessons learned was written at the end of the SYP16. The report that was prepared was based upon information received by the Council from the providers, and was only shared between the Youth Service Development Manager and the Interim Service Head.</p> <p>No analysis was undertaken to consider value for money, or to assess whether or not the providers had delivered what they had proposed in their applications.</p> <p>Contracts between the Council and two of the providers were executed more than half way through the SYP16, and with a third provider after the SYP16 had ended. A contract between the Council and the fourth provider cannot be located. No entries were made in the Council's risk register in relation to the lack of signed contracts by the Corporate Director and there appears to have been no authorisation for the commencement of services in advance of a signed contract.</p>	<p>(7) The Legal Department should consider the communication processes between the Legal Team and the relevant Council delivery team to ensure that there is clarity regarding when all executed contracts have been received and delivery can commence or, if delivery is commenced in the absence of a signed contract, for the delivery team to correctly follow the procedures to obtain approval and record the decision on the Council's risk registers.</p> <p>(8) Internal Audit is requested to undertake a review of the next procurement process involving Evaluators 1 and 2, in order to gain assurance that lessons have been learned and the same issues are not continuing to be repeated.</p> <p>(9) Internal Audit is requested to undertake a review on a sample basis of Evaluation Panel scoring, covering both larger and smaller procurements, to consider (i) if there is an independent element to the formation of the Evaluation Panel; and (ii) if the scores allocated appear reasonable when considering the applications submitted e.g. lower scores where responses are absent or very brief.</p> <p>(10) Internal Audit is requested to undertake a review on a sample basis to consider in relation to providers selected through Evaluation Panels: (i) the date on which a contract was executed with the selected provider(s); and (ii) the date on which the provision of services commenced. In instances where the provision of services has commenced prior to the Council entering into a contract, then it should be tested whether this was correctly notified to the Head of Corporate Procurement and the Monitoring Officer and included on a risk register.</p> <p>(11) The Chief Executive is to speak with the Corporate Director regarding oversight of the team, and to consider whether it is appropriate and proportionate to take any action in relation to two of the evaluators, including the provision of further training regarding procurement procedures or any disciplinary action.</p>	<p>(7) This recommendation has been referred to the Divisional Director, Legal for consideration and to action</p> <p>(8) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(9) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(10) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p> <p>(11) This recommendation has been referred to the Chief Executive for consideration and to action As this recommendation is stand-alone to the remaining ten, it is considered appropriate to give a response at this time due to the nature of the recommendation. The Chief Executive has reviewed and spoken to the Corporate Director. Further evidence concerning the conduct and context of this procurement has been considered. He considers that it is neither appropriate nor proportionate to take any disciplinary action in relation to two of the evaluators. There are lessons to be learnt and which can be addressed in the ten recommendations above looking at procedures and processes.</p>
CU 024	<p>Weakness in Council's timesheets for overtime and zero hours contracts Allegation that officers routinely claim for work they have not done, especially when they are working across two service areas as there is no way for managers to check on one system whether they are claiming twice. Allegation of weaknesses in checks and balances, and potential fraud involving managers. Allegation focussed on Youth Service but extended to the whole Council.</p>	Historic and ongoing	Partially Upheld	<p>The Clear Up team considered two concerns:</p> <p>1) That there were/is no transparency and no systems in place to identify part-time and zero hour contract staff claiming for hours on timesheets which they did not work - The Clear Up Team found that this has already been addressed by the Council, and measures and controls have been put in place within the Youth Service since November 2015 to address this matter. - Since November 2015 there have been no over-time and no zero hour contracts in the Youth Service. - A sample test of the revised timesheets from April 2016 to January 2017 confirmed implementation of the current controls and systems and concluded they are sound.</p> <p>2) That there were/are no systems and controls in place to identify claims for overlapping hours where an individual works across two services for two different managers (Council-wide matter) - The Clear Up team found that no systems and controls have been put in place to date to address this.</p>	Controls and systems should be devised as soon as possible to prevent and identify staff recording overlapping hours on timesheets; once devised these are implemented immediately – Council wide	This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 025	<p>Allegation concerning Youth Service Officers</p> <p>Allegation that (1) a Youth Service officer has failed to declare an interest with a youth club and that (2) another former officer who was dismissed from the Council works with this organisation.</p> <p>Allegation that (3) a Youth Service officer was recruited into the Council without a proper DBS check, and that this individual may have changed their name by deed poll in advance of joining to cover up past issues that may have prevented them being employed.</p> <p>Allegation (4) of officers failing to declare interests in a local youth club [no names supplied]. Suggestion (5) of wider problems in the Youth Service and potentially across the Council overall in declarations of interest and DBS checks and referrals</p>	No dates supplied	Partially Upheld	<p>The complainant disengaged from the Clear Up process meaning no further information or evidence was available; however, the Clear Up Team considered the allegations based upon the information provided and found them to be partially substantiated.</p> <p>Referrals were made to the parts of the Council best placed to deal with future action in relation to each matter raised.</p> <p>It should be noted that some of the allegations relate to activities after the Clear Up period (October 2010 – June 2016).</p> <p>(1) Based on the information provided, the Clear Up Team was unable to establish whether there has been a failure to declare an interest by this officer. The details were referred to the Risk and Audit Service that is currently undertaking detailed audit work on officer declarations of interests.</p> <p>(2) An Employment Tribunal is ongoing in the case of this dismissed officer. The Clear Up Team was unable to establish whether this former officer is currently employed by the youth club. Agreed that once the result of the Employment Tribunal is known the officer to be referred to the Head of the Integrated Youth Service, Head of Risk and Audit and HR team to confirm whether a DBS referral is required, and to establish whether this officer is employed at the youth club in any capacity. If it is discovered that the individual is an employee of the youth club, Youth Service and Legal to agree whether this is in breach of the contract between the Council and the youth club.</p> <p>(3) The Clear Up Team has not been able to confirm whether the officer changed their name by deed poll to secure a role in the Council and cover up a past issue that would have prevented them securing a role, but notes that previous names are covered by DBS checks. An issue with the officer’s DBS check has been highlighted, and this matter has been referred to HR for follow up.</p> <p>(4) Without names from the complainant it was not possible for the Clear Up team to establish whether any Youth Service officers have failed to declare interests with this organisation. It was noted that the secretary of the youth club has an identical name to a Council youth service officer and so this matter was referred to the Risk and Audit Team to consider.</p> <p>(5) In relation to the complaint’s suggestion of wider problems in the Youth Service and potentially across the Council overall in declarations of interest and DBS checks and referrals, as no further evidence has been received this matter cannot be considered by the Clear Up project.</p> <p>See also findings of CU022 relating to DBS matters.</p>	<p>(1) Relevant Council teams/officers to look into the specific matters identified in more detail following the referral by the Clear Up Team.</p> <p>(2) In light of the learning from the scoping of this allegation, the Clear Up Team considers it critical that the Council fully accepts the recommendations of the Internal Audit work on declarations of interests and DBS checks and referrals, and implements the findings from this work as soon as possible. Progress on DBS checks and referrals, and on declarations of interest, should report to the new Council Improvement Board (see also allegation CU022).</p> <p>(3) In light of a number of matters relating to Member interests being uncovered by the Clear Up Team during the course of the Clear Up Project, Internal Audit is requested to undertake an audit of Member declarations of interests alongside the continuing work on officer declarations</p>	<p>(1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(3) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p>
CU 026	<p>Drug and Alcohol Team funded organisations</p> <p>Allegation that there were widespread problems in the Drug and Alcohol Team including organisations receiving sums of money from the Council without proper checks to ensure outcomes were delivered, problems with Disclosure and Barring Service checks and failure of officers to make declarations of interests.</p>	During Clear Up period	Rejected	<p>The complainant disengaged from the Clear Up process and was unwilling to provide more specific information or evidence in support of these allegations. As this allegation is vague and there were no specific matters that could be investigated further without further input from the complainant, no action was taken.</p> <p>See also findings of CU022 relating to the Council’s DBS processes and CU025 relating to Declarations of Interest matters.</p>	No recommendations	<p>No further action</p> <p>The Summary of Findings is accepted</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 027	<p>Weaknesses in HR services General allegation of past and present weaknesses across the Council's HR services, including:</p> <ul style="list-style-type: none"> - HR policies and inconsistencies in how these are applied; - How CHAD (combatting harassment and discrimination) and grievances are investigated; frustration of disciplinary investigations within HR and leakage of information; and - Inappropriate pay-offs 	During Clear Up period	Upheld	<p>The allegation was not specific, and referenced more general weaknesses.</p> <p>Clear Up Team found that work was already underway within the Council through the One HR Project to address weaknesses and deliver improvements to HR services.</p> <p>The Clear Up Board reviewed progress at the Clear Up Board Meeting on 8 March 2017. The Board heard that the Council's HR Policies & Practice workstream within the One HR Project is focussing on improvements to a range of HR policies including disciplinary, grievance HR policies including to disciplinary procedures, grievances/ complaints of harassment and discrimination, and sickness absence, and also including a review of the role of investigating officers in HR cases.</p> <p>On settlements, the Interim Divisional Director HR and Transformation reported to the Clear Up Board on 8 March 2017 to confirm that, in addition to voluntary redundancy, settlement agreements are sometimes used by the Council, and that where these are used they require a business case justifying the need for an exit and the approval of the Monitoring Officer</p>	<p>(1) Council to progress the One HR (improvement) Project and the HR Policies & Practices workstream and implement recommendations / actions arising once complete. Progress to be reported to the Council's new Improvement Board.</p> <p>(2) The Council's HR Division to consider how any reporting on the numbers of settlement agreements could be improved to increase transparency</p>	<p>(1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p>
CU 028	<p>Improper Recruitment of Officers Allegation that Officers have been recruited without proper recruitment processes being followed, often under pressure from Members, and resulting in Members having 'plants' in key service areas.</p>	No specific dates	Rejected	<p>Clear Up Team found that work was already underway within the Council through the One HR Project to improve recruitment practices.</p> <p>The Clear Up Board reviewed progress at the Clear Up Board Meeting on 8 March 2017 and heard that the recruitment review work will report findings and recommendations in the Spring.</p> <p>The Board also noted that a 2016/17 audit had considered recruitment processes and awarded a Substantial opinion, and that a follow up audit is now taking place.</p> <p>The Board also considered past recruitment programmes and agreed that work should be undertaken to review the outcomes of these programmes.</p>	Interim Divisional Director HR and Transformation to conduct a review of historic recruitment schemes including 'Workforce to Reflect the Community' and 'Take a Chance' to consider outcomes and learning.	This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action
CU 029	<p>Employment Options Programme Allegation that individuals who should have been subject to disciplinary proceedings were allowed to leave through the Employment Options Programme with a pay settlement.</p>	2014 - 2015	Rejected	The Interim Divisional Director for HR and Transformation confirmed to the Clear Up Board through a report to the 8 March 2017 Clear Up Board that no individuals who were going to have disciplinary findings against them or who had investigations pending for Gross Misconduct were given an exit or voluntary redundancy through the Programme. An Internal Audit was also completed for the Programme and awarded Substantial Assurance.	No recommendations	<p>No further action</p> <p>The Summary of Findings is accepted</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 030	<p>Failure to refer an officer to the Police Allegation that an officer in the Youth Service has been recently dismissed, and whilst this should have been a Police matter the Council chose not to act, suggesting potential cover up officer was allegedly involved in writing funding proposals for organisations that did not exist; this included writing false proposals for politicians. Allegation that this individual and possibly others benefitted financially from this alleged fraud</p>	2015-16	Rejected	<p>The Clear Up Team concludes that the matter was referred to the Police but that the Police had decided not to pursue it. No evidence was found to support any cover up by the Council; the allegation therefore appears to be unfounded, and is rejected.</p> <ul style="list-style-type: none"> - On 4 December 2014, during a face to face meeting at Limehouse Police station, information was provided to the Police regarding an organisation which involved a Council officer. - Sometime after 13 July 2015, a Council Investigator had engaged with the Metropolitan Police and made an informal referral of the Officer's involvement in the organisation. - The Council Investigator continued to email the Police with information involving the organisation and the officer which the investigator had considered to be of interest to the Police, until the end of the investigation in November 2015. - In January 2016, the Police were provided with a briefing paper setting out the findings of the investigation into the officer involving the organisation and other organisations and individuals, and with various allegations. - In early summer 2016 the Chief Executive and another Senior Officer met with a Metropolitan Police senior officer, who had informed them that the Police would not be taking any further action involving any of the organisations and individuals they were looking in to, including the officer named in the allegation. 	No recommendations	<p>No further action The Summary of Findings is accepted</p>
CU 031	<p>Officer actions during the Election Court Hearing and how these matters were looked into by the Council</p> <p>Allegation that:</p> <ul style="list-style-type: none"> i) a Communications Support Officer attended a court hearing in private by saying that they worked for a newspaper (East End Life - a Council paper). Complainant states that this matter was looked at by a Senior Officer in Communications ii) A former Officer in the Mayor's Office was investigated for tweets sent from the Election Court which were then passed on to supporters of the former Mayor who then sent them out 'pretending' it was from them. Complainant states that the former Democratic Service Head and former HR Head looked into this matter. 	March/ April 2015	Rejected	<p>Whilst the complainant was unwilling to provide any further information or evidence, the Clear Up Team considered this matter on the basis of the information received.</p> <p>The Team found that whilst there may be some substance to the allegation, all of the individuals involved have left the Council, the complainant had no further information to provide, and the Clear Up Team was been unable to find any further evidence to substantiate the allegation or to confirm that any breach took place. In particular:</p> <ul style="list-style-type: none"> - The two individuals referred to in the allegation were both employed by the Council at the time of the Election Court hearing. However, both have subsequently left the Council. - In relation to part (i) of the allegation, as this refers to a private court meeting it has not been possible to confirm whether or not the individual attended the meeting. - In relation to part (ii), whilst there is information on various blogs and some tweets that refer to the alleged tweets, the Clear Up Team was unable to locate the tweets referred to in the allegation. - In respect of any disciplinary action or investigation, in the case of individual (i) there is no record on the individual's HR files that refers to any disciplinary action or investigation. It appears that an informal meeting may have taken place between the then Head of Communications and the individual, and this may have related to the issue raised in the allegation, although no outcome of this meeting can be located. If, in the first instance informal disciplinary action was taken by the individual's management chain, then this appears to have been in line with the Council's Disciplinary Policy at the time. 	<p>Learning from this allegation to be considered within the current One HR (improvement) programme and the HR Policies and Practice workstream, with particular regard to how disciplinary matters are considered, investigated and actioned</p>	<p>This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>[Although not a recommendation, a referral has also been made to the Divisional Director, Communications for consideration and to action a policy/ procedure for when Communications Officers are at Court]</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
	The allegation is that both of these matters should have been looked into by someone who is not in the chain of command at the Council			<p>- In the case of person (ii), both of the individuals named in the allegation as having looked into this matter have left the Council and so it has not been possible to determine whether any disciplinary action took place. There is no record on the individual's HR files that refers to any disciplinary action or investigation. Given the seniority of person (ii) and the nature of their role, the former Head of HR and former Democratic Service Head would appear to have been appropriate officers to have progressed this matter.</p> <p>The Clear Up Team's view was that any further investigation into this allegation beyond referring the findings to the Council's project that is looking at improving HR policies and practice, including disciplinary processes, would be disproportionate.</p>		
CU 032	<p>Fabrication of evidence in order to dismiss staff Allegation that two Senior Managers fabricated evidence in a RIPA (the Regulation of Investigatory Powers Act 2000) application.</p>	2014-2015	Rejected	<p>The allegations are not upheld on the basis that there was no evidence found to indicate that the Council did not follow correct procedures in the application and approval of the RIPA authority in relation to the surveillance operation in question. The Council acted on credible evidence provided from multiple sources including two separate whistleblowers and there was nothing found to suggest that any evidence had been fabricated. An external security supplier contracted by the Council was identified as being responsible for acting outside of the terms of the RIPA authority, thereby gathering inadmissible evidence. The external lead investigator responsible for the management of the investigation and collation of the evidence and shared some responsibility for this issue, as does the Council since an Officer overseeing the case missed that some evidence was gathered incorrectly immediately after the surveillance operation. The issue was identified by the Council during the latter stages of the investigation and was subject to legal debate/review which was not commented upon in the Clear Up Team's investigation. It should be noted that there was no evidence to suggest that this issue was any more than an oversight by the parties involved</p>	<p>(1) The Council should consider whether the external company/investigator that led the investigation in question should be retained as a potential supplier for investigatory services in light of findings that evidence was gathered outside of the terms of a RIPA authority.</p> <p>(2) The Council may also wish to consider whether to review other investigations, in particular where surveillance has been undertaken by the external security company involved, to provide assurance that the outputs are accurate.</p> <p>(3) It is also recommended that the Council put in an internal process to ensure that any such surveillance output relating to a RIPA authority should be checked for validity before disciplinary proceedings are commenced.</p>	<p>(1) This recommendation has been referred to the Divisional Director, Public Realm for consideration and to action</p> <p>(2) This recommendation has been referred to the Divisional Director, Public Realm for consideration and to action</p> <p>(3) This recommendation has been referred to the Monitoring Officer for consideration and to action</p>
CU 033	<p>Misuse of RIPA Allegation that a spurious investigation was conducted into several members of staff, with a false statement made to obtain authority under The Regulation of Investigatory Powers Act 2000 (RIPA).</p>	2014-2015	Rejected	<p>Although it was established that the Council Central Procurement Team had dealt with procurement of the external investigator to assist with the investigation in question, unfortunately no records appear to have been retained by the Council in relation to this. It was also noted from public records that the company from where the external investigator was sourced do not advertise an investigations service nor publish any investigative credentials. It was unknown why this company was engaged by the Council to undertake investigatory services.</p>	<p>(4) Finally, in the absence of procurement records for the external company that led the investigation, the Council may wish to review the procurement records management process for individual assignments relating to investigations, also ensuring that investigative credentials are held and that potential conflicts of interest are considered before accepting suppliers</p>	<p>(4) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p>
CU 034	<p>Cost of a Parks and Open Spaces consultant Allegation that a consultant was paid for Council work that was not needed to be undertaken at that level and that could have been handled by Council staff.</p>	From April 2016	Rejected	<p>The Clear Up Team has looked into the process for the procurement of this consultant which was through the Council's corporate Comensura contract and therefore satisfies the Council's procurement requirements.</p> <p>The consultant was engaged as interim Head of Parks following an interview process and the appointment was approved by the then Head of Paid Service. Appointment to the role was urgent following a serious incident in a local park. The consultant's interim role with the Council finished at the end of November 2016.</p>	No recommendations	<p>No further action The Summary of Findings is accepted</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 035	Recruitment to a Council Grants Team Allegation that a recruitment panel member in Adult Services was – for no obvious reason – excluded from a recruitment panel. Another panel member in Adult Services then interviewed an applicant for a Grants Lunch Club Officer and appointed the candidate. The interviewer had informed a Council officer that the candidate’s name had been provided by a Member. Allegation that the Council ‘bent the rules’ on recruitment to appoint this person following influence by a Member. The candidate was subsequently responsible for signing off grants and monitoring delivery	End 2012	Partially Upheld	<p>The Clear Up Team heard during a fact finding meeting with a Senior HR Manager that there were instances where officers had felt pressure from Members to appoint preferred candidates to roles within the Council in 2012/2013. This included the allegation in question.</p> <p>The HR manager recalled that an officer reported informally that a Member had pressurised a former Director to appoint an officer into a temporary assignment with the Council, who in turn asked the officer to appoint the candidate.</p> <p>HR advised the officer to follow the process and appoint the right candidate upon merit, with further advice to escalate the situation if required. It was asserted that the officer later returned to HR and advised that although the candidate had been appointed to the role, the correct process had been followed and he was the best person for the job. The Member alleged to be involved is no longer in office.</p> <p>Pre-recruitment records are only held by HR for a period of six months, and therefore details of the recruitment interviews and, any scoring and checks undertaken are not available to the Clear Up Project Team. There is also a more informal approach taken to recruitment for agency staff and it was not unheard of for recruiting managers to interview candidates on their own or issue orders to agencies for named staff.</p>	As part of the current One HR (improvement) programme, it is recommended that the recruitment process for temporary staff is reviewed to ensure a consistent approach is taken - using the right governance, and more in line with the standard recruitment guidance, with the use of risk assessed exceptions to policy agreements in exceptional circumstances, thereby ensuring that the Local Government & Housing Act 1989 is being adhered to.	<p>This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>[Although not a recommendation, The Monitoring Officer has reviewed the Member/ Officer Protocol and a revised Member/ Officer Relations' Protocol has been prepared and which deals with Members involvement in staffing matters. This will be presented to a future Constitutional Working Party for consideration]</p>
CU 036	Cover up of abuse of a child at a school Allegation that the Council has covered up the abuse of a child at a local school and failed to investigate.	2016 and ongoing	Rejected	This matter is already being investigated through the Children’s Social Care complaints process that includes independent investigation and as a result this matter is deemed to be out of scope of the Clear Up project	No recommendations	<p>No further action</p> <p>As noted in the Summary of Findings, this matter is already being investigated through the Children’s Social Care complaints process that includes independent investigation</p>
CU 037	Cover up of abuse of a child at a school Allegation mirrors allegation CU036 (above).	2016 and ongoing	Rejected			
CU 038	Social Workers used for political purposes and to victimise complainants and whistle-blowers Allegation that Council social workers have been used for political purposes and to victimise complainants and whistle-blowers, with the former Mayor and their associates rewarding supporters by appointing them to the Social Services department. In turn some social workers have colluded in unprofessional targeting of certain individuals for reasons of intimidation and to discredit complaints	No dates supplied	Rejected	The Clear Up Team attempted to gain more specific information and evidence from the complainant to enable investigatory work to take place. The complainant was unable to provide any further information. Therefore, as this allegation is vague and there were no specific matters that could be investigated no further action was taken.	No recommendations	<p>No further action</p> <p>The Summary of Findings is accepted</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 039	Staff involvement in May 2014 Election activities That in May 2014: (i) individuals from the Youth Service were involved in both canvassing (with the intention of falsifying the Register of Electors) and in campaigning for certain candidates; (ii) individuals from the Youth Service were employed at Polling stations to alter voting; and (iii) individuals from the Youth Service were employed at the electoral count with the intention of falsifying the election count; and (iv) that the same individuals referred to in point (i) above were also involved in timesheet fraud	Lead up to May 2014	Rejected	<u>Canvassing</u> One individual from the Youth Service was involved in canvassing. Canvassers wear high visibility jackets and an identification badge, which should result in it being visually clear when an individual is undertaking the canvasser role. It is not known whether or not the individual campaigned for any particular candidate in his personal time. However, it is noted that canvassing takes place significantly prior to an election, and not when the candidates are officially campaigning. No evidence has been identified to indicate that an individual falsified any entries on the Register of Electors. The transition process to Individual Electoral Registration commenced in the summer of 2014. This involved a data matching exercise where all individuals on the existing electoral roll at the time were matched to Government data. Records were rejected if there was not a match of name, national insurance number and date of birth. This procedure would have identified, and rejected, any individuals that had falsely been added to the Register of Electors if that had happened. Subsequent to this data matching exercise, any additions to the electoral roll have required evidence of national insurance number and date of birth, which are then cross-checked against data held by government departments	Internal Audit is requested to undertake a review to test that a sample of electors added to the electoral roll have provided appropriate evidence of their eligibility (including nationality, date of birth and address of residence). This review should be completed prior to the 2018 Mayoral and local elections. The Returning Officer and Electoral Services Team should consider what level of information regarding (i) the procedures undertaken to ensure the integrity of the electoral roll; and (ii) the checks and procedures undertaken during verification and counting; should be shared publicly (for example, through a series of articles or a short video) to help increase the confidence of electors in the results.	(1) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action (2) This recommendation has been referred to the Chief Executive and the Head of Elections for consideration and to act
CU 040	Allegation covering the same matters as CU039 (above).	Lead up to May 2014	Rejected	<u>Polling stations and counts</u> The number of Youth Service employees involved with the polling and count was relatively small proportionally. The result of the May 2014 Mayoral election has already been declared void by the High Court. It is not possible to examine the votes from the 2014 Local Election due to them having been destroyed (in line with standard procedures). Following problems with the May 2014 count, as set out in the Electoral Commission's report, it was recognised by the Council's Election Services Team that improvements to the procedures were required. Subsequently, a significant number of changes have been made for the elections held in 2015 and 2016 and planning has already commenced for the Mayoral and local elections in 2018. Note: The part of the allegation relating to timesheet fraud was considered under CU024		
CU 041	Editing of Audit Reports relating to the Youth Service Allegation that Audits of the Youth Service in 2015 and 2016 were edited prior to them being finalised, with some important facts being removed.	Feb – March 2016	Rejected	No evidence was found to substantiate the allegation that the reports were materially edited with important facts removed. However, it would appear that the former report in the allegation, "Fact Finding Report, Youth Service Review", has never been finalised or any formal outcomes advised, although the Clear Up Team is aware that some actions are in progress as a consequence.	(1) 2016 Internal Audit Report 'Fact Finding Report, Youth Service Review' to be finalised as soon as possible. (2) The Council's Risk and Audit Service to ensure that there is a robust tracking process following the publication of any investigation / audit report, to ensure that formal recommendations have been considered appropriately and either: (i) completed satisfactorily; or (ii) discounted with an appropriate risk based approach. Heads of Service should be clear on timescales required to formally respond to confirm that actions have been completed within this process.	(1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action (2) This recommendation has been referred to the Corporate Director, Resources for consideration and to action
CU 042	Corruption in the Borough Allegation of 30 years corruption in the Borough.	Before and during Clear Up Period	Out of Scope	The Clear Up Team requested more specific information from the complainant, but this was rejected by the complainant unless the Clear Up Team could provide 'something in return'. Without anything specific to consider the allegation was agreed to be Out of Scope.	No recommendations	No further action The Summary of Findings is accepted
CU 043	Blockages and cover up Allegation from a complainant who reports they have tried to raise issues with the Council but that they have been repeatedly blocked.	No dates given	Out of Scope	The Clear Up team requested more specific information from the complainant, but did not receive a response. Without anything specific to consider the allegation was agreed to be Out of Scope.	No recommendations	No further action The Summary of Findings is accepted

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 044	Widespread corruption Allegation of widespread corruption that has led to the complainant being forced to flee the UK, and making reference to phone tapping, entrapment, and a private police force in operation in the Borough.	No dates given	Out of Scope	The complainant provided an allegation implicating a wide variety of public figures and agencies in a corruption claim. The allegation was extremely vague, and as a result the Clear Up Team requested more specific information from the complainant. No further information was received from the complainant and as such the allegation was considered to be Out of Scope.	No recommendations	No further action The Summary of Findings is accepted
CU 045	Payment made to a Corporate Director Copy of a press article sent to the Clear Up Team making reference to how a payment to a Council Corporate Director was treated in the Council's Accounts.	2011-2012	Out of Scope	The Clear Up Team wrote to the complainant to ask whether there was a specific allegation they wished to make in relation to the article. The complainant did not respond. As a result, the allegation was considered to be Out of Scope.	No recommendations	No further action The Summary of Findings is accepted
CU 046	Serious issue in a local park in 2015 Allegation relating to conduct of officers	2015	Out of Scope	As this matter is already being considered by another statutory and independent investigation (Coroner's investigation) it was considered to be out of scope of the Clear Up Project.	No recommendations	No further action It should be noted that there is an ongoing Police investigation into this matter as well as an investigation by the Health and Safety Executive on the back of that. The Council is co-operating with these investigations and await the outcome of those.
CU 047	Electoral wrongdoing (i) That the counting of ballot papers for the Lansbury Ward at the May 2014 election was manipulated as a result of counters swapping desks, intimidation of counters by observers, and a Presiding Officer counting a ballot box that they had been responsible for in the polling station, and that there were insufficient supervisors for the number of counters. (ii) That a specific error on the electoral roll identified during the 2012 London Mayoral election was not corrected by the Electoral Services team.	2012 and 2014	Partially Upheld	Issues raised regarding procedures during the May 2014 election count had already been recognised by the Electoral Services team as requiring improvement. The result of the May 2014 Mayoral election has already been declared void by the High Court. It is not possible to examine the votes from the 2014 Local election due to them having been destroyed (in line with standard procedures, which required them to be retained for a statutory period of 1 year and 1 day from the election and which was extended by a further 6 months at the request of the Electoral Court). Subsequently, significant changes have been made to the electoral procedures which appear to cover all the points raised by the complainant with the exception of one. The one area that does not appear to have been considered by the Electoral Services team is the risk of a Presiding Officer or Polling Clerk for a particular polling station also counting the votes from that ballot box - a recommendation is made in relation to this point. The alleged electoral roll error related to an example of two children having been included on the electoral roll in 2012, and that these errors were not manually amended by an Officer in the Electoral Services team when he was notified. Whilst children may have been included on the electoral roll in error in 2012, these errors should now have been corrected during the transition to Individual Electoral Registration.	(1) The Electoral Services Team should add an additional requirement to procedures, stating that an individual is not permitted to count votes from a ballot box for which they were either the Presiding Officer or a polling clerk. (2) Internal Audit is requested to undertake a review to test that a sample of electors added to the electoral roll have provided appropriate evidence of their eligibility (including nationality, date of birth and address of residence). This review should be completed prior to the 2018 Mayoral and local elections. (3) The Returning Officer and the Electoral Services Team should consider what level of information regarding (i) the procedures undertaken to ensure the integrity of the electoral roll; and (ii) the checks and procedures undertaken during verification and counting; should be shared publicly (for example, through a series of articles or short videos) to help increase the confidence of electors in the results.	(1) This recommendation has been referred to the Chief Executive and the Head of Elections for consideration and to act (2) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action (3) This recommendation has been referred to the Chief Executive and the Head of Elections for consideration and to act

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 048	<p>St Peters Ward Local Councillor election May 2014</p> <p>Allegation that, at the first count, a Labour candidate received 2,270 votes. A recount was ordered, allegedly by the former Mayor. The complainant reports that the next day the new figure for the candidate was 1,680 - a reduction of 590 votes. The candidate was not elected as a Ward Councillor. The complainant alleges that election officials colluded.</p>	May 2014	Rejected	<p>The Clear Up Team found no evidence to suggest votes were lost or that ballot boxes were tampered with.</p> <p>The results were not challenged at the time of the election, and the matter was also considered by the Electoral Commission in its report 'Delays at the verification and count for the May 2014 elections in Tower Hamlets' (July 2014).</p> <p>St Peters Ward has been confirmed as one of 6 wards where there was a recount at the 2014 local elections. Verification certificates have been obtained and reviewed, showing 4650 papers verified from ballot papers and 1,533 postal votes. This figure is consistent with the figure reported in the election results on the Council's website.</p> <p>The 2014 local election ballot papers have since been destroyed, being retained for the statutory period of 1 year and 1 day from the election date, and extended by a further 6 months as required by the Electoral Court.</p>	No recommendations	<p>No further action</p> <p>The Summary of Findings is accepted</p>
CU 049	<p>Fraudulent housing allocations</p> <p>Allegation that a supporter of the former Mayor boasted that they were given social housing as a reward for their services</p>	Dec 2014	Rejected	<p>The complainant supplied the name of an individual and an address. The Clear Up team obtained electronic copies of this individual's Housing Application form and the associated documents/evidence leading to making an offer of a flat to the applicant.</p> <p>A review of the application, the associated documents/evidence, and Comino and SX3 (Council databases) checks did not identify anything untoward. The records showed that at least seven different officers from different teams were involved in processing the application concerned.</p> <p>The Clear Up Team concludes that based on these findings, the allocation of a flat to this individual had met all the required criteria and therefore this allegation was unfounded.</p>	No recommendations	<p>No further action</p> <p>The Summary of Findings is accepted</p>
CU 050	<p>Grants obtained fraudulently</p> <p>Allegation that grants have been fraudulently obtained by a local resident with close links to Council officers</p>	Up to 2016	Out of Scope	<p>The Clear Up Team found that this allegation had been previously investigated by the Council's Corporate Investigation Team, and a final report was issued in July 2016. The matter related to a 'care package' for providing support to individuals with learning and physical disabilities and not a grant.</p> <p>The investigation did not find any evidence of fraud against the Council, but did identify irregularities, and these have already been referred by the Council to other agencies to investigate.</p>	Progress of the outstanding recommendations from the investigation report needs to be monitored, with actions completed by their target dates.	This recommendation has been referred to the Corporate Director, Health, Adults and Community for consideration and to action
CU 051	<p>Fraud in collection of business rates</p> <p>Allegation that businesses renting shop units at New Providence Wharf have not had to pay rent and/or business rates to the Council and instead these funds have been diverted to organisations linked to the former Mayor.</p>	During Clear Up period	Rejected	<p>The Clear Up Team did not find any evidence to substantiate the allegations, and no further evidence was provided by the complainant.</p> <p>During the investigatory work, and not linked to this allegation, prima facie evidence was found which indicates that an existing Member has not declared pecuniary interests.</p>	Matter related to potential non-declared pecuniary interests of a Member referred to Council's Interim Monitoring Office and Head of Risk & Audit.	The Monitoring Officer has advised the Member that the matter is being considered under the arrangements for dealing with complaints of breach of the Code of Conduct for Members

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 052	Council property service charge fraud Allegation that a number of individuals who have purchased leasehold ex-Council properties/ flats have not had to pay services charges once the properties have been let to council house tenants – as a result of fraudulent activity by officers on the instruction of the former Mayor. One company name provided.	c.2013	Rejected	The complainant did not provide any further evidence to support the claim. The company was found to have had an agreement with Council to let properties between 2012 and 2015, with only two Council-owned properties let in that time. The company was removed from the approved register of letting agents in August 2015 by the Strategic Housing Team. The Strategic Housing Team did not have records to show why the company was removed from the approved register, although a member of the team remembered a Council Investigator had been involved in the case. It was found that the company was removed from the register due to potential illegal subletting and for recording themselves as landlords on a Council-owned property, giving rise to the risk that the allegations at least have partial merit. The company was also referred to Trading Standards.	(1) Council to review the approved letting agent register to ensure that rationales for removing agents are recorded appropriately within the framework of the law, to ensure agents known to have acted fraudulently cannot re-apply. (2) To mitigate an apparent reliance within the Risk & Audit Service upon email records saved in Outlook, it is recommended that a full review is undertaken of case management practices and case record management to ensure they are complementary and facilitate the efficient retrieval of information. (3) Council to conduct a ‘property’ against ‘rent account’ matching exercise. (4) Vetting arrangements of letting agents to be reviewed by the Council to ensure they are robust.	(1) This recommendation has been referred to the Divisional Director, Housing and Regeneration for consideration and to action (2) This recommendation has been referred to the Corporate Director, Resources for consideration and to action (3) This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action (4) This recommendation has been referred to the Divisional Director, Housing and Regeneration for consideration and to action
CU 053	Allegation of favouritism in the provision of ‘crisis grants’ Allegation that there has been favouritism for a number of years to certain groups on race/religious grounds in the provision of ‘crisis loans’. Allegation that many genuine cases have been turned down because of their race / religion.	During Clear Up period	Rejected	The complainant was unable / unwilling to provide specific examples to support the allegation. The Clear Up Team considered the processes for Crisis Grants and reviewed and analysed relevant data and could find no indication of favouritism. - Crisis Grant is made under the Local Welfare Provision. Applications for this grant are received / completed online by the Customer Services Customer Access team. - Completed applications are then passed on to the Revenues Processing and Reconciliation Team to process. The processing consists of three stages, the initial assessment, approving the assessment and making payments to successful applicants. Each of these stages is completed by a different member of staff in the main, although in the event of staff shortages, either the approver or the assessor would also make the payment to the customer. - If the approver disagrees with the assessment, it is fed back to the assessor to review their initial assessment. If after the review, the assessor agrees with the approver, the approver’s decision will stand. If they are unable to reach an agreement, it is escalated to the manager or to a Senior Officer to make a decision. - It is voluntary for a customer to state their ethnicity and religion on the application form. Data for Crisis Grant for May, July, September and November 2016 was analysed. The findings varied across the field. Taking the ‘prefer not to say’ numbers into account, and given that applicants had to be in receipt of Housing Benefit, the figures appear to reflect the make-up of the community in the Borough. The findings did not indicate favouritism of any religious or ethnic group over any other. - Given that there was segregation of duties and no indication of favouritism identified, the investigation concludes that the allegation is not founded. - The Clear Up Team did note that, although there is segregation of duties, the three stages are undertaken by five assessors of the same grade, who approve each other’s assessments and make payments for each other. It is possible for an individual member of the team to process an application from end to end after it has been received. This puts the staff at risk of being accused of irregularities	Council to put in place measures, controls and systems to mitigate the risk surrounding the Crisis Grants assessment, approvals and payments processes	This recommendation has been referred to the Corporate Director, Resources for consideration and to action
CU 054	Allegation of collusion between Council Senior Officer and the Police Allegation that two former Senior Officers of the Council had links to the local Police, and would influence the Police at the instruction of the former Mayor. Allegation of misfeasance in public office, by using contacts in the Police to harass individuals who were political enemies or complainants of the former Mayor.	No dates supplier	Rejected	The Clear Up Team attempted to gain more specific information and evidence from the complainant to enable investigatory work to take place. The complainant claimed to have direct links to several other potential complaints who allegedly have important evidence related to this allegation. The Clear Up Team provided full assurance to the complainant that the identities of these individuals would be protected if they were to come forward, including providing details of the Prescribed Persons arrangements. However, despite these assurances no further specific information, evidence or other whistle-blowers came forward. As this allegation is vague and there were no specific matters that could be investigated, no further action was taken.	No recommendations	No further action The Summary of Findings is accepted

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 055	<p>Council budgets misappropriated and provided to organisations with extremist views. Allegation that council funds from a number of budgets, including the housing budget had been held back under the instruction of the ex-Mayor.</p> <p>Further allegation that public money had been defrauded from the Council by several organisations in receipt of grant funding and sent to terrorist groups.</p>	2012-2014	Rejected	<p>There was no evidence found to suggest that (i) Council Budgets were held back or misappropriated in any way to fund grants for specific organisations and (ii) there is no tangible evidence found to link the organisations named in the allegations and their grant funding to extremist or terrorist activity. It should be noted however, that the latter point cannot be proved conclusively as the Clear Up Team did not have direct access to the named organisations.</p> <p>There were clear anomalies in the decision making processes for the grants sampled in 2013. Organisations sampled had received awards after Grant Officers had declined applications or recommended lower amounts. No rationale for the changed awards was recorded. In addition, two linked organisations sampled may have applied for small grants with the intention of deceiving the council given the anomalies in information provided. As they were forward funded and did not meet monitoring conditions, it is unknown how funds were spent.</p> <p>However, it is accepted that many of these issues are historic and were also reported on in the PWC Best Value Report. It is noted that current grant award processes are now more transparent and monitoring is more robust, which was substantiated by positive feedback from Grant Officers.</p> <p>Due diligence in relation to grant assessments was generally sound, but there may be scope to check further into the background of an organisation and its trustees/directors to provide assurance against conflicts of interest.</p> <p>There does however remain a risk (not however, significant) that the grant award processes could be subject attempts by unscrupulous organisations to use public money for the purposes of financial crime or terrorist funding, given the process to allow forward funding and the limited money laundering awareness evidenced by Grant Officers.</p>	<p>(1) The Council should consider whether they wish to approach officials of the two organisations where grant applications may have been submitted with intent to deceive, to request an explanation of the similarities and issues with their Mayor's Community Chest grant applications made in 2013. It should also be considered whether it would be appropriate to request the return of the funding provided subject to proof being provided that the funds were spent in accordance with the grant agreements.</p> <p>(2) The Council should also consider a review of the Tower Hamlets Anti Money Laundering Policy and Guidance, together with the grant award processes to ensure that all money laundering risks are taken into account for outgoing funds. It is suggested that Suspicious Activity Reports are submitted in relation to organisations who fail to fulfil grant monitoring conditions after being forward funded.</p> <p>(3) It is also recommended that the Council ensures that training in anti money laundering and terrorist financing regulations is refreshed for all Grant Officers with the subsequent provision of a rolling programme of training annually.</p> <p>(4) Finally, the Council should consider whether checks are made against trustees or directors or organisations during the grant assessment process to protect the Council against potential conflicts of interest arising.</p>	<p>These recommendations has been referred to the Corporate Director, Resources for consideration and to action</p>
CU 056	<p>Fraud at Tower Hamlets Homes Various allegations of fraud within Tower Hamlets Homes.</p>	No dates supplied	Rejected	<p>The Clear Up Board's view is that THH is a separate legal entity and as such that organisation should have the opportunity to investigate these claims in the first instance.</p> <p>The Clear Up Team attempted to broker a meeting between the THH CEO and the complainant, with the identity of the complainant being fully protected. The THH CEO is very keen to consider these allegations.</p> <p>A range of options were proposed to the complainant to enable this to take place, with the Clear Up Team continuing to play an introductory role. As of the close of the Clear Up Project, the complainant has not yet taken up the opportunity to raise these matters with THH.</p>	No recommendations	<p>No further action The Summary of Findings is accepted</p>
CU 057	<p>Failure to conduct a fair disciplinary process Allegation of improper behaviour in relation to several individuals and of procedural failings in connection with a harassment and discrimination complaint against an individual, an alleged unfair disciplinary investigation process and a flawed appeal.</p>	2013-2016	Rejected	<p>Following document review and an informal fact finding interview, the Clear Up Team's view is that, as this matter has progressed through the Council's disciplinary processes to the appeal stage there are no grounds for further investigation.</p> <p>Separate investigations were carried out at the CHAD (combatting harassment and discrimination) and disciplinary stages by two different investigators, and the appeal was heard by a Corporate Director, in line with the Council's policy. The complainant had the opportunity to raise matters relating to the case at each stage, including at the appeal stage.</p> <p>On a prima facie assessment of the information it would appear there was an acceptance by management that there were procedural failures during the CHAD investigation but on a prima facie assessment the disciplinary investigation took a narrow view of the charges WB11 was ultimately disciplined on. It appears as though the earlier procedural irregularities were addressed at the second investigation and at the appeal stage.</p>	<p>This case and the issues raised within it should be used as a management review within the One HR Programme / HR Policies and Practice Project to strengthen the robustness of CHAD, grievance, disciplinary and appeals processes, to establish fairness of the Council's procedures and how these are practised so as to make improvements in the future.</p>	<p>This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 058	<p>Treatment of a local resident Allegation that a local resident and business owner had been made bankrupt by the Council on the basis of non-compliance with County Court Judgements (CCJ's) despite having paid all outstanding claims. Further allegation that this event and previous/subsequent harassment by officials working for the Council and East End Homes Ltd (EEH) stemmed from a personal issue with a former Respect Party member and friend of the former Mayor. Allegation that complaints made by the resident have not been taken seriously and have been dismissed.</p>	2004 onwards	Rejected	<p>The allegation claiming that the resident was made bankrupt improperly is rejected on the basis that (i) no evidence could be found to substantiate the claim from available Council records and (ii) evidence promised by the complainant to substantiate the allegation was not provided.</p> <p>However, there was evidence found that suggested a disparity between records held on Council systems and correspondence and emails held on the resident's file relating to the payment of a CCJ. In the absence of evidence being provided by the complainant, it cannot be conclusively proved that the resident satisfied the CCJ twice. It is unfortunate that this disparity was not picked up by the Council in the investigation of previous complaints made by the resident.</p> <p>The allegation that business rent statements were tampered with by the Council is rejected on the basis that a review of electronic rent records for the resident have proved that the anomalous entries evidenced were typing errors and/or were valid invoices in all cases.</p> <p>There was no evidence found of any impropriety by Council Officers in their dealings with the resident.</p>	<p>Given the disparity in records held by the Council in relation to the satisfaction of the CCJ, it is recommended that the Council remain open to the receipt of further evidence that proves that the CCJ was paid twice. This evidence should include a breakdown of payments made by the third party who settled the bankruptcy petition on behalf of the resident, including references, beneficiaries, dates and times in order facilitate further investigations by the Council and their appointed solicitors.</p>	<p>This recommendation has been referred to the Divisional Director, Finance, Procurement, Audit for consideration and to action</p>
CU 059	<p>Improper Council decision making in relation to 'Rich Mix' S106 funds and litigation A decision taken by the Strategic Development Committee ("SDC") in 2010 to allocate funds to Rich Mix Cultural Foundation ("Rich Mix") was not in the best interests of tax payers, and the decision should properly have been made through grant-making procedures and not by the SDC. The decision was influenced by Members having personal connections with Trustees of Rich Mix. Individual Mayoral Decision 101 on 18 June 2015 was not in the best interests of tax payers due to a lack of information and was made in a secretive way. A Member who had a conflict of interests was involved in discussions relating to the matter during an Overview and Scrutiny Committee meeting.</p>	2010 and 2015	Rejected	<p>The decision relating to the allocation of S106 funds (which are not a grant) to Rich Mix appears to have been referred to the SDC in 2010 by an Officer on the basis that it was his view that it was likely to be a particularly sensitive decision. Considering that the SDC's decision is still being discussed more than six year later then this does not appear to have been an unreasonable view for the Officer to have held.</p> <p>No conflict of interests arises purely by virtue of the fact that a member of the same political party of someone else with a connection to an organisation is involved in the decision making.</p> <p>The Mayor felt that he had sufficient information available to him in order to make Individual Mayoral Decision 101 in June 2015. The information available to the Mayor could not be published at the time, due to (i) some relating to the financial and business affairs of Rich Mix; and (ii) a need to maintain legal privilege whilst litigation was ongoing. Permission was sought from Rich Mix for financial information to be published. Subsequently, following signing of the Settlement Agreement (i.e. when legal privilege no longer needed to be maintained), both Rich Mix's financial information and the Decision Report which the Mayor had considered when making the Decision were published</p> <p>A Member's non-pecuniary interest was declared at the Overview and Scrutiny Committee meeting held on 7 July 2015. The Council's Constitution did not specify what action should be taken in response. Whilst it may have been advisable for the Member to leave the OSC meeting for the avoidance of the perception of a conflict in their roles, by remaining in the meeting they did not commit any breach of the Council's regulations.</p>	<p>The Constitutional Working Party is requested that (i) their review of Part 5 of the Constitution (Codes and Protocols) considers what actions should be taken by a Member who declares a non-pecuniary interest, particularly in relation to matters that are Exempt due to Legal Privilege; and (ii) their review considers whether it would assist the Monitoring Officer in maintaining the confidentiality of Exempt information if additional guidance was included relating to the procedures for the issuing and protection of Exempt information (pink papers).</p>	<p>The Monitoring Officer has revised the Code of Conduct for Members and which was approved by Council on 05/12/2016. The Monitoring Officer has also reviewed the Member/ Officer Protocol and a revised Member/ Officer Relations' Protocol has been prepared a. This will be presented to a future Constitutional Working Party for consideration</p>
CU 060	<p>Council housing fraud Allegation that a resident has received unwarranted works in a Council property through favouritism and dishonesty, and that the occupier has another private property.</p>	Not given	Out of Scope	<p>Although the property's address was provided, no dates were given by the complainant. The Clear Up Board agreed that this matter would be best taken forward by the Council's social housing fraud team and as a result it was referred to the team by the Clear Up Project Manager. The complainant was informed.</p>	No recommendations	<p>This is a matter being investigated by the Council's Risk Management and Continuity Planning Team and will be reviewed by the Monitoring Officer once the outcome of the investigation is known</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 061	<p>Allegation of conspiracy to pervert the course of justice / collusion in respect of investigations into Youth Service</p> <p>In May 2016 Cllr Rachael Saunders stated to Council that around 75 investigations were underway into actions of staff in the Youth Services team. Complainant alleges there will be no prosecutions of any Youth Services staff as a result of evidence being "incorrectly packaged" and the Metropolitan Police Service not forwarding the evidence to the Crown Prosecution Service. The Council's response to FOI 6081379 stated that the MPS informed the Council that the reason for the MPS not proceeding with criminal prosecutions was because there was "Insufficient evidence to proceed".</p> <p>Allegation is that (i) Council Officers have lied to Council Members (not specified which) regarding the reasons for there being no prosecutions of Youth Service staff; and (ii) that there is collusion between Council Officers and the MPS to bury evidence.</p>	2016	Rejected	<p>No evidence has been identified in relation to this allegation to substantiate that either (i) Council Officers have lied to Council Members regarding the reasons for there being no prosecutions of Youth Service staff; or (ii) that there is collusion between Council Officers and the MPS to bury evidence.</p> <p>There is evidence that alternative wording for the reasons for there being no prosecution has been used in a private meeting, but there does not appear to have been any attempt to lie or mislead.</p> <p>The allegation includes facts relating to three different 'batches' of investigation evidence:</p> <ul style="list-style-type: none"> (i) Relating to 9 organisations which purportedly provided services to the Youth Service but were found not to exist; (ii) Relating to individuals who have been employed by the Youth Service at some time during the last 3 years and are being investigated in relation to potentially inappropriate expenditure on Council Payment Cards; and (iii) Relating to individuals who have been employed by the Youth Service at some time during the last 3 years and are being investigated in relation to potential failure to declare conflicts of interest. <p>The statement made by Cllr Rachael Saunders to Council on 18 May 2016 related to batches (ii) and (iii).</p> <p>The statement made in response to FOI 6081379 related to batch (i).</p>	No recommendations	<p>No further action</p> <p>The Summary of Findings is accepted</p>
CU 062	<p>Blocking of enquiries</p> <p>Allegation that a former Senior Officer of the Council repeatedly blocked internal and external enquiries into wrongdoing at Tower Hamlets Council and Tower Hamlets Homes. Specific allegation relating to an incident in November 2013 when three individuals purporting to be from Tower Hamlets Homes knocked on the door of a resident asking how the former Mayor could help, and of an alleged blocked enquiry into this event.</p>	November 2013	Rejected	<p>The complainant was unable to supply any further evidence on this allegation other than an account already provided.</p> <p>The Clear Up Team did not pursue this matter further as:</p> <ul style="list-style-type: none"> - This matter has been looked at by the Metropolitan Police - Other than Senior Officers who have now left the Council, information of the names of staff involved, either within the Council or TH Homes are unknown - The exact breach that may have occurred is unclear. <p>Any investigation would therefore be disproportionate and would be unlikely to reach a firm conclusion</p>	No recommendations	<p>No further action</p> <p>The Summary of Findings is accepted</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
CU 063	Allegations of fraud (1) Photocopying of postal votes, obtaining grants and housing benefit fraud Allegation of an individual photocopying postal votes during an election. Allegation that the individual has obtained grants for a local organisation. Allegation that this individual claims housing benefit fraudulently.	No dates given – asserted to be during Clear Up period	Rejected	The allegation of photocopying postal votes has been rejected as the complainant has been unable to provide any dates or documentation to support these assertions. A referral has been made to the DWP Housing Benefits Department to investigate the allegation of possible housing benefits fraud in relation to the individual. The allegations of fraudulent activities and links to a terrorist organisation by members of a local organisation rejected due to lack of any supporting evidence. Information report supplied to the Charity Commission to advise that a Trustee for the local organisation is also a Trustee for an organisation that supports a foreign political party.	(1) Referral of Housing Benefit matter made by Clear Up Team. (2) Referral to Charity Commission made by Clear Up Team. (3) Grants Team to ensure that the outstanding monitoring visit to the organisation for failings in returning accurate and timely reports is actioned as soon as possible	(1) No further action [Matter with DWP] (2) No further action [Matter with Charity Commission] (3) This recommendation has been referred to the Corporate Director, Resources for consideration and to action
CU 064	Allegation of fraud involving a local organisation Allegation that members of an organisation with alleged extremist views have taken over the organisation from more moderate members of the community. Allegation of fraudulent activities of obtaining grants and monies raised in this organisation being used to fund other activities		Rejected	An issue relating to the local organisation’s non-compliance of submitting their grants forms on time and of an outstanding monitoring visit (since April 2016) have been found to still need addressing by the Grants Team. The Clear Up Team also found that there is another whistle-blowing matter connected to this allegation running in parallel to the Clear Up Project, and this is being addressed through the Council’s whistle-blowing process.		
CU 065	Wrongdoing concerning the Council’s Rapid Response Team Allegation of drug taking, drinking, and postal vote fraud involving the Rapid Response Team	Early 2014	Rejected	As this allegation is vague, and no specific investigable details are provided the Clear Up Team’s view is that and any investigation would be disproportionate. The complainant was unable to provide any further evidence. The substance of the allegation could neither be upheld nor rejected.	There are a number of Council reviews underway that impact on the role of the Rapid Response Unit (e.g. the new Anti-Social Behaviour Strategy), and there have been a number of audits and investigations in the past that have reported findings and recommendations in relation to the Unit. The Council should ensure that any past findings and/or recommendations relating to the Unit and any future recommendations as a result of these reviews are carefully tracked and implemented.	This recommendation has been referred to the Divisional Director, Community Safety for consideration and to action
CU 066	Failure of HR to provide appropriate advice during a disciplinary process and failure of the Council to respond to complaints raised in relation to this Complainant won an Employment Tribunal which determined that he had been unfairly dismissed by a voluntary aided school. Complainant alleges that: 1. The Head teacher of the School pre-determined the outcome prior to any investigation; 2. HR advice provided by the Council to the Governing Body during the investigation / disciplinary / appeal was incorrect and biased;	2012 and ongoing	Partially out of scope Partially rejected	The Clear Up Team conducted a full investigation of this matter and provided feedback to the complainant. Due to a restricted reporting order having been put in place in relation to the Employment Tribunal judgement and the reasons for it, the detailed findings in relation to these allegations will not be published.	(1) Recommendations made in this case must be allocated as action points against a timetable and progress in implementing them must be tracked and monitored. A number of the recommendations were made 30 months ago, but there has been limited progress made in implementing them since then. A report with an action plan is to be reported to the Statutory Officers’ meeting. (2) Officers in the Schools HR Team should clearly and contemporaneously document all HR advice that is provided to schools, and a formal part of the pre-meeting for a suspension should be to inform schools that, if they act contrary to HR advice that is provided to them, then they will become responsible for any costs that are incurred. (3) An HR Officer should be appointed as the owner of the list of potential independent external Investigating Officers. The list should be refreshed, and background checks undertaken on the reputation and experience of those included on the list. (4) The HR Senior Manager should instruct all Officers in the Schools HR Team that, when requested by a school to recommend an external Investigating Officer, they should provide details of at least three potential Investigating Officers so that it is clearly the school which makes the decision as to who to appoint and there is not a perception that the Investigating Officer has been appointed by the Council.	(1) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action (2) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action (3) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action (4) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
	<p>3. The External Investigating Officer recommended by the Council to the Governing Body was not independent, did not conduct an appropriate investigation, and had pre-determined the outcome on the basis of instructions from the School and / or the Council;</p> <p>4. Council investigated the complaint against HR and the HR investigator, using another investigator also from HR who was not independent; and</p> <p>5. The Complainant has raised the issue repeatedly during the last two years and the Commissioners / Head of Paid Services / Chief Executive have failed to respond.</p>				<p>(5) The HR Senior Manager should review whether a presumption that all activity in relation to investigations being conducted in schools ceases during the six weeks summer holiday is necessary, given that this results in a loss of timeliness in the collation of evidence and some witnesses may be available during this period.</p> <p>(6) Officers in the Schools HR Team should be provided with further training in relation to the requirements of the Burchell Test in relation to investigations, and advising on this should become a standard element of advice provided to Disciplinary Panels and Disciplinary Appeal Panels.</p> <p>(7) The role of the independent Investigating Officer at a Disciplinary Panel should be clarified by the HR Policies and Procedures Project Board and the wording in the Schools Personnel Manual Procedure for the Disciplinary Hearing should be amended.</p> <p>(8) The Governors Service should conduct mandatory training for any governor who will chair either a Disciplinary Panel or a Disciplinary Appeal Panel, and the chair should run the Panel and ask questions of the witnesses and the Investigating Officer.</p> <p>(9) As part of the standard procedures when advice is provided in relation to a new allegation, the Schools HR Team should consider the potential conflict of interests that may arise in relation to the roles of the Head teacher and how these will be mitigated, for example, considering if the Head teacher is the key witness whether it is appropriate that the Head teacher should also commission and brief the external Investigating Officer.</p> <p>(10) When an Employment Tribunal rules that a dismissal has been unfair, then the Legal Officer involved in the case should request an independent HR Officer to undertake a review of the case, the HR advice that was given, and the details of the judgement, in order to identify and lessons to be learned and any changes to procedures required.</p> <p>(11) The HR Policies and Procedures Project Board should consider whether any clarification is required in relation to which policies apply in relation to voluntary aided schools at which, in addition to relevant Council procedures, there are also relevant diocesan procedures, and that these policies are consistent in the requirements set out.</p>	<p>(5) This recommendation will be referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(6) This recommendation will be referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(7) This recommendation will be referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(8) This recommendation will be referred to the Corporate Director, Children's for consideration and to action</p> <p>(9) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(10) This recommendation has been referred to the Divisional Director, Legal for consideration and to action</p> <p>(11) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p>

Case Ref. No.	Summary of Allegation	Dates	Clear Up Team Response	Summary of Findings	Recommendations For Further Action Agreed by the Clear Up Board	Monitoring Officer Response
					<p>(12) The HR Policies and Procedures Project Board should review the wording in the standard suspension letter template to consider clarifying that the onus is on the suspended employee to contact the Link Officer to obtain updates, and that updates will not be proactively offered. Alternatively, it should be agreed at what milestones during the process or at what intervals the Link Officer will contact the suspended employee.</p> <p>(13) The HR Policies and Procedures Project Board should review who is responsible for the provision of counselling for a person who allegations have been made against.</p> <p>(14) In order to avoid an incorrect external perception that internal investigations into the conduct of HR Officers are conducted by other closely connected HR Officers with a lack of independence, any letter informing a complainant of an outcome of an investigation should clearly state how the person who has conducted the investigation is independent of the individuals who the allegation(s) have been made against, and this guidance should be incorporated into the current HR Policies and Procedures Project Board.</p> <p>(15) At the end of a Complaints procedure, whether conducted by the Complaints Team or elsewhere in the Council, when the Complainant is informed that all steps of the process (including a senior review) have been completed then wording included in the final outcome letter should be explicitly clear that "no further correspondence will be entered into".</p> <p>(16) The Corporate Director for Children's Services should consider whether the risk of the Council being liable to reimburse the costs of schools losing cases of unfair dismissal at Employment Tribunals as a consequence of being unable to prove when schools have not complied with HR advice provided to them due to either (i) the advice not being documented at the time; or (ii) the appropriate advice not actually being provided; should be added to the Council's Risk Register.</p> <p>(17) The Schools HR Team should advise Disciplinary Panels and Disciplinary Appeal Panels that minuting of the proceedings should stop when the Panel adjourns to discuss and make a decision.</p> <p>(18) A number of further recommendations were made in relation to this allegation, which cannot be published as a consequence of the Employment Tribunal's ruling that reporting restrictions apply.</p>	<p>(12) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(13) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(14) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(15) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(16) This recommendation has been referred to the Corporate Director, Children's for consideration and to action</p> <p>(17) This recommendation has been referred to the Divisional Director, HR and Transformation for consideration and to action</p> <p>(18) These have all been picked up by the Divisional Director, HR and Transformation for consideration and to action</p>

This page is intentionally left blank

Non-Executive Report of the: Council 19 July 2017	 TOWER HAMLETS
Report of: Asmat Hussain –Corporate Director Governance and Monitoring Officer	Classification: Unrestricted
Overview and Scrutiny Committee Annual report 2016/17	

Originating Officer(s)	Afazul Hoque-Interim Service Manager Strategy, Policy and Performance
Wards affected	All

Summary

- 1.1 The Overview and Scrutiny Committee received and reviewed the attached Annual Report at its Committee meeting on 9 May 2017 .The report provides a summary for Council of the work of the Overview & Scrutiny Committee, and the Health, Housing and Grants Sub-Committees in the 2016-2017 municipal year.
- 1.2 The report is now provided for consideration by Council in accordance with the Council’s Constitution.

Recommendations:

The Council is recommended to:

1. Note the report.

1. REASONS FOR THE DECISIONS

- 1.1 This report provides a summary of the extensive range of scrutiny work carried out during the year by the Overview and Scrutiny Committee as well as the Health, Housing and Grants Sub Committees.

2. ALTERNATIVE OPTIONS

- 2.1 Council may decline to agree the recommendations. This is not recommended however, as the report outlines work undertaken by Councillors and officers to identify areas of improvement.

3. DETAILS OF REPORT

Under the Council's Constitution, the Overview and Scrutiny Committee (OSC) is required to report annually to Council documenting the Committee's activities during the past year and which includes the work of the Health, Housing and Grants Sub-Committees.

- 3.2 The attached report (see Appendix 1) highlights the structural changes to the Councils' overview and scrutiny framework, with the development of two new Scrutiny Sub-Committees in 2016/17: firstly a Grants Scrutiny Sub-Committee set up as part of the Councils Best Value improvement response, and a Housing Scrutiny Sub-Committee providing a vehicle for scrutiny and dialogue with a range of social housing providers in the area.
- 3.3 The work of the Overview and Scrutiny Committees covers a range of types of scrutiny activity, including indepth scrutiny reviews and challenge sessions, a revised approach to pre scrutiny of Cabinet decisions and Spotlight sessions focusing on the Council and partners service performance.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report provides a summary of the work carried out by the Overview and Scrutiny Committee during 2016-17.
- 4.2 There are no financial implications arising from this report.

5. LEGAL COMMENTS

- 5.1 Article 6.03(e) of the Council's Constitution provides that the Overview and Scrutiny Committee must report annually to Council on its work. This report is provided in compliance with that requirement.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Reducing inequality, promoting community cohesion and building Community leadership are all central to the work of the Overview and Scrutiny Committee. Where individual pieces of work have been undertaken by the Committee (such as reviews, challenge sessions and reports back to Council), these have noted any One Tower Hamlets considerations.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The recommendations in this report are made as part of the Overview & Scrutiny Committee's role in helping to secure continuous improvement for the council, as required under its Best Value duty.
- 7.2 The Committee has also provided input into the council's Best Value Action Plan, which supports its efforts to meet its duties in this regard

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct sustainable actions for a greener environment arising from this report, and recommendations.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 There are no direct risk management implications arising from this report and recommendations.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no direct crime and disorder implications arising from this report or recommendations.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- **Appendix 1: Overview and Scrutiny Committee Annual Report 2016/17**

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

List of "Background Papers" used in the preparation of this report

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

- These must be sent to Democratic Services with the report
- State NONE if none.

This page is intentionally left blank

Overview and Scrutiny Committee Annual Report

Tower Hamlets Council
April 2017

Overview and Scrutiny Chair Forward

We never forget that do scrutiny on behalf of local people, holding the Mayor, the executive and the council to account for the decisions they make while being a critical friend.

Over my two terms as Chair, I have put openness, accountability and transparency at the heart of what we do.

Our transparency commission called on the council's to enhance its scrutiny function. We achieved this with the creation of two new overview and scrutiny sub-committees.

Our new grants committee helped us persuade the Government to withdraw is commissioners. The commissioners had been sent in to deal with the lack of openness, accountability and transparency around our grants decision making processes, sales of assets and failure to meet Best Value requirements.

Our new housing sub-committee holds the council and landlords to account on the number one issue affect local people within Tower Hamlets.

This year we also saw widening of public participation in scrutiny with the recruitment a new cohort of co-opted scrutiny members to all of our scrutiny committees. Our co-opted members continue to bring their knowledge and expertise from different environments – and an outside perspective – to enrich the scrutiny process.

One of the main challenges for overview and scrutiny is its lack of profile within the Council and within our community. To tackle this we launch our first Overview and Scrutiny Toolkit to help inform residents and officers of how we work and how this helps improve the council and decision making.

I would like to thank all of the officers and scrutiny members who supported me this year and work of our committee and sub-committees. This report highlights the breath of our work.

Councillor John Pierce
Chair of the Overview and Scrutiny Committee

Contents

Context and introduction	4
Overview and Scrutiny Committee-Councillor John Pierce	7
-Budget and policy framework items	9
-Budget scrutiny 2016/17	11
-Monitoring and challenge	12
-Pre decision scrutiny	14
-Call in and Scrutiny spotlight sessions	16
-Follow up reviews	18
-Reviews and challenge sessions	19
Health Scrutiny Sub Committee Councillor Clare Harrison	24
Grants Scrutiny Sub-Committee-Cllr Abdul Mukit MBE	28
Housing Scrutiny Sub-Committee – Councillor Amina Ali	29

1.0 Context and introduction

- 1.1 The London Borough of Tower Hamlets Overview and Scrutiny Committee and Sub Committees discharge the statutory duty enshrined in the Local Government Act 2000 and the Localism Act 2011 of holding the executive to account and scrutinising performance, policies and strategies.
- 1.2 Over a number of years the scrutiny function has operated as part of the overall governance framework of the Council and has been structured with a main Overview and Scrutiny Committee supported by a Health Scrutiny Sub Committee.
- 1.3 This year the Council introduced changes to the scrutiny arrangements recognising the need for scrutiny to adopt and embrace the changing structural and governance environment which it operates within.
- 1.4 In Tower Hamlets the majority of the social housing provision is managed by Registered Social Landlords and housing is a key priority for local people as noted in the Annual Residents Survey. Recognising this importance the Council has established a Housing Scrutiny Sub-Committee which has provided a vehicle for scrutiny and dialogue with the decision makers within those bodies.
- 1.5 In addition a Grants Scrutiny Sub Committee has also been set up as part of the Best Value Action Plan with the aim of scrutinising the grants making process and overall approach to grants ensuring that an objective, fair, transparent and co-ordinated approach is adopted and implanted.
- 1.6 Tower Hamlets is also currently hosting the Inner London Joint Health Overview and Scrutiny Committee comprising of the neighbouring boroughs of Newham, Hackney and City of London. This Committee has considered the local Sustainability and Transformation Plan.
- 1.7 Following a review the important function of scrutinising proposed executive decisions was improved this year by giving pre-decision scrutiny higher priority on the agenda and circulating to members a list of both the items on the next Cabinet agenda, as well as all forthcoming decisions published by the Council. In addition, the meeting dates of the Scrutiny Committee have been moved further in advance of Cabinet in order to allow greater time for consideration of pre-decision scrutiny questions, and therefore more substantive responses. In addition, the Committee now monitors a log of the status of the requests it has made.
- 1.8 Through the work planning framework and the approach to individual scrutiny reviews the Scrutiny Committee has focused on adding value by making clear evidence based recommendations for action based on community needs. The Committees' focus and culture has embraced a

non-partisan and inclusive approach and this coupled with the revisions to pre scrutiny of executive decisions has resulted in no decisions being called in during the year.

1.9 Membership

1.10 The membership of the Committee is politically proportionate, and representative of the composition of the Council , there have been a number of revisions to membership during the year as a result of changes to the political composition of the Council and following a Council By election .

1.11 The membership of the **Overview and Scrutiny Committee** is as follows:

Chair: Councillor John Pierce

Vice Chair: Councillor Abdul Mukit MBE Scrutiny Lead for Resources and Chair of Grants scrutiny sub committee

Councillor Amina Ali Scrutiny Lead for Development and Renewal and Chair of Housing scrutiny sub committee

Councillor Julia Dockerill Scrutiny Lead for Children's Services

Councillor Clare Harrison Scrutiny Lead for Adult Health and Wellbeing and Chair of Health scrutiny sub committee

Councillor Muhammad Ansar Mustaqim Scrutiny Lead Member for Governance

Councillor Oliur Rahman

Councillor Helal Uddin

Councillor Abdul Asad

Co-opted Members:

Dr Phillip Rice (Church of England representative)

Vacancy (Roman Catholic Church representative)

Asad M Jaman Muslim Faith Community

Fatiha Kassouri Parent Governor

Shabbir Chowdhury Parent Governor

Christine Trumper Parent Governor

1.12 Appointment of co-opted and Lead members

1.13 The appointment of relevant and representative co-opted members on the Overview and Scrutiny Committee and Sub Committees ensures that the scrutiny function reflects the needs aspirations and concerns of our communities. It also provides a forum for sections of our community and facilitates a two way dialogue with our residents. The Co-opted members also bring new skills, knowledge and ideas to the work of the Committees.

1.14 The Overview and Scrutiny Committee appoints a number of Scrutiny Leads aligned to the Council's directorates. The role for these Councillors is to work with the Committee in determining the approach to and focus for the work of the scrutiny function.

1.15 Annual review

1.16 The following section of the report provides a summary of the key elements of the work of the Overview and Scrutiny Committee listed under the Scrutiny Lead areas. Along with the complementary work of the Health, Housing and Grants Scrutiny Sub Committees.

1.17 Tribute to Co-opted Roman Catholic Church representative

1.18 The Committee was saddened to hear of the of the recent death of co-opted Member Victoria Ekubia the Roman Catholic Church Representative. Victoria had served on the Committee for a number of years and was a strong contributor to the local voluntary and community sector and a champion of young people in the Borough.

2.0 The Overview and Scrutiny Committee Chair, Councillor John Pierce

2.1 Work planning

2.2 The Overview and Scrutiny Committee used an evidence and risk based approach to developing its annual work programme and that of the sub Committees. Councillors were provided with detailed briefings on key information, developments and issues for each of the Cabinet Portfolio areas. And when determining the range and breath of topics for the year councillors took into consideration factors such as:

- The extent of public and member interest
- The significance of any budgetary implications
- Current performance and user satisfaction
- Any scrutiny review already planned or being carried out by other bodies
- New developments or changes, and
- The Committee's ability to influence outcomes.

2.3 The Housing and Health Scrutiny Sub-Committees have also held work planning sessions, and developed their own work programmes. The Grants Scrutiny Sub-Committee's work programme is mainly based around the programme of grant decisions to be made in the year, although it may add additional items as relevant.

2.4 Training and development for scrutiny councillors

2.5 Working with the Centre for Public Scrutiny there have been a number of targeted training and development interventions, which have supported councillors in delivering effective scrutiny during the year. This has included topic specific work looking at the Budget Scrutiny, financial monitoring and Outcome Based Budgeting along with a focused and practical workshop for the Grants Scrutiny Committee members.

2.6 The co-opted members of both the Overview and Scrutiny Committee and all of the sub Committees also attended a workshop session which provided a detailed induction and introduction to the Council, its relationship with our communities and an explanation of the governance framework and roles and responsibilities of Committee members.

2.7 All of the training sessions have included good practice tips and techniques aimed to supporting the development of the skills of Scrutiny Committee members in delivering effective and insightful review of services, decisions and outcomes. This training has focused on planning scrutiny reviews, developing questions and recommendations and measuring outcomes.

2.8 Community engagement

2.9 The Overview and Scrutiny committee has taken a pro-active approach to engaging with Tower Hamlets communities during the year. This has included holding information gathering sessions in a range of community venues to attract and engage local residents in the Prevent and Night-time Economy scrutiny reviews. The committee has used variety of channels to engage communities in the work through the year including a short video clip, social media feeds and links to agendas and press releases to engage the local media.

2.10 The committee has also provided a platform for key partners and other public sector bodies to engage with communities and to be held to account for service and operational performance. This has included spotlight sessions with senior health and Metropolitan Police representatives and leading social housing providers.

2.11 The Council has produced a scrutiny toolkit with the aim of providing Officers, Members, stakeholders and local communities with guidance and advice on how the scrutiny function works. This guidance will be updated annually incorporating lessons learned and best practice from other local authorities.

2.12 The guidance highlights the various options members have in carrying out Scrutiny of a specific topic, with the most appropriate medium selected depending on the nature of the issue and the driver for the scrutiny work. The range of methods currently employed includes:

- ordinary items on the Scrutiny Committee agenda (including budget and policy framework items, budget scrutiny , monitoring and challenge , pre decision scrutiny and call in) ;
- spotlight sessions (where attendees are questioned and held to account on a range pertinent issues within their remit);
- reviews (which allow members to examine a topic in-depth over multiple sessions with officer support, with a view to developing a report with recommendations to the executive for improvement); and
- Challenge sessions (similar to reviews, but with only one session and typically in slightly less depth).

2.13 Supporting the scrutiny function

2.14 The Council has developed an agile and efficient project based approach to providing officer support for the scrutiny function. This approach enables the Council to allocate a range of policy and strategy resources, skills and knowledge to support scrutiny and aids the

mainstreaming and embedding scrutiny in the overall work of the council and its communities.

- 2.15 An example of this approach is the project team supporting the Overview and Scrutiny Committee, which consists of a Democratic Services Officer managing the logistics and governance procedures, independent legal advice provided by the Deputy Monitoring Officer, a Communications Officer providing advice on engagement and promotion of the work, and a Senior Strategy Officer providing research, analysis and project management expertise.

3.0 Budget and Policy framework items

3.1 Medium Term Financial strategy and budget monitoring

- 3.2 The Committee considered The Council's Provisional Financial Outturn 2015/16 and Medium Term Financial Strategy. Members asked a range of questions, including about the underspend of the youth service grant; modelling undertaken to forecast the likely impact of charging for adult social care services; losses in valuation appeals; and staffing and agency costs, particularly in children's social care.

- 3.3 Councillors also reviewed and noted the budget monitoring on a quarterly basis in respect of the General Fund, HRA and Capital budgets. Questions concerned the nature of the HRA budget, clarify on in year and carry forward savings and drivers for capital budget underspend.

- 3.4 Councillors were very impressed about the new improved format and presentation of the financial information this year, especially the summary documents, use of colour and detailed breakdown of directorate budget positions. The only area requiring action for future monitoring reports in the font and layout used for the detailed capital programme reporting.

3.5 Strategic Plan and Delivery plan 2017/18

- 3.6 The Committee reviewed the refreshed Strategic Plan and were very impressed with the revised approach, format and more citizen focused presentation, particularly the use of key statistics and infographics to highlight both council performance and contextual information about Tower Hamlets. The document will be reviewed and used as a key intelligence source to inform the Committees work programme for the coming year.
- 3.7 Suggested future roles for the scrutiny function included helping to fully develop the associated Delivery Plan particularly around community based outcomes and the Grants Scrutiny Committee looking into the range and scale of grants funding provided by the Council.

3.8 Housing Strategy

- 3.9 The Housing Scrutiny Sub-Committee had considered the draft strategy, however the Overview and Scrutiny Committee was keen for both through the Local Plan and Housing Strategy to look at how the Council supports people with middle income to help them stay in the borough who have very slim chance of getting social housing but cannot afford to buy in the borough.
- 3.10 The Committee recommended that the Council reviews its partnership working with RSLs as they are changing to a business model and not always in the interest of local people. Regeneration is a big issue and given the challenge facing another borough it is important we learn the lessons from this and work with local people and our housing providers. The Committee also asked about the impact of welfare reform and benefit cap, succession of tenancy and letting system, Intermediate housing and resident pathway to help people make the right choices.

3.11 Substance Misuse Strategy

- 3.12 The Committee considered the draft Strategy, in advance of it being presented at Cabinet. Members asked Cabinet member Cllr Khatun and officers about anti-social behaviour related to drug use, and the effect this has on communities. They also discussed low-level drug use and other psychoactive substances. In particular, members were concerned at Tower Hamlets' status as a market for drug users, attracting people from outside the borough, and discussed how this could be addressed.
- 3.13 Ultimately, members wanted to know when they and the community could expect to see the positive results of the Strategy. Officers emphasised the difficulties of estimating this, especially given issues in the reliability of the data used for substance misusers, and also urged realism given the complexity of Tower Hamlets. However, the borough is recognised as a good practice area by Public Health England, and use of heroin and crack has been dropping.

3.14 Community Engagement Strategy

- 3.15 The Committee received and noted a presentation that outlined the Councils approach to developing the Community Engagement Strategy for 2016-2019. They recognised that whilst this strategy was being developed in a climate of continuous reductions to public spending it presented an opportunity for communities to take a greater role in shaping and delivering in priority areas i.e. Local residents will be effectively informed, engaged, involved and empowered by the Council. They will actively help define local priorities, design, deliver

and evaluate services and inform council decision making in areas that impact on their lives.

- 3.16 There are four key priorities to be considered in developing the approach ; (1) Shaping the borough through a greater say by residents in the design and delivery of local services; (2) Supporting local people by building their skills and confidence to organise themselves at a local level; (3) Make Tower Hamlets digitally active; and (4) Make engagement more meaningful;
- 3.17 As a result of discussions arising from this review the Committee made recommendations regarding the need carefully consider how engagement is undertaken and to develop and approach to flexibility of the structures to be used to meet the divergent needs and social structures in the diverse communities of Tower Hamlets.

4.0 Budget scrutiny 2016/17

- 4.1 For 2016/17 the Committee developed an approach to budget scrutiny which enabled them to take a strategic overview of the risks associated with the deliverability of the savings plan and the potential impact of the proposals on Tower Hamlets' communities. This approach ensured that the Committee were able to gather a range of evidence on both the strategic elements of the proposal and carry out an in depth review of a smaller number of key growth and savings business cases.
- 4.2 Initially the Committee considered the key external and internal drivers including the scale of funding and service changes, the introduction of the Outcome Based Budgeting, three year budget approach and the Transformation Programme.
- 4.3 The Committee then reviewed the Mayor's strategic approach and the links between the proposed budget, Medium Term Financial Plan, Treasury Management approach and the refreshed strategic plan. Along with an examination of the nature of the financial resources funding the budget including council tax and business rates, reserves policy, schools funding, capital and housing revenue account budgets and the robustness of the approach to risk.
- 4.4 The final part of the process consisted of a review of the range of budget pressures and proposed growth allocations along with an overview of the extensive range of savings proposals with the focus and lens for the scrutiny work is on the priority areas: Enabling growth in the borough and prevention and proactive initiatives .In addition that the approach for the in depth reviews was in determining that the proposed outcomes were clear and appropriate and that the evidence base and rationale was robust, and to consider areas of significant risk and the robustness of the mitigation measures.

4.5 The Committee developed a range of robust outcome focused recommendations which looked at both the overall budget package and process and also drilled down into the detailed impact of a number of the key savings and growth proposals.

5.0 Monitoring and challenge

5.1 The Committee carried out in depth scrutiny of the Councils performance using a number of approaches this year, including Spotlight Sessions with the Mayor and Cabinet Members where the Committee focused on specific areas of Council activity or new policy development (e.g. Children's services and the Youth Service).

5.2 The Committee reviewed the Strategic Performance Monitoring Report each quarter, where performance trends were reviewed and detailed scrutiny of action plans and improvement initiatives carried out.

5.3 For the end of year review for 15/16 performance members were pleased to note the improvement in the proportion of adoptions of ethnic minority children, as well as in all of the housing strategic measures. However, they expressed concern at the deterioration in sickness absence amongst council staff and recycling rates.

5.4 Following the review of Quarter 3 performance in 16/17 it was suggested and recommended that the Committee could take a more focused in depth approach to scrutinising performance in future , by carrying out more in depth reviews of specific areas of ongoing performance concern and looking performance outcomes for communities , examining the drivers and role that the Council has in influencing performance (i.e. Councils role in relation to schools and examination performance) and examining in year performance for measures which have traditionally been measured annually and reviewing comparator benchmarking data (i.e. longer scale review of sickness performance in local and national context).

5.5 Complaints and information annual report 15/16

5.6 This is a really useful review for the Committee as it helped to inform the work and focus for the scrutiny function. The Committee identified the opportunity for greater overlaps between member's enquiries and complaints and identify common issues; In addition whether some member's enquiries can be turned into complaints given in some cases they are complaint about a service. The Committee noted an increase in children social care complaints and requested additional information to understand what this is about and what actions have been implemented.

5.7 Report of Investigations under the Regulation of Investigatory Powers Act (RIPA)

5.8 The Interim Divisional Director, Legal provided a summary of the statutory requirement to report use of these powers, and reported that no applications were made in the first, second and third quarters of 2016/2017. The Committee highlighted a desire to add to the work programme for 2017/18 a review of the use of investigatory powers in combatting crime and anti-social behaviour.

5.9 Reset of the Commercial Contract with Agilisys for the Provision of ICT Services

5.10 This item was considered by the Committee as a pre-decision item. The Committee agrees with the findings of the review that the current ICT service provision is not good enough and has seen significant disruption to service provision. The Committee requested further confirmation of number of local people employed and how many apprentices have led to employment through this contract. The Committee was concerned about the potential redundancies that may result as a result of relocation of service desk and asked that this be managed effectively to minimise any compulsory redundancies.

5.11 Integrated employment service

5.12 The Committee reviewed information on the development of several measures relating to the long-term delivery of Integrated Employment Support across the borough. This included information on the upscaling of the Raising Aspirations pilot and the Growth Borough ESF Programme; the development of a new CRM system and related methodologies, and related service reviews across the council which need to be considered as part of the long term implementation of IES. The Committee raised a number of issues including the need to increase the numbers of places for apprentices across the Borough; and to Re-establish the Economic Growth Partnerships and review the local jobs market.

5.13 There were also recommendations concerning assistance in helping residents whose first language was not English to get on in work or learn more about their rights and responsibilities, the provision of child care to enable parents to get access into the jobs market; and a need to increase the number of vocational courses.

5.14 Business engagement in the community

5.15 The Committee reviewed a range of information provided by Officers relating the support the Council provides for the business community in Tower Hamlets. Councillors requested more detailed information regarding a number of the key areas including support for small

business and the emerging detail on business rate relief and the potential impact on Tower Hamlets businesses.

5.16 Update on Tower Hamlets Education partnership

5.17 The Committee reviewed the background to the development of the partnership model and considered the emerging Government policy position on school improvement. They also asked for clarification on the current and ongoing resource commitment from the Council to the partnership and examined the relationship with other functions of the Council.

5.18 In recognition of the changing structural and the new governance environment in school support and improvement, the Committee will want to consider how it can scrutinise approaches and outcomes in a way that influences school choices. Due to the emerging diversity in schools provision and the early developmental stage for the partnership the Committee would like to review the impact of the Tower Hamlets Education Partnership as part of the forward work plan.

5.19 Post 16 Education

5.20 The Committee questioned Officers on the significant variation in comparative performance of pupils in Tower Hamlets schools in GCSC examinations, and Post 16 options (including “A” levels). Additional information was requested on comparative career destination outcomes for pupils taking “A” levels and vocational qualifications. The Committee would also like to look separately at the work of the Virtual School in the future work programme, and the support that is provided for pupil’s considering university entry.

5.21 Public Health Savings – Phase 1

5.22 The Committee had an extensive discussion on the public health savings proposals and we would like to note our thanks to the Cabinet Member and Director for attending the meeting. The Committee was concerned about the short time period for the public consultation but recognise the pressure the council is under to deliver the savings within the financial year. The Committee requested details of evidence base of projects that were delivering successful outcomes for local people.

6.0 Pre –decision scrutiny

6.1 There has been a much greater emphasis on pre decision scrutiny of Cabinet decisions this year. At each meeting the Overview and Scrutiny Committee reviews Cabinet papers and provides a list of recommendations and questions which the Chair reports at the start of each Cabinet meeting, thereby informing the Cabinet decision making process. The Committee has also carried out in depth reviews of key

strategic and policy decisions, questioning relevant Cabinet members and requesting additional information.

6.2 Pre decision scrutiny – Local Council Tax reduction scheme 2017/18

6.3 The Committee reviewed the basis for and associated consultation evidence which has been used to inform the development of the Local Council Tax reduction scheme for 2017/18. Information was provided on the historical and statutory basis for the scheme and the proposed strategic approach for 2017/18. In addition the requirement for the final scheme to be approved at the Full Council meeting on 18 January 2017.

6.4 Councillors raised a number of strategic approach and practical and detailed implementation questions and queries in relation to the proposed approach for 2017/18, a number of which were answered during the debate. The Committee supported in principle the suggested approach, particularly the current direction of travel and the commitment to continuing support for those households that qualify for 100 % reduction in Council tax liability.

6.5 Pre decision scrutiny – Fees and Charges 2017/18

6.6 The Committee considered an overview of the strategic approach to fees and charges income for the coming year and the varied nature of the range of statutory and discretionary fees and charges levied by the council. Councillors asked a number of questions relating to the detailed nature of specific charges, including the historic basis for adult education charges and contractual relationship with the Skills Funding Agency (SFA).

6.7 Pre scrutiny: Draped Seated Woman – Selection of local hosting partner

6.8 The Committee supported the intention to host the iconic piece of art at a suitable location in the borough, where the citizens of Tower Hamlets could enjoy its benefits. The Committee also recognised the educational value that the piece will have in providing schools and young people with close up experience of contemporary art.

6.9 Pre-Decision Scrutiny of Cabinet Papers -Local Plan and the Housing Strategy.

6.10 The Committee reviewed and commented on the draft plan and proposals for consultation and engagement with local people. The comments from the Committee focused on the following areas:
Consultation: Ensure there are appropriate methods for digital engagement with local people on draft Plan and consider and put in

appropriate measures for engaging with people whose English is second language. In particular consider how minority groups and communities will be engaged. Local ward councillors provide very useful local knowledge and should be engaged and they can also help connect to different stakeholders at locality level.

- 6.11 The Committee registered concern in respect of the continuous development of the borough and whether the infrastructure to support this will keep pace and in particular the Committee was keen to hear about the numbers of new schools and health centres that would be developed. Equally significant is to ensure that the transport infrastructure is developed to cope with the demand. The Committee commented that partnership working with TfL, Schools and NHS would be crucial to deliver the objectives of the Local Plan.
- 6.12 Employment is a key priority for the Council and Committee was keen to ensure that through the Local Plan we look to address the high graduate unemployment and support our residents into employment. The Committee recommended that the Statement of Community Involvement is radical and truly supports the Council's vision for a transparent and open organisation and become a leader on this. The Committee asked that the recommendations from the Overview and Scrutiny Transparency Commission be considered in the development of this.

7.0 Call in of decisions

- 7.1 During the year no decisions of the Mayor in Cabinet in respect of unrestricted or restricted reports on the Cabinet agenda were 'called in'.

8.0 Scrutiny Spotlight Sessions:

- 8.1 The Committee has used Spotlight Sessions where the Mayor, Cabinet Members, Senior Officers and key partners attend the meeting for a robust question and answer session usually looking in depth at an area of performance, policy or an issue of community interest within their portfolio or area of responsibility.
- 8.2 An example of the approach and outcomes from spotlight sessions is the review of the new housing delivery model at the Mayors Spotlight Session. The Committee questioned the Mayor and supporting officers on the implementation plans and approach to developing a range of Housing Delivery Models to support the Councils priorities around the local housing market. The Committee raised a number of questions and queries around accountability, relationship with Tower Hamlets Homes, level of risks particularly relating to the charity model, and a request for assurances that appropriate checks and balances were in place.

8.4 The Committee recommended that the Housing Scrutiny Sub Committee carry out a regular review of the new and emerging delivery bodies as part of its 2017/18 work programme.

8.5 Spotlight on Youth Service

8.6 Cabinet member Cllr Saunders and officers attended to discuss the review of the Youth Service and youth centres, and the interim delivery model. While useful information was provided about the findings of surveys of young people, parents, carers and other stakeholders, the Committee suggested that additional information which had informed the reviews, in particular, the analysis of facilities' use, be published, to help make the case for the model.

8.7 It was agreed that, given that analysis has revealed considerable under-use in the past, it will be important to monitor this closely going forward, so that the same problems do not arise. The Committee is likely to return to this topic later in its work programme for the year.

8.8 Scrutiny spotlight -Outcomes for Children in Care

8.9 The Committee noted that the Council was at the time of the review undertaking an Ofsted inspection of Children's Services. They considered common themes and key issues in respect of the outcomes and success factors for Children in Care.

8.10 The Committee requested that a mechanism is put in place to enable the views and recommendations of the Care Leavers Group to be provided for the Committee to inform future work scheduling. A request was also made that there is representation from the Committee on the Corporate Parenting Board.

8.11 Chief Executive Spotlight session - Organisational culture and governance (This session is planned for a future meeting of the Committee).

8.11 Welfare reform spotlight session

8.12 The Committee considered the presentation from the Deputy Mayor that highlighted a number of key issues relating to Welfare Reform and this was followed by questions and recommendations from Members. The key areas of focus and recommendations from the review related to the need to provide clear pathways to advise people especially those in the poverty trap that is preventing them from climbing out of welfare dependency. Greater focus on how the Council can work with our partner agencies and practical support the Council could offer to families regarding Universal Credit?

8.13 Scrutiny Spotlight – Focus on Anti-Social behaviour

- 8.14 This review consisted of an update on the progress on the action plan for the Scrutiny Review from 2015 looking at “How the council, police and social landlords promote the reporting of incidents of drug dealing, drug taking and related ASB in communal spaces and communicate the outcome of this reporting”
- 8.15 The Committee questioned a range of witnesses including Councillor the Deputy Mayor and Cabinet Member for Community Safety, representatives from Tower Hamlets Homes, the TH Community Safety Team, a Chief Inspector from the Metropolitan Police Service and other housing providers.
- 8.16 Overall the Committee concluded that a lot of work has been done following the review, and that there is a real momentum to some of the strands of partnership working and particular initiatives to combat ASB locally. The Committee requested a follow up this piece of work when the review it is next considered by Cabinet (this will be added to the work programme for 2017/18).

8.17 Crime and Disorder Spotlight

- 8.18 The Committee received an update from the Borough Commander Sue Williams about Policing and Crime matters in relation to electoral fraud and the Police Services response including the letter from Assistant Commissioner Helen King, Assistant Commissioner, Professionalism, and Metropolitan Police Service to Katharine Viner the Editor of the Telegraph.

9.0 Petitions

- 9.1 The committee did not receive any petitions during the year.

10.0 Follow up reviews

- 10.1 Scheduled through the year there have been a number of reviews of previous scrutiny reports and recommendations, to check progress and assess the impact of the review and opportunities for further additional scrutiny work.

Examples include

- Challenge session progress update: Supporting delivery of successful town centre (high streets and markets).
- Challenge session progress update – Improving cycling safety
- Challenge session progress update : Anti-social behaviour

- Challenge session progress update : Contract specification and management in Tower Hamlets – Ensuring maximum value for money and securing community benefits

11.0 Reviews and Challenge Sessions

11.1 Scrutiny review Night-time Economy

- 11.2 A prosperous Night Time Economy (NTE) can be a great asset to an area, creating opportunities for economic growth and regeneration, as well as supporting the vibrancy of local neighbourhoods.
- 11.3 Successful NTEs do, however, also generate potentially damaging issues around anti-social behaviour, crime and environmental pollution. Striking the balance between promoting a flourishing NTE and protecting the quality of life of residents is a major challenge for local authorities.
- 11.4 The NTE in London is currently high on the agenda of city leaders, and has been made a top-priority by the new London Mayor with the recent appointment of London's first Night Czar, the introduction of the Night Tube. These developments, together with the rapidly changing demographic and economic make-up of Tower Hamlets, made it an opportune time to review the Council's current approach to the borough's NTE.
- 11.5 The Review was underpinned by six core questions:
1. What do we define as the Night Time Economy? Are there different trends within the NTE of Tower Hamlets, e.g. clustering of particular types of establishment, concentrated footfall at specific times of night?
 2. What are the spatial impacts of the NTE in the borough?
 3. What policies does the Council currently have in place for management of the NTE and are these/have they been effective in serving the needs of both business and residents?
 4. What policy innovations have been developed by other Local Authorities that LBTH could use to improve its own NTE management approaches?
 5. What is the wider cost-benefit analysis of NTE, e.g. tax receipts offset against policing/enforcement/health costs?
 6. What is the Council's long term vision for the NTE in the borough and is it fit for purpose?
- 11.6 The review took the form of four evidence sessions firstly planning and economic development, then Cabinet Member for Community Safety, the Community Safety Service, the Public Health Service and the Metropolitan Police. And finally the British Hospitality Association and the Association of Licensed Multiple Retailers.

11.7 The review culminated in a public meeting addressed by London Borough of Tower Hamlets Mayor, John Biggs, and the Mayor of London's Night Czar Amy Lamé. The event, attended by over 70 people, heard evidence from local residents, business owners and night time economy professionals. The Committee is currently considering the evidence that it has heard over the six month review, and will publish a report in early summer outlining its findings and recommendations for the future management of the night time economy in the Borough.

11.8 Challenge Session: Social Value Act

11.9 The challenge session focused on the Council's implementation of the Social Value Act provisions in the procurement and commissioning of services. The overall objective was to assess the impact of social value clauses throughout the commissioning cycle, with a particular focus on the monitoring and measurement of social value activity and outcomes.

11.10 Evidence was provided on the procurement and commissioning systems and approach in place along with detail on the monitoring and measurement activity undertaken. The session also conserved best practice approaches and further developments in the social value environment to inform the development of the recommendations.

11.11 The challenge session developed a range of recommendations which were subsequently presented to the Overview and Scrutiny Committee. The recommendations covered social value policy, commissioning and procurement approach, measurement and monitoring of social value, determining the impact on outcomes from social value activity, improved cross organisational working and a revised approach to communication and information.

11.12 The challenge session recommendations will aim to improve and standardise the overall approach to social value procurement in the Council by developing a policy framework and specific social value priorities. In addition the development and implementation of robust contract measurement approaches to ensure that all suppliers comply with the social value provisions in the contracts and effective measurement of the impact for our communities of social value activity.

11.13 Challenge Session: Free School Site Allocation

11.14 The Education Act 2011 made changes to the arrangements for the establishment of new schools by enabling them to be established either via the central government programme where proposers apply directly to the Department for Education (DfE); or where via a free school presumption process which sees free school providers bid to operate a new school that the Council has identified the need for.

- 11.15 Whilst the DfE has opened new free schools in the central programme by acquiring sites, in a crowded borough such as Tower Hamlets, new school sites generally arise as part of large site developments. Through an evidence based exercise as part of preparing the Local Plan, the Council has achieved a number of site allocations for schools and these will require the free school presumption process for the provider to be appointed.
- 11.16 The aim of the challenge session was therefore to explore ways in which the Council can ensure it offers families the kind of school places they seek, sufficient to meet demand both now and future. The process of undertaking a free school presumption exercise is new in Tower Hamlets and there was an overwhelming desire to ensure the process is right, given the Council's efforts to restore its reputation on transparency and on regaining the public's confidence.
- 11.17 The Regional Schools Commissioner attended the session bringing valuable insight and advice on the free school presumption process. Also in attendance were representatives from free schools and community schools providing an even balance of opinions?
- 11.18 Our recommendations cut across the themes of understanding need, ensuring a fair and transparent free school presumption process which involves the community, and working together in a more coordinated approach with internal and external stakeholders.
- 11.19 Delivering Prevent Duty: Promoting safeguarding in Tower Hamlets scrutiny review report**
- 11.20 The Committee noted that in 2015, the Government's Counter-Terrorism and Security Act introduced a duty on councils to prevent people from being drawn into terrorism or violent extremism. Tower Hamlets it was noted was a priority area under the duty and hence why on behalf of local residents, it was important to understand what the Council and its partners are doing to deter people away from terrorism and violent extremism. The Council has strong reputation for its work in this area, particularly in the way it has embedded the required safeguarding mechanism under the duty into its existing safeguarding arrangements.
- 11.21 The report made 13 recommendations on how the Council and our partners can add value to what is already happening under the 'Prevent Duty'. Our recommendations cover three themes of:
- **Safeguarding young people;**
 - **Promoting cohesion in Tower Hamlets; and**
 - **Developing leadership around Prevent.**

11.22 The recommendations had been developed following discussions over five sessions. Three additional co-opted members, Sarah Castro, Rob Faure-Walker and Dr Farid Panjwani, participated in the review bringing their academic knowledge, hands on experience of working with communities on cohesion and understanding of the impact of counter-terrorism policies on communities to the discussions.

11.23 Homelessness Scrutiny Challenge Session

11.24 Cllr Helal Uddin presented a report from the scrutiny challenge session on Homelessness. The session focused on the use of bed and breakfast accommodation for families with dependent children and pregnant women over the six week statutory period, the long term viability of moving away from B&B placements, Council's prevention work and customer satisfaction of homeless applicants.

11.25 The report makes 17 recommendations focusing on a number of areas including development of the new Housing Strategy, providing information to members and wider public and improving customer services. The report will now be sent to the Cabinet Member and Directorate to develop an action plan responding to the recommendations

11.26 Challenge session: Community Cohesion

11.27 This scrutiny challenge session focussed on community cohesion in Tower Hamlets. In light of the findings and recommendations highlighted in the Casey Review on opportunity and integration the discussion aimed to understand the implications of this on Tower Hamlets.

11.28 The challenge session reviewed some aspects of the work of the Council and its partners presently and historically to consider the impact of cohesion and equalities work in the borough and what can be done further to enhance cohesion in the borough. The session also looked at how we measure cohesion and whether the measure is adequate, the level of segregation and integration in the borough, how we promote cohesion activities, how cohesion could be mainstreamed in council activities. The session additionally considered ESOL provision in the borough and how this can support cohesion. The report will be considered by the Overview and Scrutiny Committee in the next municipal year.

11.29 Youth Service challenge session

11.30 The challenge session was carried out in the context of an ongoing consultation on a proposed reorganisation of the Integrated Youth and

Community Service (“the youth service”). The challenge session was prompted by concerns about whether the significant changes made to the youth service (i.e. the interim delivery model put in place from July 2016) and the larger changes to come as a result of service review and reorganisation, adequately address the “lessons learned” from previous shortcomings in service delivery and provide the right service for local young people.

11.31 The challenge session aimed to ensure that the future plans for the youth service have properly absorbed “lessons learned” from past work and have explored innovative approaches to achieving desired outcomes. Three main areas of focus during the challenge session were:

- the resilience of the service,
- the staffing of the service, and
- the approach to outreach.

11.32 The outcome from the sessions is a report containing a set of eight recommendations which focused on more inclusive working practices with other council departments and the voluntary and community sector, improved engagement with current and potential female service users. In addition exploration of alternative funding sources , improved interface with the police regarding initiatives to combat anti-social behaviour and the development of an improved performance and outcomes framework.

12.0 Health Scrutiny Sub Committee Chair Councillor Clare Harrison

12.1 Background

The Health Scrutiny Sub-Committee is the primary way in which the democratically elected councillors of Tower Hamlets are able to voice the views of their residents and hold the relevant NHS and social care bodies to account. By doing this, the Health Scrutiny Sub-Committee acts as a lever to improve the health of the local population by ensuring their needs are considered as part of the commissioning delivery and development of health and social care services in the borough.

12.2 During 2016/17 the Sub-Committee adopted a thematic approach to its work, focussing on the issue of 'Access to Health and Social Care Services' in Tower Hamlets. To this end, the Sub-Committee focussed on one substantive item relating to this theme at each of its four ordinary meetings – Community Pharmacy, Primary Care infrastructure, Access to Early Years and Adult Mental Health Services.

12.3 In addition the Sub-Committee continued to receive occasional and statutory reports relating to the performance of the local health and social care system, and Cllr Harrison also chaired the Inner North East London (INEL) Joint Health Overview & Scrutiny Committee (JHOSC), a body which has jurisdiction over the scrutiny of sub-regional health care planning such as the Sustainability and Transformation Plans (STPs).

12.4 For 2016/17 and 2017/18 LB Tower Hamlets holds the rotating Chair on the Inner North East London (INEL) Joint Health Overview & Scrutiny Committee (JHOSC). This body comprises of LB Tower Hamlets, LB Hackney, LB Newham and the City of London Corporation (together with LB Waltham Forest as observers), and is tasked with scrutinising health and social care plans and/or decisions that may affect one or more member authority. In accordance with s.245 of the NHS Act 2006 and the Local Authority (Overview and Scrutiny Committees Healthy Scrutiny Functions) Regulations 2002, the JHOSC is able to refer certain decisions (formal 'cases for change') to the Secretary of State if it is felt they have been taken without due consultation and engagement.

12.5 During 2016/17 the JHOSC has met four times, with business focussing on the Transforming Services Together (TST) programme and the North East London Sustainability & Transformation Plan (NEL STP). Together with borough level transformation programmes, such as Tower Hamlets Together, the TST and STP are NHS proposals for redesigning healthcare provision at the multi-borough and sub-regional level. Both of these plans include re-configurations of services that could have an impact on Tower Hamlet's residents and it is therefore important that JHOSC provides democratic oversight. Over the course

of the next municipal year, INEL will continue to offer overview of the STP and will receive formal 'cases for change' as and when they arise from the local NHS."

12.6 Community Pharmacy

12.7 The Sub-Committee considered the significant but often overlooked role of Community Pharmacies in the delivery of primary health services to local residents. According to NHS England, nationally there has been a 20% increase in the use of pharmacies in recent years, although the Government intends to reduce pharmacy funding by some £300 million during 2017/18.

12.8 The Sub-Committee heard that the 48 pharmacies in Tower Hamlets play an important role in supporting the prevention agenda by offering easily accessible and low level interventions, such as sexual health and smoking cessation support, as well as offering social and economic benefits to many of the borough's high streets. However, it was felt that pharmacies had even greater potential to fulfil a role as a high street clinic and Tower Hamlets Clinical Commissioning Group (CCG) and the Local Pharmaceutical Committee were working together to make this more of a reality.

12.9 The Sub-Committee recommended that following issues be considered when developing the future offer:

- That the lack of 24 hr pharmacy access locally is addressed, especially in terms of how this can support night-time hospital discharges;
- That better and more comprehensive pharmacy performance dashboards are developed to help drive up quality and provide sound evidence base for future decision making around provision;
- That the number of pharmacies with access to GP notes/shared medical records are increased.

12.10 Planning & Primary Care Infrastructure

12.11 The Sub-Committee considered the issues facing the commissioning, planning and delivery of primary care services in the borough, in the context of increased demand for services arising from a growing population.

12.12 The CCG and the GP Care Group highlighted the main challenges facing primary care, including; the recruitment and retention of staff (especially GPs), the changing make-up of the GP workforce (i.e. more salaried staff) and patient frustration with the process for getting an appointment. The LBTH Public Health team set out the Council's approach to planning for future health infrastructure needs, which is based on projected population increases.

- 12.13 In response to these challenges the CCG and GP Care Group have; created the GP Care Group as a Community Interest Company (CIC) to help consolidate the local primary care offer, obtained additional resources from the GP Access Fund to set up four primary care hubs in the borough where residents can access appointments out of core hours, developed a 'physician associate' scheme to offer greater support to GP practices.
- 12.14 The Sub-Committee recommended that following issues be considered by the CCG, GP Care Group and LBTH Public Health/Planning:
- That the planning of healthcare infrastructure take account of the geographic dimension of population growth e.g. physical space constraints in certain localities;
 - That the Community Infrastructure Levy (CIL) continue to be spent on addressing the borough's health priorities
 - That consideration be given to the quality/access to non-GP primary care services in the borough, e.g. dental care, opticians.
 - That a strong local offer to attract and retain GPs in Tower Hamlets is developed collaboratively.

12.15 Early Years and Access to Care

- 12.16 The Sub-Committee considered the main challenges facing 0-5 year olds in the borough, which include; high rates of child poverty, low birth weights, above average infant mortality rates, lack of school readiness, excess weigh & obesity, dental decay, and lower levels of vaccination/immunisation coverage.
- 12.17 Officers from Children's Services and Public Health set out what is being done to improve access to health and social care for 0-5 year olds in the borough, with a particular focus on ensuring that early interventions were improving outcomes. Ongoing work includes; redesigning the Children's Centre offer, developing the Tower Hamlets Together model to integrate early-years services with universal health services and developing a new model of care for specialist children's community health services.
- 12.18 Over the course of 2017 work will focus on developing the relationships between the children's centres / child and family hubs to wider services including primary care, specialist children's health services, child and adolescent mental health services (CAMHS), children's social care and services for school age children. The Sub-Committee recommended that the following issue be considered by LBTH Children's Services and Public Health going forward:
- That links between hospitals and children's centres be strengthened to ensure birth data is shared and children automatically registered at CCs and A&E usage for minor ailments is reduced;

- That Children's Services strengthens their understanding of whether vulnerable families are missing out on CC provision through data collection/analytics;
- That CCs work to strike a sensitive balance between free and charged services they offer so as not to create a 'two-tiered' system;
- That CCs work to provide an adult offer to support new mothers, especially those from BME communities, who risk being isolated to language barriers etc.

12.19 Access to Care for People with Mental Health Problems

12.20 The Sub-Committee considered the main barriers facing people with mental health problems have in accessing the services they need in Tower Hamlets. According to the CCG and ELFT these include; lack of awareness about mental health within the population, stigma (especially amongst specific communities), the fragmentation of provision, mistrust of services, excessive waiting times, transition at 18 and issues for carers/partners of those with mental health problems in accessing support.

12.21 The CCG and ELFT set out the undertaken by the Tower Hamlets Mental Health Partnership to address some of these challenges in recent years, including; redesigning dementia care pathways, establishing clear pathways for adults in crisis to ensure bed availability, developing a high quality supported accommodation offer within the borough and developing a primary care mental health service (inc Peer Support/Navigation). The partnership intends to build on these over the course of 2017, working within the NEL STP to develop a population-based approach to mental health (such as tackling the wider determinants, enhance links with General Practice, further improve urgent and community care pathways, better integrate physical and mental healthcare and prompting whole person care commissioning.

12.22 The Sub-Committee recommended that following issues be considered by the CCG, ELFT and other local mental health care providers:

- That work continue to achieve the 5 Year Forward View objective of reducing suicides by 10% - this is significant in a borough where there is an increasing student population;
- That councillors be given more information about where they can signpost residents with mental health needs that they come into contact with via casework;
- That the choice of mental health interventions offered in primary care is reviewed to ensure that there are alternatives to Cognitive behavioural therapy;
- That the interface between local mental health services and the Criminal Justice System (inc. YOT) be considered to ensure pathways for support/interventions are clear.

12.23 Reablement Service - Scrutiny Review

12.24 The Sub-Committee conducted a Scrutiny Review of the Council's Reablement Service which supports residents aged 18+ when they are discharged from hospital and/or are already at home and starting to struggle with activities of daily living. Its main focus is to support residents to regain or improve their independence and functioning.

12.25 The Sub-Committee wanted to understand whether the current service offers accessible and effective care and gain an insight into the experience of service users. The review consisted of four evidence gathering sessions that brought together key partners in the delivery of local health/social care services, service users and third sector organisations. In addition the Sub-Committee also conducted a field visit to a best practice authority and met with staff from the Council's Reablement Service.

12.26 In considering the evidence submitted, the Sub-Committee recognised that the service was operating effectively and already planning to address some of the issues raised during the review. The Sub-Committee felt that there was still room for improvement and has made 16 recommendations that will enhance service user outcomes and experience, covering areas such as referral pathways, the hospital discharge process, personalisation and education/communication.

12.27 Other activity

12.28 In addition to these items, the Sub-Committee has also received and discussed reports on the following:

- Tower Hamlets CCG Commissioning Intentions
- CQC Inspection Report on ELFT, which rated the Trust 'Outstanding'
- CQC Inspection Report on RLH, which rated the hospital as 'Requires Improvement'
- The response of RLH to the inspection findings is ongoing and the Sub-Committee is receiving regular feedback on progress.
- CQC Inspection Report on Mile End Hospital
- Healthwatch TH Report on GP access
- Maternity Partnership Board: This body was created following the scrutiny review of Maternity Service conducted last year and provides oversight of the improvement action plan

13.0 Grants Scrutiny Sub-Committee
Cllr Abdul Mukit MBE

- 13.1 This Sub-Committee was set up this year as part of the implementation of the Council's Best Value Action Plan. The aim of the Grants Sub-Committee is to ensure that the overall objectives of the grant scheme are being met based on identified need, that a fair geographical distribution of funding is being proposed, and that the full range of community needs are being met. It aims to support an objective, fair, transparent and co-ordinated approach to grant funding across the Council.
- 13.2 This year, the Sub-Committee has been mainly focussed on pre-decision scrutiny of the reports being presented originally to the Commissioners Decision Making Meeting and subsequently the Grants Determination Sub-Committee.
- 13.3 A review was undertaken early in 2016 of the operation of the sub committee which made nine recommendations, half of which have already been implemented including review of the membership, training for councillors and reviewing the grants register.
- 13.4 One of the recommendations was that the grants performance reports provider greater clarity on outcomes, more analysis and stronger focus on problem issues. This approach to reporting has been applied to MSG theme 2 Jobs, Skills and Prosperity and further work is being planned to rollout for other themes in the near future.
- 13.5 As articulated in the Council's Voluntary and Community Sector Strategy, the Council is moving towards a commissioning approach. To this end, the Sub-Committee wanted to look at the arrangements being put in place to support local organisations. The Sub-Committee received a report outlining the co-production support to the voluntary sector to date for commissioned projects relating to Community Engagement, Cohesion and Resilience, and the Sub-Committee have asked receive another update further into the co-production programme.
- 13.6 At their meeting in March 2017, the Sub-Committee received a demonstration of the new GIFTS ONLINE grants management system which gave them with an opportunity to provide feedback and recommendations to be considered in the development of the new system.
- 13.7 Going forward, the sub-committee may wish to consider how it further develops its own work programme, and what arrangements it may wish to make to develop public engagement on the work of the Sub-Committee.

14.0 Housing Scrutiny Sub-Committee

Chair: Councillor Amina Ali

14.1 During 2016/17, the Housing Scrutiny Sub-Committee (HSSC) played a key role in highlighting areas of concerns and recommending improvement on some key aspects of social housing.

14.2 Housing in Tower Hamlets – understanding the key challenges

14.3 The HSSC commenced its work by taking a closer look at: Housing and Planning Act 2016; New Homes in England; Rogue landlords and letting agents; Recovering abandoned premises; Social Housing; Right to Buy; Vacant 'higher' value local authority housing; end of lifetime tenancies; and high income social tenants.

14.4 Under Occupation Review

14.5 As part of HSSC's work programme, a review group was set up to explore under occupation of social housing. For the purposes of the review, under occupation is defined as "where a household is occupying a property with one or more bedrooms above the statutory requirement".

14.6 The aim of the review:

- To explore the incentives available to encourage existing tenants to vacate accommodation;
- Ascertain whether practices of some Registered Providers (RPs), operating inside or outside the borough, have been more successful
- National best practice on this issue and establish if lessons learnt elsewhere were applicable to the circumstances of Tower Hamlets.


14.7 The review group noted that the Council's incentive schemes achieved over 650 under occupation transfers over five years – which is fairly consistent with other local authorities with similar demographics. Nevertheless, due to ever growing pressure on social housing, the under occupation review group wanted to explore further, to identify and recommend some innovative solutions.

14.8 The final report made a series of recommendations, including: improved communication; dedicated resource allocation to the scheme; proactively advising under occupying tenants on the advantages of downsizing; identifying future development specifically for under occupying tenants; policy change through revising the standard tenancy agreement.

14.9 Housing Repairs: good practice models

- 14.10 When considering regular performance updates on leaseholder services, the issue of repairs was picked up by this scrutiny sub-committee, as an area of particular interest. Subsequently, I dedicated a HSSC meeting to take a look at current practices on how different housing providers were delivering their repairs service. Also, how they were performing in the areas of: turnaround time; whether repairs needed repeat visits; dealing with customer complains; residents' satisfaction level etc.
- 14.11 During these meetings the HSSC received reports and presentations from the council's partners including: Swan, Poplar Harca, Gateway and Tower Hamlets Homes. The committee raised a number of issues including: residents' dissatisfaction with Mears contract; cost of repairs due to ASB in estates; un-necessary pressure to complete satisfaction survey; repair jobs requiring repeated visits etc.
- 14.12 In response to the feedback from members and the public, the committee were advised that the current contract is fairly new, and it may take a little longer - to see the full effect of the changes, which have been put in place recently.

This page is intentionally left blank

Decision Report Cover Sheet: Council 22 March 2017	 TOWER HAMLETS
Cover Report of: Matthew Mannion, Committee Services Manager	Classification: Unrestricted
Treasury Management Outturn Report for 2016/17	

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

Summary

The Treasury Management Outturn Report for 2016/17 was presented to the Audit Committee on Wednesday 28 June 2017 for noting. It is now presented to Council also for noting.


The Report and Appendices are attached to this Cover Sheet.

Recommendations:

The Council is recommended to:

1. Note the Treasury Management activities and performance against targets for the twelve months to 31 March 2017.
2. Note the Pension Fund investments balance (set out in section 9 of Annex A to the report).
3. Note the Council's investments as at 31 March 2017 (as in Appendix 2 of Annex A to the report).
4. Note the Prudential indicators outturn for 2016/17 (set out in Appendix 1 of Annex A to the report).

This page is intentionally left blank

Non-Executive Report of the: Audit Committee 28 th June 2017	 TOWER HAMLETS
Report of: Zena Cooke, Corporate Director of Resources	Classification: [Unrestricted or Exempt]
Treasury Management Outturn Report for 2016/17	

Originating Officer(s)	Bola Tobun, Investment & Treasury Manager
Wards affected	[All wards]

Summary

The Local Government Act 2003 requires that treasury management activities are reported to this Committee. This report summarises the Council's treasury management activities for the financial year ended 31 March 2017.

The report sets out the treasury management outturn position based on:

- the credit criteria adopted by the Corporate Director, Resources;
- the investment strategy for the financial year as approved by the Council; and
- the investment returns achieved.

The Council has complied with its legislative and regulatory requirements as set out in the legal comments at paragraph 5 of this report. The actual prudential and treasury management indicators for the year together with the comparators are also set out in this paper.

The Corporate Director, Resources confirms that;

- All treasury management activities were executed by authorised officers within the parameters agreed by the Council;
- All investments were made to counterparties on the Council's approved lending list and within limit; and
- No short-term or long-term borrowing was undertaken during the year to 31 March 2017. Note, £2.096m of a corporate capital scheme was financed internally without the need to raise new borrowing.

Long term debt reduced from £87.825m to £85.936m (excluding accrued interest shown in Statement of Accounts) as a result of loans maturing during the financial year.

The investment portfolio stood at £447.3m (excluding pension fund cash balances and accrued interest shown on the balance sheet) at 31 March 2017 with £15m being investments longer than one year. The Council earned 0.70% on short term lending, outperforming the benchmark of rolling average 7 Day LIBID rate of 0.20%.

The Council participates in a quarterly Investment Portfolio Benchmarking Analysis with 13 other local authorities and can demonstrate from this exercise that the risk and returns realised from investments are in line with the Council's risk appetite.

This report demonstrates that the Council is delivering its Treasury Management service in an open and transparent manner and that the Council is fulfilling its obligations under the Local Government Act 2003 to produce an annual review of activities. The report is being submitted to the Audit Committee to enable Members to fulfil their scrutiny role of the treasury management function as per CIPFA's Treasury Management Code of Practice. The report also provides information on the economic conditions prevailing in the final quarter of 2016-17.

Recommendations

Members are recommended to:

- Note the Treasury Management activities and performance against targets for the twelve months to 31 March 2017.
- Note the Pension Fund investments balance (set out in section 9 of Annex A).
- Note the Council's investments as at 31 March 2017 (as in Appendix 2 of Annex A).
- Note the Prudential indicators outturn for 2016/17 (set out in Appendix 1 of Annex A).

1. REASONS FOR DECISIONS

- 1.1 This Council is required, by Regulations issued under the Local Government Act 2003, to produce an annual treasury report reviewing treasury management activities and the actual prudential and treasury indicators for 2016/17. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 The minimum reporting requirements stipulated by the Code are that full Council should receive the following reports:
 - an annual treasury strategy in advance of the year (Council; 24 February 2016);
 - a mid-year treasury update report (Council; 5 December 2016); and
 - an annual report at the end of the year setting out the activity compared to the strategy (this report)
- 1.3 In addition, the Audit Committee received treasury management activity update reports on 28 June, 20 September, 8 November 2016 and 22 March 2017.
- 1.4 The Code requires Members to review and scrutinise treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.
- 1.5 Presenting all of the above treasury management reports to the Audit Committee for scrutiny before they were reported to the full Council, fulfils the Council's requirements under the code of practice.

2. ALTERNATIVE OPTIONS

- 2.1 The Council is bound by legislation to have regard to the Treasury Management (TM) Code. The Code requires that the Council should receive an annual report on treasury management activities.
- 2.2 If the Council were to deviate from those requirements, there would need to be some good reason for doing so. It is not considered that there is any such reason because of the requirements to ensure that Members are kept informed about treasury management activities and to ensure that these activities are in line with the investment strategy approved by the Council.

3. THE STRATEGY

- 3.1 The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 require local authorities to have regard to the Treasury Management Code. The Treasury Management Code requires that the Council or a sub-committee of the Council should receive an annual report on treasury management activities.
- 3.2 The Council approved the Treasury Management Strategy Statement on 24 February 2016, which included the Investment Strategy, Minimum Revenue Provision and prudential indicators for 2016/17. These reports set out the parameters within which Treasury Management officers should operate when executing their roles. In line with the requirement of the Code, this report assists Members in discharging their responsibilities relating to the review and scrutiny of Treasury Management policies and activities in 2016/17.
- 3.3 The Council complied with its legislative and regulatory requirements in 2016/17 and was not in breach of any of the prudential and treasury management indicators. A more detailed report of the indicators is attached as Annex 1 with section 1 and 2 tables summarising the key indicators relating to capital expenditure activities in the year.
- 3.4 The Corporate Director, Resources also confirms that whilst the Council entered into a number of finance lease transactions during the year, the Council did not undertake any external borrowing during the year, thus operating within the authorised borrowing limit in the financial year.
- 3.5 The Council's actual capital expenditure was £61m less than the budgeted figure of £89.675m for the General Fund. Capital expenditure from the Housing Revenue Account (HRA) was £51.269m against a budget of £138.315m.
- 3.6 The HRA Capital Financing Requirements (CFR) increased from £75.583m to £84.269m for the year and General Fund CFR increased from £187.005m to £197.434m. The Council's overall CFR stood at £281.703m with total external debt (including PFI) of £121.192m at the end of this financial year 2016/17, giving a borrowing requirement of £160.511m. This borrowing need is being funded by internal borrowing, hence no external borrowing was undertaken during this financial year due to prevailing investment concerns of both counterparty risk and ultra-low investment returns.

- 3.7 The HRA does not receive a Minimum Revenue Provision (MRP) charge, with the exception of a MRP contained within finance leases. The statutory calculation of the MRP is applied to the General Fund; this is 4% of the aggregate assumed borrowing for general fund investment, known as the Capital Financing Requirement (CFR). The MRP applied to the General fund CFR for this financial year was £7.097m (including PFI and finance lease MRP).
- 3.8 No loan rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.
- 3.9 The Council has continued with its conservative approach of prioritising security, appropriateness and liquidity over yield. Investments have therefore continued to be dominated by low counterparty risk considerations although this resulted in a high cost of carry as investment returns are relatively low compared to borrowing rate.
- 3.10 The strategy adopted in the original Treasury Management Strategy Report for 2016/17 approved by the Council on 24 February 2016 was subject to a revision during the year because of a large amount of cash balances and low investment rates as a consequence of the revision of the base rate from 0.50% to 0.25% after the E.U referendum. There was an amendment to the Council's Investment Strategy at the Full Council meeting in September 2016, to increase the monetary value from £50m to £100m for Long Term Investments and duration span from 3 year to 5 year limits.
- 3.11 The Council participates in a benchmarking club to enable officers to compare the Council's treasury management and investment returns against those of similar authorities. The model below shows the performance of benchmark club members, given the various levels of risks taken, as at 31 March 2017. The model takes into account a combination of credit, duration and returns achieved over the duration, and it includes data from 21 local authorities. Tower Hamlets lies close to the expected return given the Council's portfolio risk profile, which is placing deposits with institutions with the sovereign rate of AAA.
- 3.12 The comparison demonstrated that Tower Hamlets' investment portfolio had a lower credit risk of 2.77 compared to the benchmark group average of 3.19. (To measure the credit worthiness of a portfolio, a credit risk scale of 1-5 is applied, a portfolio with 5 will be the riskiest investment portfolio full of BBB+ and below credit rated institutions and a portfolio with 1 will be an investment portfolio full of institutions with credit rating AAA+).
- 3.13 The investment return associated with the level of risk taken on our investment portfolio is within the range 0.53% - 0.65% and the portfolio delivered 0.62%, which is 0.03% above its model portfolio.
- 3.14 The current institutions the Council can currently lend to, is as set out in Appendix 3 of Annex A.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 This report fulfils the requirement to report the annual performance and position of the Council's Treasury and Investment activities to the Audit Committee and then Full Council. During 2016/17 the Council's investments portfolio delivered a return of 0.70%, which exceeded the benchmark average 7 days LIBID rate of 0.20% for the period.
- 4.2 For budgeting purposes, in 2016/17 the Council estimated that it would have an average cash balance of £300m during the year which it could invest to generate a 0.9% or £2.7m return on investment. However, the actual average balances for the year were significantly higher, totalling £404m. This was used to generate a 0.7% or £2.825m return on investment. The higher average cash balance was as a consequence of lower than expected capital expenditure during the year.

5. LEGAL COMMENTS

- 5.1 The Local Government Act 2003 provides a framework for the capital finance of local authorities. It provides a power to borrow and imposes a duty on local authorities to determine an affordable borrowing limit. It provides a power to invest. Fundamental to the operation of the scheme is an understanding that authorities will have regard to proper accounting practices recommended by the Chartered Institute of Public Finance and Accountancy (CIPFA) in carrying out capital finance functions.
- 5.2 The Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 require the Council to have regard to the CIPFA publication "Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes" ("the Treasury Management Code") in carrying out capital finance functions under the Local Government Act 2003. If after having regard to the Treasury Management Code the Council wished not to follow it, there would need to be some good reason for such deviation.
- 5.3 It is a key principle of the Treasury Management Code that an authority should put in place "comprehensive objectives, policies and practices, strategies and reporting arrangements for the effective management and control of their treasury management activities". Treasury management activities cover the management of the Council's investments and cash flows, its banking, money market and capital market transactions, the effective control of risks associated with those activities and the pursuit of optimum performance consistent with those risks. It is consistent with the key principles expressed in the Treasury Management Code for the Council to review performance against the strategies and policies it has adopted.
- 5.4 The Treasury Management Code requires as a minimum that there be a practice of regular reporting on treasury management activities and risks to the responsible committee and that these should be scrutinised by that committee. Under the Council's Constitution, the audit committee has the functions of monitoring the Council's risk management arrangements and making arrangements for the proper administration of the Council's affairs and for the proper stewardship of public funds.
- 5.5 When discharging its treasury management functions, 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. Information is contained in section 15 of the report relevant to these considerations.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 Interest income on the Council's cash flows has historically contributed significantly towards the budget. This Council's ability to deliver its various functions, to meet its Community Plan targets and to do so in accordance with its obligations under the Equality Act 2010 may thus be enhanced by sound treasury management.

7. BEST VALUE (BV) IMPLICATIONS

7.1 Assessment of value for money is achieved through:

- Monitoring against benchmarks
- Operating within budget

7.2 For example, investment returns exceeded the LIBID benchmark up to the end of March 2017 and the treasury function operated within budget for financial year 2016/17.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no Sustainable Actions for A Greener Environment implications.

9. RISK MANAGEMENT IMPLICATIONS

9.1 Any form of investment inevitably involves a degree of risk. To minimise risk the investment strategy has restricted exposure of council cash balances to UK backed banks or institutions with the highest short term rating or strong long term rating.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no crime and disorder reduction implications arising from this report.

Linked Reports, Appendices and Background Documents

Linked Report

[None]

Appendices – contained in Annex A to this paper

Appendix 1: Prudential and Treasury Indicators

Appendix 2: Investments Outstanding as at 31st March 2017

Appendix 3: Counterparty List for London Borough of Tower Hamlets at 09/06/2017

Appendix 4: Definition of Fitch Credit Ratings

Appendix 5: Glossary

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

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

Capita Treasury Advisory Services - Investment Reports & Benchmarking club report

Officer contact details for documents:

Bola Tobun - Investment & Treasury Manager (Ext. 4733 Mulberry Place, 3rd Floor)

Annex A

London Borough of Tower Hamlets

Annual Treasury Management Review
2016/17

Contents

Introduction and Background.....	3
1. The Council’s Capital Expenditure and Financing	3
2. The Council’s Overall Borrowing Need.....	4
3. Treasury Position as at 31 March 2017	5
4. The Strategy for 2016/17.....	7
5. The Economy and Interest Rates	8
6. Borrowing Rates in 2016/17	8
7. Borrowing Outturn for 2016/17	8
8. Investment Rates in 2016/17.....	9
9. Investment Outturn for 2016/17.....	10
10. Benchmarking Club for 201/17	122
Appendix 1: Prudential and treasury indicators	14
Appendix 2: Investments Outstanding at 31/03/2017.....	16
Appendix 3: Counterparty List for Lending.....	17
Appendix 4: Defination of Fitch Ratings	20
Appendix 5: Glossary.....	22

Introduction and Background

This report summarises the following:-

- Capital activity during the year;
- Impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
- The actual prudential and treasury indicators;
- Overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
- Summary of interest rate movements in the year;
- Detailed debt activity; and
- Detailed investment activity.

1. The Council's Capital Expenditure and Financing 2016/17

1.1 The Council undertakes capital expenditure on long-term assets.

1.2 The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

£m General Fund	2015/16 Actual	2016/17 Estimate	2016/17 Actual
Capital expenditure	26.620	89.475	28.621
Financed in year	26.475	89.325	26.525
Unfinanced capital expenditure	0.145	0.150	2.096

£m HRA	2015/16 Actual	2016/17 Estimate	2016/17 Actual
Capital expenditure	66.359	138.315	51.269
Financed in year	66.359	125.455	51.269
Unfinanced capital expenditure	0.000	12.860	0.000

2. The Council's Overall Borrowing Need

- 2.1 The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2016/17 unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.
- 2.2 **Reducing the CFR** – the Council's (non HRA) underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision – MRP, to reduce the CFR. This is effectively a repayment of the non-Housing Revenue Account (HRA) borrowing need (there is no statutory requirement to reduce the HRA CFR). This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.
- 2.3 The Council's 2016/17 MRP Policy (as required by CLG Guidance) was approved as part of the Treasury Management Strategy Report for 2016/17 on 24/02/2016.
- 2.4 The Council's CFR for the year is shown below, and represents a key prudential indicator. It includes PFI and leasing schemes on the balance sheet, which increase the Council's borrowing need. No borrowing is actually required against these schemes as a borrowing facility is included in the contract.

CFR (£m): General Fund	31 March 2016 Actual	31 March 2017 Budget	31 March 2017 Actual
Opening balance	192.943	187.005	187.005
Add unfinanced capital expenditure (as above)	0.145	7.150	2.096
Less MRP/VRP*	(7.084)	(5.000)	(7.097)
Less PFI & finance lease repayments		(2.000)	15.430
Closing balance	187.005	187.155	197.434

CFR (£m): HRA	31 March 2016 Actual	31 March 2017 Budget	31 March 2017 Actual
Opening balance	69.675	75.583	75.583
Add unfinanced capital expenditure (as above)	5.991	12.860	9.190
Less VRP*			
Less PFI & finance lease repayments	(0.083)		(0.504)
Closing balance	75.583	88.443	84.269

2.7 **Gross borrowing and the CFR** - in order to ensure that borrowing levels are prudent over the medium term and only for a capital purpose, the Council ensured that its gross external borrowing does not exceed the total of the capital financing requirement in the preceding year (2016/17) plus the estimates of any additional capital financing requirement for the current (2017/18) and next financial year. This essentially means that the Council is not borrowing to support revenue expenditure. This indicator allowed the Council some flexibility to borrow in advance of its immediate capital needs in 2016/17. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

	31 March 2016 Actual	31 March 2017 Budget	31 March 2017 Actual
Gross borrowing position	£123.723m	£132.106m	£121.192m
CFR	£262.588m	£275.598m	£281.703m

2.8 **The authorised limit** - the authorised limit is the “affordable borrowing limit” required by s3 of the Local Government Act 2003. Once this has been set, the Council does not have the power to borrow above this level. The table below demonstrates that during 2016/17 the Council has maintained gross borrowing within its authorised limit.

2.9 **The operational boundary** – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached. **For the reporting financial year the boundaries were not breached.**

2.10 **Actual financing costs as a proportion of net revenue stream** - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

	2016/17
Authorised limit	£307.588m
Maximum gross borrowing position	£123.723m
Operational boundary	£287.588m
Financing costs as a proportion of net revenue stream	0.030%

3. Treasury Position as at 31 March 2017

3.1 The Council's debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the end of 2016/17 the Council's treasury (excluding borrowing by PFI and finance leases) position was as follows:

	31 March 2016 Principal	Rate of Return	31 March 2017 Principal	Rate of Return
Fixed rate Funding				
-PWLB	£10.325m	7.10%	£8.436m	6.64%
-Market	<u>£13.000m</u>	<u>4.37%</u>	<u>£13.000m</u>	<u>4.37%</u>
Total Fixed	<u>£23.325m</u>	<u>5.58%</u>	<u>£23.436m</u>	<u>5.26%</u>
Variable rate Funding				
-PWLB	-	-	-	-
-Market	<u>£64.500m</u>	<u>4.32%</u>	<u>£64.500m</u>	<u>4.32%</u>
Total Variable	<u>£64.500m</u>	<u>4.32%</u>	<u>£64.500m</u>	<u>4.32%</u>
Total debt	<u>£87.825m</u>	<u>4.65%</u>	<u>£85.936m</u>	<u>4.55%</u>

	31 March 2016 Principal	Rate/ Return	31 March 2017 Principal	Rate/ Return
Total debt	<i>£87.825m</i>	4.65%	£85.936m	4.55%
CFR	<i>£262.588m</i>		£281.703m	
Over / (under) borrowing	<i>(£174.763m)</i>		(£195.767m)	
Investments:				
In house	£370.5m	0.78%	£447.3m	0.64%
External managers	£0.000m		<u>£0.000m</u>	
Total investments	£370.5m	0.78%	£447.3m	0.64%

The maturity structure of the debt portfolio was as follows:

	31 March 2016 Actual	2016/17 original limits %	31 March 2017 Actual	31 March 2017 Actual
Under 12 months	£1.889m	10%	£0.970m	11.29%
12 months and within 24 months	£1.639m	30%	£1.673m	1.95%
24 months and within 5 years	£2.763m	40%	£3.421m	3.98%
5 years and within 10 years	£2.825m	80%	£1.163m	1.35%
Over 10 years	£78.209m	100%	£78.209m	91.0%

The maturity structure of the investment portfolio was as follows:

	2015/16 Actual £000	2016/17 Original £000	31 March 2017 Actual £000
Investments			
Longer than 1 year	£20,000	£50,000	£15,000
Under 1 year	£350,500	£300,000	£432,300
Total	£350,500	£350,000	£447,300

4. The Strategy for 2016/17

- 4.1 The expectation for interest rates within the treasury management strategy for 2016/17 anticipated low but rising Bank Rate, (starting in quarter 1 of 2016), and gradual rises in medium and longer term fixed borrowing rates during 2016/17. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.
- 4.2 In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.
- 4.3 The actual movement in gilt yields meant that the general trend in PWLB rates during 2016/17 was an increase in rates during the first quarter followed by marked bouts of sharp volatility since July 2015 but with an overall dominant trend for rates to fall to historically low levels by the end of the year.

5. The Economy and Interest Rates

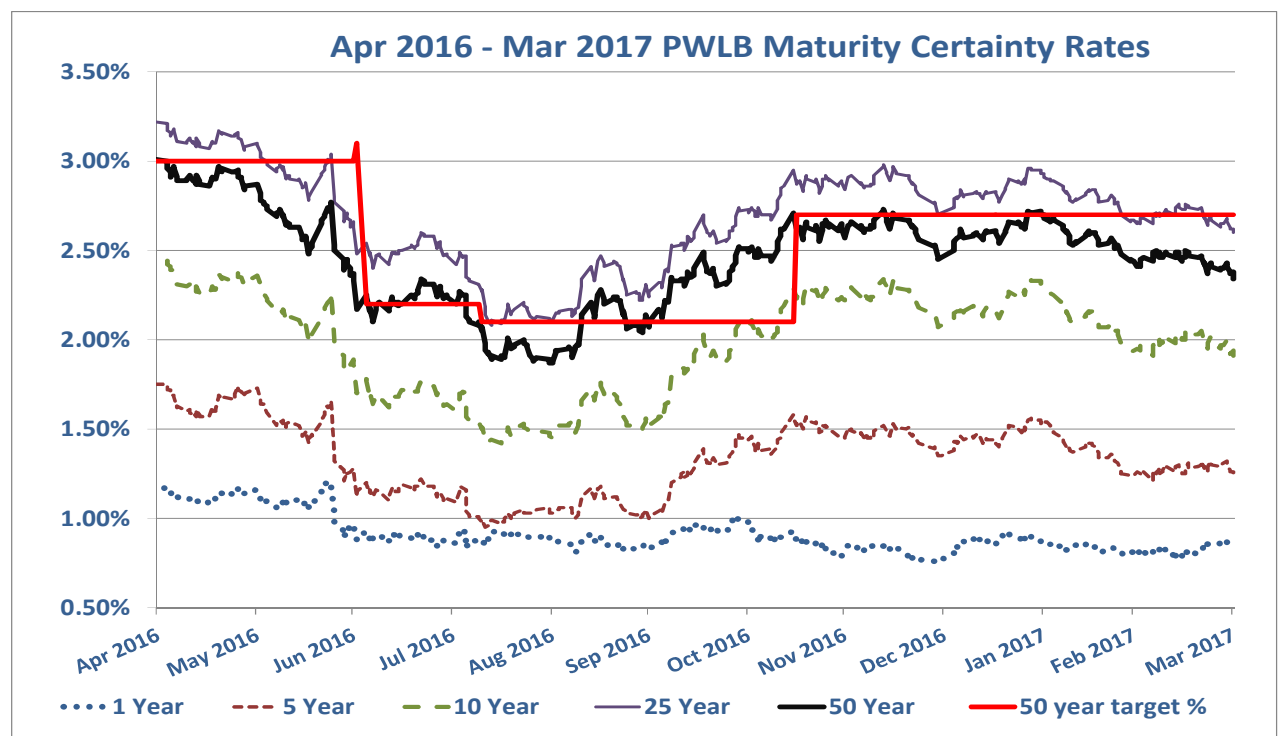
- 5.1 The two major landmark events that had a significant influence on financial markets in 2016-17 financial year were the UK EU referendum on 23 June and the election of President Trump in the USA on 9 November. The first event had an immediate impact in terms of market expectations of when the first increase in Bank Rate would happen, pushing it back from quarter 3 2018 to quarter 4 2019.
- 5.2 The Monetary Policy Committee (MPC) at its 4 August meeting, cut Bank Rate from 0.5% to 0.25% and the Bank of England's Inflation Report produced forecasts warning of a major shock to economic activity in the UK, which would cause economic growth to fall almost to zero in the second half of 2016. The MPC also warned that it would be considering cutting Bank Rate again towards the end of 2016 in order to support growth. In addition, it restarted quantitative easing with purchases of £60bn of gilts and £10bn of corporate bonds, and also introduced the Term Funding Scheme whereby potentially £100bn of cheap financing was made available to banks.
- 5.3 In the second half of 2016, the UK economy confounded the Bank's pessimistic forecasts of August. After a disappointing quarter 1 of only +0.2% GDP growth, the three subsequent quarters of 2016 came in at +0.6%, +0.5% and +0.7% to produce an annual growth for 2016 overall, compared to 2015, of no less than 1.8%, which was very nearly the fastest rate of growth of any of the G7 countries. Needless to say, this meant that the

MPC did not cut Bank Rate again after August but, since then, inflation has risen rapidly due to the effects of the sharp devaluation of sterling after the referendum.

- 5.4 The expectation for interest rates within the treasury management strategy for 2016/17 anticipated low but rising Bank Rate, (starting in quarter 1 of 2017) and gradual rises in medium and longer term fixed borrowing rates during 2016/17. Variable, or short-term rates, were expected to be the cheaper form of borrowing over the period. Continued uncertainty in the aftermath of the 2008 financial crisis promoted a cautious approach, whereby investments would continue to be dominated by low counterparty risk considerations, resulting in relatively low returns compared to borrowing rates.
- 5.5 In this scenario, the treasury strategy was to postpone borrowing to avoid the cost of holding higher levels of investments and to reduce counterparty risk.
- 5.6 During 2016/17 there was major volatility in PWLB rates with rates falling during quarters 1 and 2 to reach historically very low levels in July and August, before rising significantly during quarter 3, and then partially easing back towards the end of the year.
- 5.7 The strategy adopted in the original Treasury Management Strategy Report for 2016/17 approved by the Council on 24/02/2016 was subject to a revision during the year due to large amount of cash balance and appalling investments rate as a consequence of revision of base rate from 0.50% to 0.25% after the E.U referendum. There was an amendment at the Full Council meeting of September 2016, to the Council Investment Strategy to increase the monetary value from £50m to £100m for Long Term Investments and duration span from 3 years to 5 years limits.

6. Borrowing Rates in 2016/17

6.1 **PWLB certainty maturity borrowing rates** - the graph below shows how PWLB certainty rates have fallen to historically very low levels during the year.

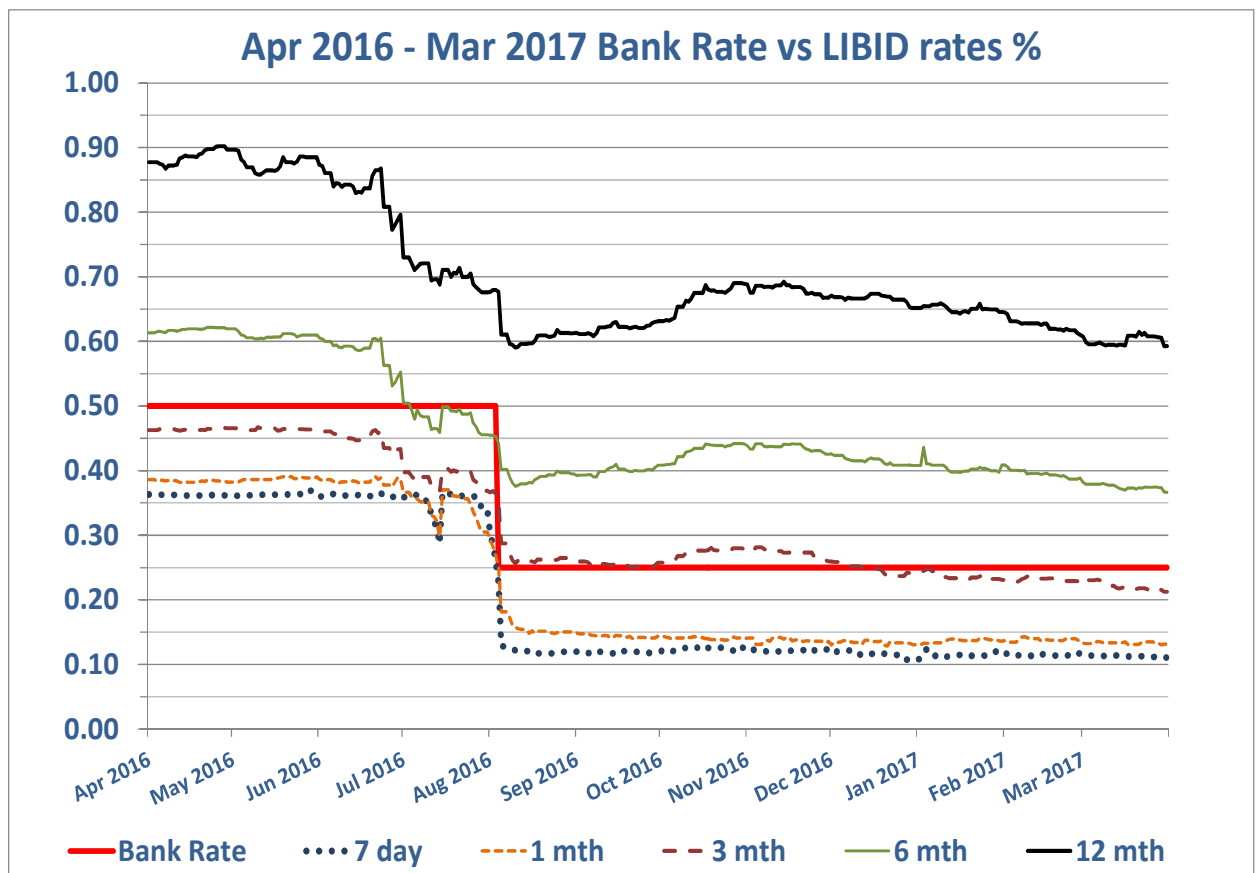


7. Borrowing Outturn for 2016/17

- 7.1 **Treasury Borrowing** - Due to investment concerns, both counterparty risk and low investment returns, no borrowing was undertaken during the year.
- 7.2 **Rescheduling** - No rescheduling was done during the year as the average 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.
- 7.3 **Summary of debt transactions** – management of the debt portfolio resulted in a fall in the average interest rate of 0.06%, representing net General Fund savings of £80,000p.a.

8. Investment Rates in 2016/17

- 8.1 After the EU referendum, Bank Rate was cut from 0.5% to 0.25% on 4 August and remained at that level for the rest of the year. At the start of this financial year, market expectations timing for the start of monetary tightening was set at quarter 3 of 2018, but then moved back to around the end of 2019 in early August before finishing the year back at quarter 3 2018. Deposit rates continued into the start of 2016/17 at previous depressed levels but then fell during the first two quarters and fell even further after the 4 August MPC meeting resulted in a large tranche of cheap financing being made available to the banking sector by the Bank of England. Rates made a weak recovery towards the end of 2016 but then fell to fresh lows in March 2017.



9. Investment Outturn for 2016/17

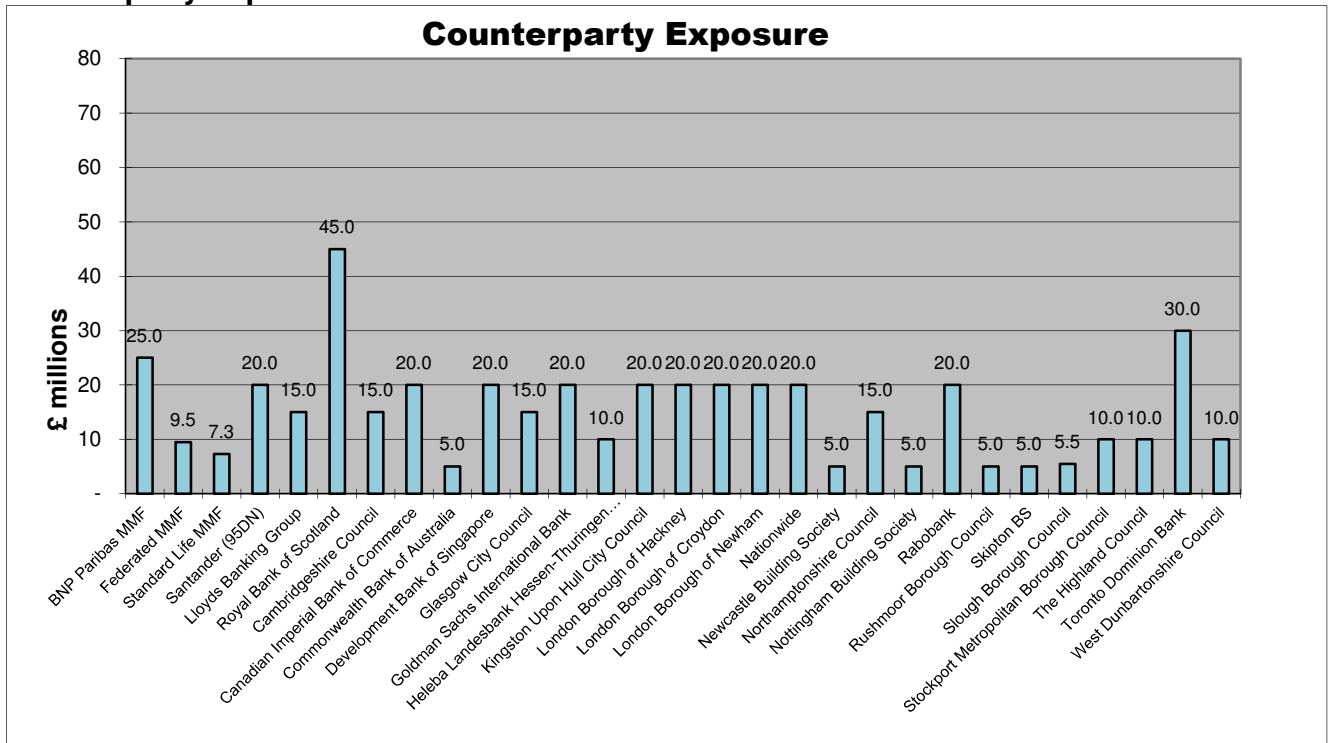
- 9.1 **Investment Policy** – the Council’s investment policy is governed by CLG investment guidance, which has been implemented in the annual investment strategy approved by the Council on 24/02/2016. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps).
- 9.2 The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.
- 9.3 **Investments held by the Council** - the Council held an outstanding balance of £447.3m, the internally managed funds earned £2.825m, with an average rate of return of 0.70% for this financial year 2016/17 on average cash balance of £404m. The comparable performance indicator is the average 7-day LIBID rate, which was 0.20% for the reporting financial year. This compares with a budget assumption of £2.7m on average cash balance of £300m to earn an average rate of 0.90%.
- 9.4 **Pension Fund - Internal Cash Management** - Cash is held by the managers at their discretion in accordance with limits set in their investment guidelines, and internally by LBTH to meet working cash flows requirements, although transfers can be made to Fund managers to top up or rebalance the Fund.
- 9.5 The Pension Fund cash balance is invests in accordance with the Council’s Treasury Management strategy agreed by Full Council in February 2016, which is delegated to the Corporate Director of Resources to manage on a day to day basis within set parameters.
- 9.6 At 31st March 2017, no outstanding cash investments of pension fund cash balance with the Council’s treasury activity.
- 9.7 Members will continue to be updated quarterly of the Pension Fund in house cash investment strategy. Security of the Fund’s cash remains the overriding priority.

Investment performance for 2016/17

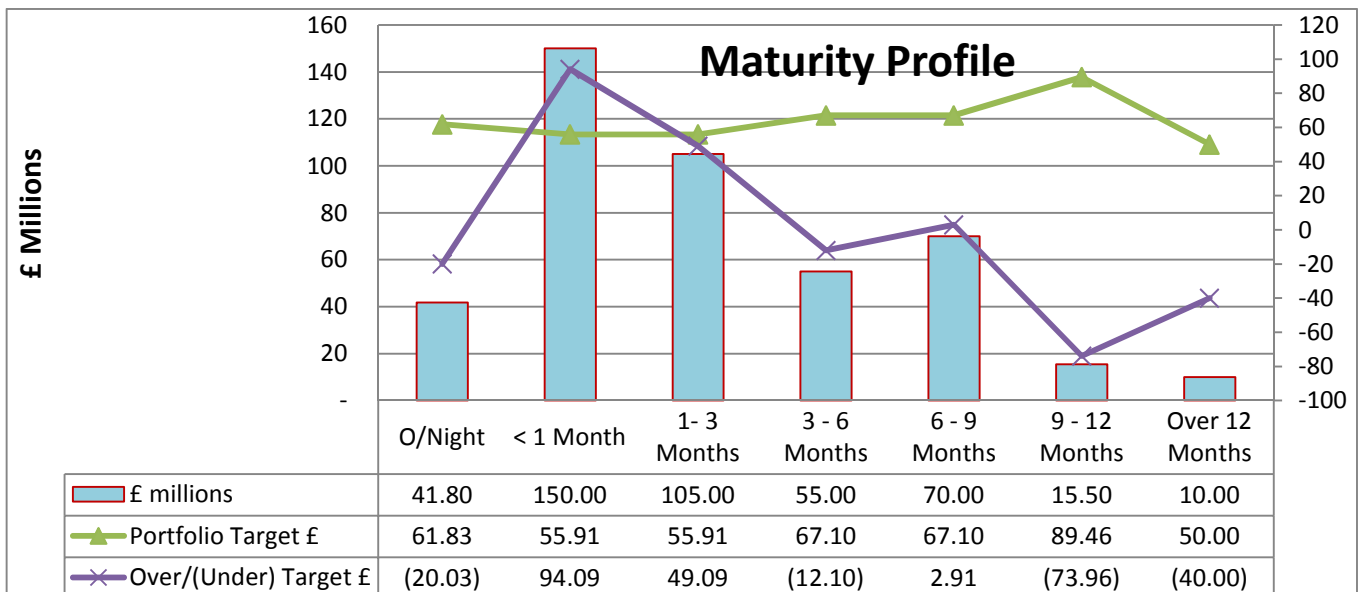
Period	LBTH Performance	Benchmark Return	Over/(Under) Performance
Full Year 2015/16	0.78%	0.36%	0.42%
Quarter 1 2016/17	0.78%	0.36%	0.42%
Quarter 2 2016/17	0.72%	0.12%	0.60%
Quarter 3 2016/17	0.65%	0.13%	0.52%
Quarter 4 2016/17	0.64%	0.13%	0.51%
Full Year 2016/17	0.70%	0.20%	0.50%

9.8 As illustrated above, the Council outperformed the benchmark by 50bps for this financial year. The Council's budgeted investment return for 2016/17 was £2.7m, based on average cash balance of £300m with rate on return on investment of 0.90%. The investment return for the year was some £125k above budget, at £2.825m; this is mainly due to substantial increase of average cash balance by some £100m above budgeted cash balance, coupled with appalling investment rates realised towards the second half of the financial year.

Counterparty Exposure



9.9 The counterparty exposure chart above shows the counterparty exposure that is deposits outstanding with authorised counterparties at 31 March 2017, of which 10.06% was with part-nationalised bank (RBS Groups).



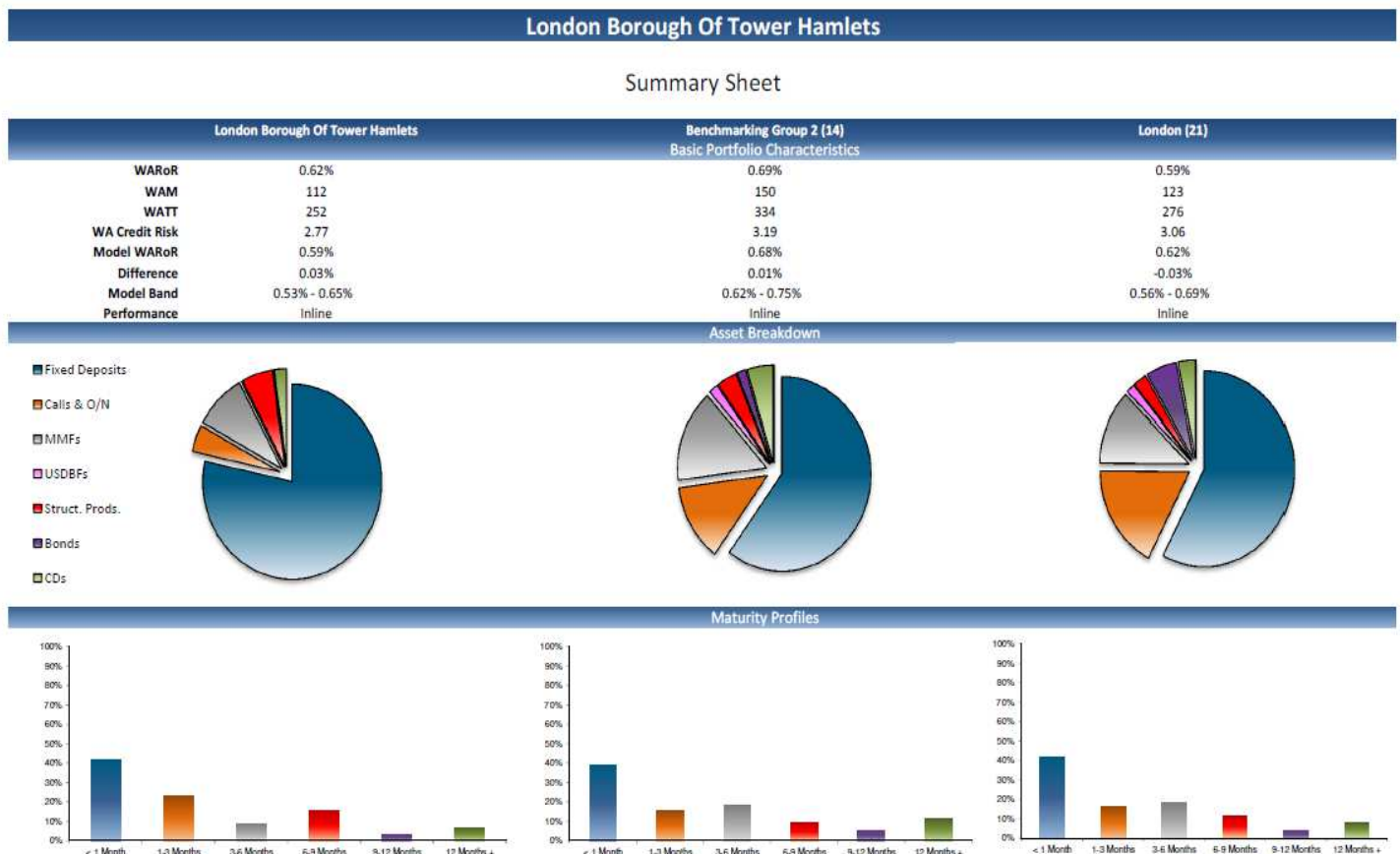
9.10 The maturity profile chart above illustrates the maturity structure of deposits at 31 March 2017; we have £41.8m as overnight deposits, and this is all Money Market Funds.

9.11 The Weighted Average Maturity (WAM) for outstanding investment (excluding MMF) is 127 days for the month of March and including MMF is 112 days. This is the average number of outstanding days to maturity of each deal from 31 March 2017.

10. Investment Benchmarking Club

10.1 The Council participates in a benchmarking club to enable officers to compare the Council's treasury management /investment returns against those of similar authorities. The model below shows the performance of benchmark club members given the various levels of risks taken as at 31 March 2017. The model takes into account a combination of credit, duration and returns achieved over the duration, and it includes data from 21 local authorities. Tower Hamlets lies close to the expected return given the council's portfolio risk profile, which is placing deposits with institutions with the sovereign rate of AAA.

10.2 The below summary chart is comparing the council's investments portfolio with other London Boroughs as at 31st March 2017. The basic portfolio characteristics are investment returns and risks, asset allocations and maturity profiles were compared.



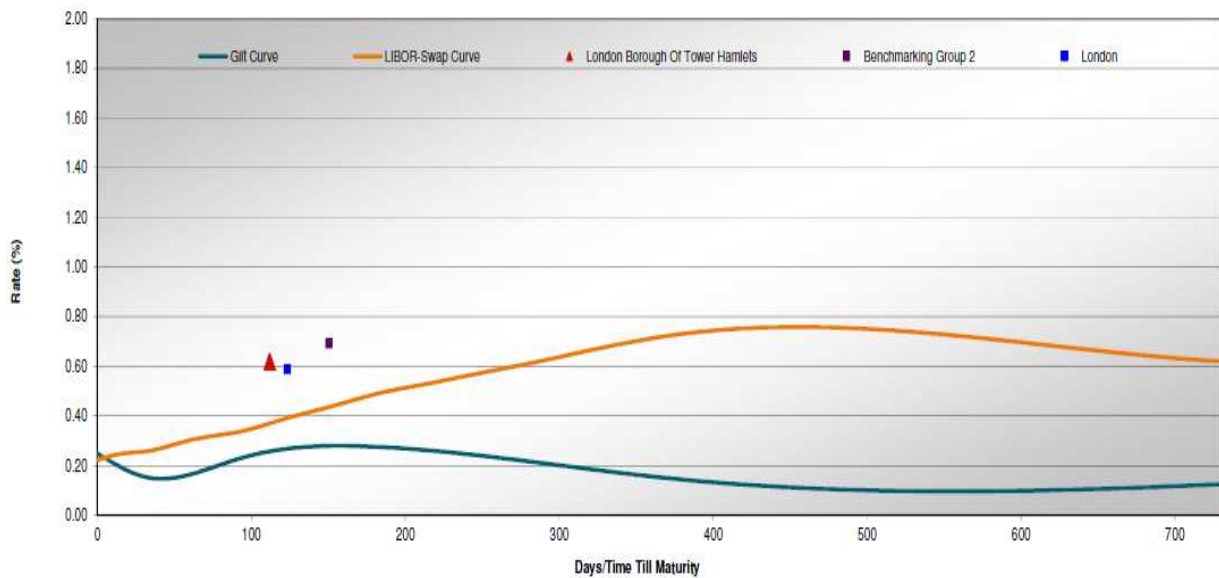
10.3 The comparison demonstrated that Tower hamlets investment portfolio had a lower credit risk of 2.77 compared to the benchmark group average of 3.19. (To measure the credit worthiness of a portfolio, a credit risk scale of 1-5 is applied, a portfolio with 5 will be the riskiest investment portfolio full of BBB+ and below credit rating institutions and a portfolio with 1 will be an investment portfolio full of institutions with credit rating AAA+.

10.4 The investment return associated with the level of risk taken on our investment portfolio is within the range 0.53% - 0.65% and the portfolio delivered 0.62%, which is 0.03% above its model portfolio return of 0.59%.

1.5 The below graph compared benchmarking club member' returns against the risk-free return and LIBOR curve. It can be seen that the weighted average rate of return (WARoR) for the council investments is 0.62% compared to 0.59% for the London group and 0.69% for the benchmarking group as a whole. The return on LBTH investment is commensurate with the Council's risk appetite as set out in the Investment Strategy.

London Borough Of Tower Hamlets

Returns Comparable Against the Risk-Free Rate and LIBOR Curve



	WARoR	WAM	WATT	WARisk	Gilt	LIBOR-Swap	Difference		Model Bands	Performance
							Gilt	LIBOR-Swap		
London Borough Of Tower Hamlets	0.62%	112	252	2.77	0.26%	0.37%	0.36%	0.25%	0.53% - 0.65%	Inline
Benchmarking Group 2	0.69%	150	334	3.19	0.28%	0.44%	0.41%	0.26%	0.62% - 0.75%	Inline
London	0.59%	123	276	3.06	0.27%	0.39%	0.32%	0.20%	0.56% - 0.69%	Inline

Appendix 1: Prudential and Treasury Indicators

Prudential Indicators	2015/16	2016/17	2016/17	2016/17	2017/18
Extract from Estimate and rent setting reports	Actual	Original Estimate	Revised Estimate	Actual	Estimate
	£m	£m	£m	£m	£m
Capital Expenditure					
Non – HRA	26.620	89.475	77.362	28.621	75.586
HRA	66.359	138.315	92.991	51.269	92.430
TOTAL	92.979	227.790	170.353	79.890	168.016
Ratio of Financing Costs To Net Revenue Stream					
Non – HRA	0.19%	0.21%	0.02%	0.03%	0.04%
HRA	4.02%	4.00%	4.73%	4.45%	4.44%
	£m	£m	£m	£m	£m
Gross Debt and Capital Financing Requirement					
Gross Debt	123.723	132.106	133.661	121.192	117.960
Capital Financing Requirement	262.588	275.598	277.153	281.703	282.058
Over/(Under) Borrowing	(138.865)	(143.493)	(143.493)	(160.512)	(164.098)
In Year Capital Financing Requirement					
Non – HRA	(6.938)	0.150	0.355	10.429	0.355
HRA	5.908	12.860	14.210	8.686	0.000
TOTAL	(1.030)	13.010	14.565	19.115	0.355
Capital Financing Requirement as at 31 March					
Non - HRA	187.005	187.155	187.360	197.434	197.789
HRA	75.583	88.443	89.793	84.269	84.269
TOTAL	262.588	275.598	277.153	281.703	282.058
Incremental Impact of Financing Costs (£)					
Increase in Council Tax (band D) per annum	108.922	162.162	115.009	69.413	71.821
Increase in average housing rent per week	5.615	5.707	6.907	6.580	6.584

Treasury Management Indicators	2015/16	2016/17	2016/17	2016/17	2017/18
	Actual	Original Estimate	Revised Estimate	Actual	Estimate
	£m	£m	£m	£m	£m
Authorised Limit For External Debt -					
Borrowing & Other long term liabilities	287.588	300.598	302.153	306.703	307.058
Headroom	20.000	20.000	20.000	20.000	20.000
TOTAL	307.588	320.598	322.153	326.703	327.058
Operational Boundary For External Debt -					
Borrowing	250.079	264.294	265.849	270.399	272.101
Other long term liabilities	37.509	36.304	36.304	36.304	34.957
TOTAL	287.588	300.598	302.153	306.703	307.058
Gross Borrowing	123.723	132.106	133.661	121.192	117.960
HRA Debt Limit*	184.381	192.000	192.000	192.000	192.000
Upper Limit For Fixed Interest Rate Exposure					
Net principal re fixed rate borrowing / investments	100%	100%	100%	100%	100%
Upper Limit For Variable Rate Exposure					
Net interest payable on variable rate borrowing / investments	20%	20%	20%	20%	20%
Upper limit for total principal sums invested for over 364 days (per maturity date)	£50m	£50m	£100m	£100m	£100m
Maturity structure of new fixed rate borrowing during 2016/17				Upper Limit	Lower Limit
under 12 months				10%	0%
12 months and within 24 months				30%	0%
24 months and within 5 years				40%	0%
5 years and within 10 years				80%	0%
10 years and above				100%	0%

Appendix 2 - Investments Outstanding as at 31 March 2017

Maturity	Counterparty	From	Maturity	Amount £m	Rate
Overnight	BNP Paribas MMF		MMF	25.00	
	Federated MMF		MMF	9.50	
	Standard Life MMF		MMF	7.30	
	SUB TOTAL			41.80	
<1 Month	Rushmoor Borough Council	06/01/2017	03/04/2017	5.00	0.30%
	Kingston Upon Hull City Council	21/02/2017	07/04/2017	10.00	0.32%
	London Borough of Newham	21/02/2017	07/04/2017	20.00	0.32%
	Development Bank of Singapore	10/01/2017	10/04/2017	10.00	0.35%
	Nationwide	12/04/2016	12/04/2017	5.00	0.95%
	Lloyds Banking Group	14/04/2016	13/04/2017	5.00	1.05%
	Lloyds Banking Group	15/04/2016	13/04/2017	5.00	1.05%
	Nationwide	15/04/2016	13/04/2017	10.00	0.97%
	Kingston Upon Hull City Council	23/02/2017	18/04/2017	10.00	0.35%
	Stockport Metropolitan Borough Council	23/02/2017	18/04/2017	10.00	0.35%
	Nationwide	22/04/2016	21/04/2017	5.00	0.95%
	Northamptonshire Council	22/02/2017	24/04/2017	15.00	0.37%
	Cambridgeshire Council	22/02/2017	24/04/2017	15.00	0.37%
	Rabobank	26/10/2016	26/04/2017	10.00	0.52%
	Royal Bank of Scotland	29/04/2016	28/04/2017	5.00	1.25%
	Newcastle Building Society	28/04/2016	28/04/2017	5.00	1.15%
	Lloyds Banking Group	29/04/2016	28/04/2017	5.00	1.05%
	SUB TOTAL			150.00	
1 - 3 Months	Heleba Landesbank Hessen-Thüringen	03/05/2016	03/05/2017	10.00	1.01%
	Royal Bank of Scotland	05/05/2015	05/05/2017	5.00	1.45%
	Royal Bank of Scotland	08/05/2015	08/05/2017	5.00	1.45%
	Nottingham Building Society	09/05/2016	09/05/2017	5.00	1.03%
	Commonwealth Bank of Australia	12/05/2016	12/05/2017	5.00	0.99%
	Development Bank of Singapore	22/11/2016	22/05/2017	10.00	0.45%
	West Dunbartonshire Council	23/12/2016	23/06/2017	10.00	0.45%
	London Borough of Croydon	23/12/2016	23/06/2017	20.00	0.45%
	Glasgow City Council	23/02/2017	23/06/2017	15.00	0.45%
	London Borough of Hackney	24/03/2017	26/06/2017	20.00	0.50%
		SUB TOTAL			105.00
3 - 6 Months	Santander (95DN)		Call - 95N	20.00	1.10%
	Royal Bank of Scotland	31/01/2017	31/07/2017	10.00	0.80%
	The Highland Council	01/02/2017	01/08/2017	10.00	0.45%
	Toronto Dominion Bank	16/08/2016	15/08/2017	10.00	0.61%
	Royal Bank of Scotland	19/08/2016	19/08/2017	5.00	0.86%
	SUB TOTAL			55.00	
6 - 9 Months	Toronto Dominion Bank	13/10/2016	12/10/2017	10.00	0.59%
	Canadian Imperial Bank of Commerce	17/10/2016	16/10/2017	10.00	0.63%
	Canadian Imperial Bank of Commerce	17/10/2016	16/10/2017	10.00	0.63%
	Toronto Dominion Bank	17/10/2016	16/10/2017	10.00	0.61%
	Goldman Sachs International Bank	24/10/2016	24/10/2017	10.00	0.90%
	Rabobank	26/10/2016	25/10/2017	10.00	0.66%
	Goldman Sachs International Bank	14/11/2016	14/11/2017	10.00	0.93%
	SUB TOTAL			70.00	
9 - 12 Months	Royal Bank of Scotland	30/01/2015	30/01/2018	5.00	1.20%
	Slough Borough Council	20/02/2017	19/02/2018	5.50	0.60%
	SUB TOTAL			10.50	
> 12 Months	Royal Bank of Scotland	30/04/2015	30/04/2018	5.0	0.90-1.25%
	Royal Bank of Scotland	22/12/2016	22/06/2018	5.00	0.79%
	Royal Bank of Scotland	22/12/2016	24/09/2018	5.00	0.84%
	SUB TOTAL			15.00	
	GRAND TOTAL			447.30	

Appendix 3 – List of Approved Counterparties for Lending as at 09/06/2017

Counterparty	Fitch Ratings				Moody's Ratings				S&P Ratings	
	Long Term	Short Term	Long Term	Short Term	Long Term	Short Term	Long Term	Short Term	Long Term	Short Term
Australia										
	SB	AAA			SB	Aaa			NO	AAA
Banks	Australia and New Zealand Banking Group Ltd.	SB	AA-	F1+	NO	Aa2	P-1	NO	AA-	A-1+
	Commonwealth Bank of Australia	SB	AA-	F1+	NO	Aa2	P-1	NO	AA-	A-1+
	Macquarie Bank Ltd.	SB	A	F1	SB	A2	P-1	NO	A	A-1
	National Australia Bank Ltd.	SB	AA-	F1+	NO	Aa2	P-1	NO	AA-	A-1+
	Westpac Banking Corp.	SB	AA-	F1+	NO	Aa2	P-1	NO	AA-	A-1+
Canada										
	SB	AAA			SB	Aaa			SB	AAA
Banks	Bank of Montreal	SB	AA-	F1+	NO	A1	P-1	SB	A+	A-1
	Bank of Nova Scotia	SB	AA-	F1+	NO	A1	P-1	SB	A+	A-1
	Canadian Imperial Bank of Commerce	SB	AA-	F1+	NO	A1	P-1	SB	A+	A-1
	National Bank of Canada	SB	A+	F1	NO	A1	P-1	SB	A	A-1
	Royal Bank of Canada	NO	AA	F1+	NO	A1	P-1	NO	AA-	A-1+
	Toronto-Dominion Bank	SB	AA-	F1+	NO	Aa2	P-1	SB	AA-	A-1+
Denmark										
	SB	AAA			SB	Aaa			SB	AAA
Banks	Danske A/S	SB	A	F1	PO	A1	P-1	SB	A	A-1
Germany										
	SB	AAA			SB	Aaa			SB	AAA
Banks	DZ BANK AG Deutsche Zentral-Genossenschaftsbank	SB	AA-	F1+	SB	Aa1	P-1	SB	AA-	A-1+
	Landesbank Berlin AG				PO	Aa3	P-1			
	Landesbank Hessen-Thüringen Girozentrale	SB	A+	F1+	SB	Aa3	P-1	SB	A	A-1
	Landwirtschaftliche Rentenbank	SB	AAA	F1+	SB	Aaa	P-1	SB	AAA	A-1+
	NRW.BANK	SB	AAA	F1+	SB	Aa1	P-1	SB	AA-	A-1+
Netherlands										
	SB	AAA			SB	Aaa			SB	AAA
Banks	ABN AMRO Bank N.V.	SB	A+	F1	SB	A1	P-1	SB	A	A-1
	Bank Nederlandse Gemeenten N.V.	SB	AA+	F1+	SB	Aaa	P-1	SB	AAA	A-1+
	Coöperatieve Rabobank U.A.	SB	AA-	F1+	NO	Aa2	P-1	SB	A+	A-1
	ING Bank N.V.	SB	A+	F1	PO	A1	P-1	SB	A	A-1
	Nederlandse Waterschapsbank N.V.				SB	Aaa	P-1	SB	AAA	A-1+

Singapore		SB	AAA			SB	Aaa			SB	AAA		
Banks	DBS Bank Ltd.	SB	AA-		F1+	SB	Aa1		P-1	SB	AA-		A-1+
	Oversea-Chinese Banking Corp. Ltd.	SB	AA-		F1+	SB	Aa1		P-1	SB	AA-		A-1+
	United Overseas Bank Ltd.	SB	AA-		F1+	SB	Aa1		P-1	SB	AA-		A-1+
Sweden		SB	AAA			SB	Aaa			SB	AAA		
Banks	Nordea Bank AB	SB	AA-		F1+	SB	Aa3		P-1	SB	AA-		A-1+
	Skandinaviska Enskilda Banken AB	SB	AA-		F1+	SB	Aa3		P-1	SB	A+		A-1
	Svenska Handelsbanken AB	SB	AA		F1+	SB	Aa2		P-1	SB	AA-		A-1+
	Swedbank AB	SB	AA-		F1+	SB	Aa3		P-1	NO	AA-		A-1+
Switzerland		SB	AAA			SB	Aaa			SB	AAA		
Banks	Credit Suisse AG	SB	A		F1	SB	A1		P-1	SB	A		A-1
	UBS AG	SB	A+		F1	SB	Aa3		P-1	SB	A+		A-1
United Kingdom		N O	AA			NO	Aa1			NO	AA		
AAA rated and Government backed securities	Debt Management Office												
Banks	Bank of Scotland PLC	SB	A+		F1	SB	A1		P-1	NO	A		A-1
	Close Brothers Ltd	SB	A		F1	SB	Aa3		P-1				
	Co-operative Bank PLC (The)	E W	B-	E W	B	EO	Caa 2		NP				
	Goldman Sachs International Bank	SB	A		F1	SB	A1		P-1	SB	A+		A-1
	HSBC Bank PLC	SB	AA-		F1+	NO	Aa2		P-1	NO	AA-		A-1+
	Lloyds Bank Plc	SB	A+		F1	SB	A1		P-1	NO	A		A-1
	Santander UK PLC	SB	A		F1	NO	Aa3		P-1	NO	A		A-1
	Standard Chartered Bank	SB	A+		F1	SB	A1		P-1	SB	A		A-1
	Sumitomo Mitsui Banking Corporation Europe Ltd	SB	A		F1	SB	A1		P-1	PO	A		A-1
	UBS Ltd.	SB	A+		F1	SB	A1		P-1	SB	A+		A-1
	Ulster Bank Ltd	SB	BBB+		F2	PO	A3		P-2	SB	BBB+		A-2
Building Society	Coventry Building Society	SB	A		F1	NO	A2		P-1				
	Cumberland Building Society												
	Leeds Building Society	SB	A-		F1	NO	A2		P-1				
	National Counties Building Society												
	Nationwide Building Society	SB	A+		F1	NO	Aa3		P-1	NO	A		A-1

	Newcastle Building Society		WD		WD								
	Nottingham Building Society					NO	Baa 1		P-2				
	Principality Building Society	SB	BBB+		F2	SB	Baa 3		P-3				
	Progressive Building Society												
	Skipton Building Society	SB	A-		F1	SB	Baa 1		P-2				
	West Bromwich Building Society					SB	B1		NP				
	Yorkshire Building Society	SB	A-		F1	SB	A3		P-2				
Nationalised and Part Nationalised Banks	National Westminster Bank PLC	SB	BBB+		F2	PO	A3		P-2	SB	BBB+		A-2
	The Royal Bank of Scotland Plc	SB	BBB+		F2	PO	A3		P-2	SB	BBB+		A-2

Appendix 4

Definition of Fitch Credit Ratings

Support Ratings

Rating	Current Definition (December 2014)
1	A bank for which there is an extremely high probability of external support. The potential provider of support is very highly rated in its own right and has a very high propensity to support the bank in question. This probability of support indicates a minimum Long-term rating floor of 'A-'.
2	A bank for which there is a high probability of external support. The potential provider of support is highly rated in its own right and has a high propensity to provide support to the bank in question. This probability of support indicates a minimum Long-term rating floor of 'BBB-'.
3	A bank for which there is a moderate probability of support because of uncertainties about the ability or propensity of the potential provider of support to do so. This probability of support indicates a minimum Long-term rating floor of 'BB-'.
4	A bank for which there is a limited probability of support because of significant uncertainties about the ability or propensity of any possible provider of support to do so. This probability of support indicates a minimum Long-term rating floor of 'B'.
5	A bank for which external support, although possible, cannot be relied upon. This may be due to a lack of propensity to provide support or to very weak financial ability to do so. This probability of support indicates a Long-term rating floor no higher than 'B-' and in many cases no floor at all.

Short-term Ratings

Rating	Current Definition (December 2014)
F1	Highest short-term credit quality. Indicates the strongest capacity for timely payment of financial commitments; may have an added "+" to denote any exceptionally strong credit feature.
F2	Good short-term credit quality. A satisfactory capacity for timely payment of financial commitments, but the margin of safety is not as great as in the case of the higher ratings.
F3	Fair short-term credit quality. The capacity for timely payment of financial commitments is adequate; however, near-term adverse changes could result in a reduction to non-investment grade.

Long -term Ratings

Rating	Current Definition (December 2014)
AAA	Highest credit quality - 'AAA' ratings denote the lowest expectation of credit risk. They are assigned only in case of exceptionally strong capacity for timely payment of financial commitments. This capacity is highly unlikely to be adversely affected by foreseeable events.
AA	Very high credit quality - 'AA' ratings denote a very low expectation of credit risk. They indicate very strong capacity for timely payment of financial commitments. This capacity is not significantly vulnerable to foreseeable events.
A	High credit quality - 'A' ratings denote a low expectation of credit risk. The capacity for timely payment of financial commitments is considered strong. This capacity may, nevertheless, be more vulnerable to changes in circumstances or in economic conditions than is the case for higher ratings.
BBB	Good credit quality - 'BBB' ratings indicate that there is currently a low expectation of credit risk. The capacity for timely payment of financial commitments is considered adequate, but adverse changes in circumstances and in economic conditions is more likely to impair this capacity. This is the lowest investment-grade category.
BB	Speculative - 'BB' ratings indicate an elevated vulnerability to default risk, particularly in the event of adverse changes in business or economic conditions over time; however, business or financial flexibility exists which supports the servicing of financial commitments.
B	Highly speculative - 'B' ratings indicate that material default risk is present, but limited margin of safety remains. Financial commitments are currently being met, however, capacity for continued payment is vulnerable to deterioration in the business and economic environment.
CCC	Substantial credit risk – 'CCC' Default is a real possibility.
CC	Very high levels of credit risk – 'CC' Default of some kind appears probable
C	Exceptionally high levels of credit risk Default is imminent or inevitable, or the issuer is in standstill. Conditions that are indicative of a 'C' category rating for an issuer include: a. the issuer has entered into a grace or cure period following non-payment of a material financial obligation; b. the issuer has entered into a temporary negotiated waiver or standstill agreement following a payment default on a material financial obligation; or c. Fitch Ratings otherwise believes a condition of 'RD' or 'D' to be imminent or inevitable, including through the formal announcement of a distressed debt exchange. (RD – stands for restricted default and D – default).

Note:


The modifiers "+" or "-" may be appended to a rating to denote relative status within major rating categories. Such suffixes are not added to the 'AAA' Long-Term IDR category, or to Long-Term IDR categories below 'B'.

Appendix 5 - GLOSSARY

Asset Life	How long an asset, e.g. a Council building is likely to last.
Borrowing Portfolio	A list of loans held by the council.
Borrowing Requirements	The principal amount the council requires to borrow to finance capital expenditure and loan redemptions.
Capitalisation direction or regulations	Approval from central government to fund certain specified types of revenue expenditure from capital resources.
CIPFA Code of Practice on Treasury Management	A professional code of Practice which regulates treasury management activities.
Capital Financing Requirement (CFR)	Capital Financing Requirement- a measure of the council's underlying need to borrow to fund capital expenditure.
Certificates of Deposits	A certificate of deposit (CD) is a time deposit, a financial product. CDs are similar to savings accounts in that they are insured and thus virtually risk free; they are "money in the bank." They are different from savings accounts in that the CD has a specific, fixed term (often monthly, three months, six months, or one to five years) and, usually, a fixed interest rate. It is intended that the CD be held until maturity, at which time the money may be withdrawn together with the accrued interest.
Commercial paper	Commercial paper is a money-market security issued (sold) by large corporations to obtain funds to meet short-term debt obligations (for example, payroll), and is backed only by an issuing bank or corporation's promise to pay the face amount on the maturity date specified on the note. Since it is not backed by collateral, only firms with excellent credit ratings from a recognized credit rating agency will be able to sell their commercial paper at a reasonable price. Commercial paper is usually sold at a discount from face value, and carries higher interest repayment rates than bonds
Counterparties	Organisations or Institutions the council lends money to e.g. Banks; Local Authorities and MMF.
Corporate bonds	A corporate bond is a bond issued by a corporation. It is a bond that a corporation issues to raise money effectively in order to expand its business. The term is usually applied to longer-term debt instruments, generally with a maturity date falling at least a year after their issue date.
Covered bonds	A covered bond is a corporate bond with one important enhancement: recourse to a pool of assets that secures or "covers" the bond if the originator (usually a financial institution) becomes insolvent. These assets act as additional credit cover; they do not have any bearing on the contractual cash flow to the investor, as is the case with Securitized assets.
Consumer Prices Index & Retail Prices Index (CPI & RPI)	The main inflation rate used in the UK is the CPI. The Chancellor of the Exchequer bases the UK inflation target on the CPI. The CPI inflation target is set at 2%. The CPI

	differs from the RPI in that CPI excludes housing costs. Also used is RPIX, which is a variation of RPI, one that removes mortgage interest payments.
Credit Default Swap (CDS)	A kind of protection that can be purchased by MMF companies from insurance companies (for their investment) in exchange for a payoff if the organisation they have invested in does not repay the loan i.e. they default.
Credit watch	Variety of special programs offered by credit rating agencies and financial institutions to monitor organisation/individual's (e.g. bank) credit report for any credit related changes. A credit watch allows the organisation/individuals to act on any red flags before they can have a detrimental effect on credit score/history.
Credit Arrangements	Methods of Financing such as finance leasing
Credit Ratings	A scoring system issued by credit rating agencies such as Fitch, Moody's and Standard & Poors that indicate the financial strength and other factors of a bank or similar Institution.
Creditworthiness	How highly rated an institution is according to its credit rating.
Debt Management Office (DMO)	The DMO is an agency of the HM Treasury which is responsible for carrying out the Government's Debt Management Policy.
Debt Rescheduling	The refinancing of loans at different terms and rates to the original loan.
Depreciation Method	The spread of the cost of an asset over its useful life.
Gilt	Gilt-edged securities are bonds issued by certain national governments. The term is of British origin, and originally referred to the debt securities issued by the Bank of England, which had a gilt (or gilded) edge. Hence, they are known as gilt-edged securities, or gilts for short. Today the term is used in the United Kingdom as well as some Commonwealth nations, such as South Africa and India. However, when reference is made to "gilts", what is generally meant is "UK gilts," unless otherwise specified.
Interest Rate exposures	A measure of the proportion of money invested and what impact movements in the financial markets would have on them.
The International Monetary Fund (IMF)	is an intergovernmental organisation which states its aims as to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty around the world.
Impaired investment	An investment that has had a reduction in value to reflect changes that could impact significantly on the benefits expected from it.
LIBID	The London Interbank Bid Rate – it is the interest rate at which major banks in London are willing to borrow (bid for)

	funds from each other.
Market Loans	Loans from banks available from the London Money Market including LOBOS (Lender Option, Borrowing Option) which enable the authority to take advantage of low fixed interest for a number of years before an agreed variable rate comes into force.
Money Market Fund (MMF)	A 'pool' of different types of investments managed by a fund manager that invests in lightly liquid short term financial instruments with high credit rating.
Monetary Policy Committee (MPC)	Committee designated by the Bank of England, whose main role is to regulate interest rates.
Minimum Revenue Provision (MRP)	This is the amount which must be set aside from the revenue budget each year to cover future repayment of loans.
Non Specified Investments	Investments deemed to have a greater element of risk such as investments for longer than one year
Premium	Cost of early repayment of loan to PWLB to compensate for any losses that they may incur
Prudential Indicators	Set of rules providing local authorities borrowing for funding capital projects under a professional code of practice developed by CIPFA and providing measures of affordability and prudence reflecting the council's Capital Expenditure, Debt and Treasury Management.
PWLB	Public Works Loan Board, a statutory body whose function is to lend money to Local Authorities (LAs) and other prescribed bodies. The PWLB normally are the cheapest source of long term borrowing for LAs.
Specified Investments	Investments that meet the council's high credit quality criteria and repayable within 12 months.
Supranational bonds	Supranational bonds are issued by institutions that represent a number of countries, not just one. Thus, organisations that issue such bonds tend to be the World Bank or the European Investment Bank. The issuance of these bonds are for the purpose of promoting economic development
Treasury bills (or T-bills)	Treasury bills (or T-bills) mature in one year or less. Like zero-coupon bonds, they do not pay interest prior to maturity; instead they are sold at a discount of the par value to create a positive yield to maturity. Many regard Treasury bills as the least risky investment available.
Unrated institution	An institution that does not possess a credit rating from one of the main credit rating agencies.
Unsupported Borrowing	Borrowing where costs are wholly financed by the council.

<p>Council</p> <p>19 July 2017</p>	
<p>Report of: Will Tuckley, Chief Executive</p>	<p>Classification: Unrestricted</p>
<p>Late Night Levy</p>	

Lead Member	Councillor Asma Begum, Cabinet Member for Community Safety
Originating Officer(s)	David Tolley – Head of Environmental Health and Trading Standards
Wards affected	All wards
Key Decision?	N/A
Community Plan Theme	A Safe and Cohesive Community

Executive Summary

Full Council agreed to adopt the provisions set out in the Police Reform and Social Responsibility Act 2011 to raise a late night levy from all those premises that are permitted to sell alcohol after midnight.

The decision to introduce the levy was made on the 20th January 2017 with an implementation date of the 1st June 2017.

A Judicial Review was launched by the Association of Licensed Multiple Retailers (ALMR) against the introduction of the levy in Tower Hamlets.

On advice from Legal Services, the Chief Executive, in accordance with Part 2 of the constitution, Article 12.06(c)(ii) has exercised his emergency delegated power to rescind the implementation date of the late night levy of the 1st June 2017.

The Council is then to re-consult on the introduction of the levy with a proposed implementation date of the 1st January 2018.

The outcome of the Consultation will be brought back to full Council in September for consideration and decision as to whether or not to adopt the levy.

Recommendations:

Council is recommended to:

1. Note the use of the delegated powers by the Chief Executive under part 2 of the constitution, Article 12.06(c)(ii) due to an emergency or extreme urgency whether or not reserved to the Council to enable the commencement date of the late night levy to be rescinded. The reason being that there was not a full Council meeting between the service of the Judicial Review application from ALMR and the 1st June.
2. Note the proposed new commencement date of the 1st January 2018 and the further re-consultation the outcome of which will be brought back to full Council for further consideration and decision as to whether or not to adopt the levy.

1. REASONS FOR THE DECISIONS

- 1.1 To avoid a matter of litigation, where advice received by Legal Services is that the Council may not be successful in defending its decision to introduce the late night levy (LNL) in the Borough.
- 1.2 The use of the Chief Executive's delegation under part 2 of the constitution, Article 12.06(c)(ii) has avoided this additional expenditure and has provided the Council to re consider this matter after a further consultation.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could have determined to contest the case, however considerable financial expenditure may have been committed without a realistic prospect of a successful outcome.

3. DETAILS OF REPORT

- 3.1 A Judicial Review (JR) was launched by the Association of Licensed Multiple Retailers (ALMR) against the Council bringing in the late night levy on the 1st June 2017. The grounds of appeal by ALMR are:
 - a) the consultation process was unlawful in that the requirement to consult on the selected implementation date of the LNL is a mandatory requirement. The proposed date was not consulted.
 - b) Consultation documents were worded in such a way to suggest that if the LNL were adopted it would only impact on premises selling after midnight,

whereas it will impact on all premises “authorised” to sell alcohol after midnight, regardless of whether they do so.

c) The legislation is not compatible with the European Parliament Services Directive which permits the free movement of services i.e. the LNL is a charge and is disproportionate and likely to dissuade entry into a service activity.

d) The LNL infringes Article 34 of the Treaty on the Functioning of the European Union that provides that quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

3.2 Leading Counsel’s opinion was that the Council would be likely to lose the JR on points a) and b) above.

3.3 It was therefore subsequently agreed by the Chief Executive following advice from the Monitoring Officer to exercise his delegated authority under part 2 of the constitution, Article 12.06(c)(ii).

3.4 This delegated power permits the Chief Executive to take any executive decision whether or not reserved to Council in a case of emergency or extreme urgency and to report to Council afterwards. He has agreed to do this as the implementation for date for the late night levy needed rescinding and there is no appropriate Council meeting where such a decision could be taken before the implementation date.

3.5 The exercise of this emergency delegated power will prevent the Council having to fund a JR which it has been advised that it has no prospect of success.

3.6 In addition, a new commencement date of the 1st January 2018 for the commencement of the late night levy has been determined and a further re-consultation will be undertaken, the outcome of which will be brought back to September’s Council for further consideration and a decision as to whether or not to adopt the levy.

Background to the Late Night Levy

3.7 The Police Reform and Social Responsibility Act 2011 has introduced the provision for Councils to impose a late night levy for the sale of alcohol within their area.

3.8 The Regulations governing the introduction of the levy set the amount of levy that can be imposed in relation to the rateable value of the property; how the levy should be divided amongst the Metropolitan Police and Council; and the type of activities that the levy can be spent on within the Council. The levy is set by Government depending on the rateable value of the property that is

licenced to retail alcohol. The levy is collected at the same time as the licence fee.

- 3.9 The levy enables the Council to raise a contribution from late opening alcohol suppliers towards managing the night-time economy. It is a provision which the Council has the power to adopt, but the levy must cover the whole of the licensing authorities' area (i.e. the whole borough). The Council can also choose the period during which the levy applies every night, between midnight and 6.00am, but it must be the same for every day. There is also a possibility for specific exemptions and reductions to be granted with regards to the levy payment.
- 3.10 The aim of the levy is to empower Councils to charge businesses that supply alcohol late into the night, for the extra costs that the night-time economy generates for police and Councils (as licensing authorities). The Government consider it is right for businesses which profit by selling alcohol in the night time economy to contribute towards the costs of managing the night-time economy.
- 3.11 If the Council chooses to introduce the levy in their area, all licensed premises which are authorised to sell alcohol within the levy period will be able to make a free minor variation to their licence before the levy is introduced, so as to avoid the levy.
- 3.12 The Metropolitan Police would receive approximately 70% of the net levy revenue. The net levy revenue amount would be less deduction by the Council for such items as the collection of payments, procedure for implementation of the levy and publication of its statutory statement. It is estimated that this will be in the region of £50,000. MOPAC have agreed to have their allocation spent within the Borough through the current partnership arrangements.
- 3.13 The Council must allocate their proportion of the net levy amount on the following activities:
- Reduction or prevention of crime and disorder
 - Promotion of public safety
 - Reduction or prevention of public nuisance
 - Cleaning of any relevant highway or relevant land in its area
- 3.14 Based on the current number of premises opening between midnight and 6am, and using midnight as the point the levy commences, the estimate for the additional income would be in the region of £350,000. It must be noted that this is an estimate only and is dependent on the exemptions and

reductions that may be granted. This figure will vary if premises apply to reduce their operating hours. The provision of free minor variations during the lead to the introduction of the levy would therefore have an impact on the estimate.

- 3.15 It must be noted that the annual fee, without the levy component is set by Government depending on the rateable value of the property.
- 3.16 Other London Borough's such as Camden and Islington have also introduced a Late Night Levy.
- 3.17 Initial reports from Islington, who introduced the levy in November 2014, are that it has had a positive impact on reducing incidents related to late night drinking and thus improved the night time economy.
- 3.18 The Council as the Licensing Authority must consider the desirability of introducing a levy in relation to the costs of policing and other arrangements for the reduction or prevention of crime and disorder.
- 3.19 The introduction of the levy will contribute to the Council's overall strategy in reducing anti-social behaviour within the Borough and will enable further projects to be undertaken to reduce impacts on residents and to ensure that visitors to the Borough have an enhanced safe experience.
- 3.20 The Metropolitan Police and the Council would have to determine how they would wish to spend their allocation and detail the additional work that would be carried out to police the night time economy. Projects that could be funded through the Partnership include:
 - Taxi Marshalls
 - Street Pastors
 - Street Cleaning
 - Enforcement Initiatives – Night time enforcement officers
 - Personal Safety Initiatives
 - Health Care Facilities
 - Additional Police or private security
 - Financial support could be provided to assist schemes that promote improved management of licenced premises, such as Best Bar None or Pub Watch.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The report notes the Chief Executive's exercise of delegated authority to delay the implementation of the late night levy from the 1st June 2017 following a judicial review application. It is a recommendation of this report that further consultation is undertaken on the levy and subject to the outcome, a proposed date of 1st January 2018 is set for implementation.
- 4.2 The fee for the introduction of a levy is set by the Government and the amount payable will be determined by the rateable value of the property where the alcohol is sold. The Council as the licensing authority can retain up to 30 per cent of the net levy revenue, but must pay at least 70 per cent to the police. The portion of the net levy revenue due to the police can be amended in future levy years. This decision must be subject to consultation in the same way as a decision to introduce the levy.
- 4.3 The introduction of the levy will generate estimated annual Income of £350,000 based on the current operating hours of the premises selling alcohol after midnight. The cost to the Council of administering the levy is expected to be £50,000 which will be revenue neutral, i.e. the cost of any additional services including any potential reduction in the levy offered to businesses, will be met from the levy and will not impact the General Fund.
- 4.4 The income generated from the levy has been earmarked for allocation to projects funded through a pooled budget administered by the Council through the Community Safety Partnership. The projects will deal with managing the effects of the late night economy in support of community safety objectives. As agreement is yet to be made on the projects to be funded through the Partnership, the delay implementing the levy is not expected to have any significant impact other than the revised timeframe for the pooled budget to be set up.

5. LEGAL COMMENTS

- 5.1 In determining whether to adopt a LNL a consultation process is mandatory.
- 5.2 The Police Reform and Social Responsibility Act 2011 - provides by section Section 132(1) of the Act that, "Where a licensing authority decides under section 125 that the late night levy is to apply in its area, it must also decide - (a) the date on which the late night levy requirement is first to apply.
- 5.3 Section 134(1) of the Act provides that, "Regulations must make provision as to the procedure to be followed by a licensing authority in relation to any proposal for - (a) a decision under section 125(2) that the late night levy requirement is to apply in the area of the licensing authority ..." and Section 134(2) provides that, "Regulations under this section must, in particular - (a) require the licensing authority, where it proposes to make any decision mentioned in subsection (1), to consult the following about the proposal - (i) the relevant local policing body; (ii) the relevant chief officer of police; (iii) holders of relevant late night authorisation ...".

- 5.4 Section 134(3) provides that, "In the case of a proposal that the late night levy requirement should apply to the area of a licensing authority, the consultation about the proposal required under subsection (2)(a) must include consultation about the matters to be decided under section 132(1)".
- 5.5 The legislation is clear that where a licensing authority is considering a proposal to adopt a LNL in its area it must consult about the matters to be decided under section 132(1), the first of which is the date on which the LNL is first to apply. As such the requirement to consult on the selected implementation date of the LNL is a mandatory statutory requirement. The proposed date of commencement of the late night levy was never consulted upon and therefore the original consultation was flawed.
- 5.6 The original consultation papers sent stated as follows: "*The Council is formally consulting on the introduction of a late night levy for premises that sell alcohol after midnight*" and "*If introduced, the levy will apply to any licensed premises that sell alcohol who operate within the set times of the levy, this applies to alcohol sales both on and off the premises.*" The on-line version however was correct and more detailed and referred to premises that were authorised to sell and not just those that actually sell alcohol after midnight. The consultation documents were worded in such a way as to be potentially misleading.
- 5.7 The determination to stop the introduction of the LNL based on the original consultation and to re-consult was a necessary one from a legal perspective to (a) ensure that the legal requirements were all met and (b) in order to ensure that no persons affected were accidentally inadvertently impacted by the wording of the first consultation.
- 5.8 The scheme of delegation within the Council's constitution permits the Chief Executive to take any executive decision whether or not reserved to Council in a case of emergency or extreme urgency and to report to Council afterwards. There was sufficient urgency in the circumstances to warrant the use of those powers.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 This decision has not affected the Equalities Assessment undertaken previously.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 This decision will prevent litigation fees on a matter that is unlikely to be successful

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no environmental impacts with regards to this matter

9. RISK MANAGEMENT IMPLICATIONS

9.1 This decision has reduced the risk of expenditure for the Council, the risk has been managed.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 One of the key licensing objectives is to prevent licensed premises from being a source of crime and disorder. The adoption of the levy and assists with crime and disorder reduction by providing funding for joint projects through the Community Safety Partnership. Therefore this decision protects the intention to fund projects through the late night levy.

11. SAFEGUARDING IMPLICATIONS

11.1 The adoption of the levy may provide additional funding for safe guarding projects such as underage drinking, supporting the Community Alcohol Partnership and Best Bar None schemes.

Linked Reports, Appendices and Background Documents

Linked Report

None

Appendices


None

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

None

Officer contact details for documents:

N/A

Non-Executive Report of the: Council 19 July 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Proposed Revision to the Constitution - Part 3.3 (Overview and Scrutiny Committee Terms of Reference)	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
Wards affected	All

Summary

At General Purposes Committee on 2nd May 2017 the revised Overview and Scrutiny Procedure Rules were agreed but it was requested that the Constitutional Working Party consider whether the Muslim Faith representative on the Overview and Scrutiny Committee should have voting rights. This report advises as to those considerations and the recommendation from General Purposes Committee on 5th July 2017.

Recommendations:

Council is recommended to:

1. Resolve that the Muslim Faith representative on the Overview and Scrutiny Committee is able to vote on Education matters; and
2. Agree that the Terms of Reference for the Overview and Scrutiny Committee at Part 3.3 of the Constitution be amended by the Monitoring Officer to reflect that the Muslim Faith representative can vote on Education matters

1. REASONS FOR THE DECISIONS

- 1.1 In the interests of fairness it is considered that the Muslim Faith representative should have the same voting rights on the Overview and Scrutiny Committee as the Church of England and a Roman Catholic representative.

2. ALTERNATIVE OPTIONS

- 2.1 The Council could decide not to permit the Muslim Faith representative on the Overview and Scrutiny Committee to vote on Education matters.

3. DETAILS OF REPORT

- 3.1 At General Purposes Committee on 2nd May 2017 the revised Overview and Scrutiny Procedure Rules were agreed but it was requested that the Constitutional Working Party consider whether the Muslim Faith representative on the Overview and Scrutiny Committee should have voting rights.

- 3.2 The legal position regarding voting rights of co-opted members is set out below.

Legal Position

- 3.3 Section 9FA(4) of the Local Government Act 2000 ('the 2000 Act') provides that an overview and scrutiny committee of a local authority, or any sub-committee of such a committee, may include persons who are not members of the authority. This is the power to appoint co-opted members.

- 3.4 The Local Government and Housing Act 1989 ('the 1989 Act') establishes that members of committees appointed under the Local Government Acts 1970 and 1972 and who are not elected members of the Council do not generally have voting rights. There are exceptions to this rule. As set out below, Church and parent governor members of overview and scrutiny do have voting rights in respect of education matters. Further all members of advisory committees formed under section 102(4) of the Local Government Act 1972 also have voting rights.

- 3.5 Schedule A1 of the 2000 Act makes provision for "**Overview and scrutiny committees: education functions**" and as the Council's Overview and Scrutiny Committee functions under section 9FA relate partly to education functions then paragraphs 7 and 8 of Schedule A1 apply.

- 3.6 Paragraph 8(1) provides that in the case of a relevant authority that maintains one or more Church of England schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.

- 3.7 Paragraph 8(3) provides that in the case of a relevant authority that maintains one or more Roman Catholic Church schools, an overview and scrutiny committee or sub-committee to which this paragraph applies must include at least one qualifying person.
- 3.8 Paragraphs 8(2) and 8(4) respectively specify who are qualifying persons for the purposes of paragraphs 8(1) and 8(2) respectively.
- 3.9 Paragraph 8(5) provides that in respect of education matters the Church of England and a Roman Catholic representative may vote in respect of education matters only.
- 3.10 Regulation 3 of the Parent Governor Representatives (England) Regulations 2001 ('the 2001 Regulations') provides that a local authority shall appoint at least two but not more than five parent governor representatives to each of their education overview and scrutiny committees and sub-committees. In this case, the Council's Overview and Scrutiny Committee functions relate partly to education functions and therefore the Council has appointed three parent governor representatives to the Overview and Scrutiny Committee.
- 3.11 Regulation 10 of the 2001 Regulations provides that a parent governor representative shall be entitled to vote at a meeting of an education overview and scrutiny committee of which he is a member on any question which relates to any education functions which are the responsibility of the authority concerned's executive and which falls to be considered at the meeting.
- 3.12 This means that in respect of education matters only, the parent governor representative shall be entitled to vote.
- 3.13 In summary, in relation to other co-opted members the general position is as provided by section 13(1) of the 1989 Act and which is that these co-opted members are non-voting. However, having regard to section 13(5) of the 1989 Act nothing in section 13 shall prevent the prevent the appointment of a person who is not a member of a local authority as a voting member of any committee or sub-committee appointed by the local authority wholly or partly for the purpose of discharging any education functions of the authority. The Council can therefore provide that the Muslim Faith representative is able to vote on Education matters only.

Discussion at Constitutional Working Party on 22nd June 2017

- 3.14 The four group leaders attended the Constitutional Working Party and all agreed that the Muslim Faith representative should be able to vote on Education matters, in the same manner as the Church of England and Roman Catholic representatives. The Borough's two largest religious groups are Muslim and Christian and it was noted that Muslim comprises the largest religious group. As such, it was only fair and just that the Muslim Faith representative should also be able to vote.

General Purposes Committee on 5th July 2017

- 3.15 The matter was reported back to General Purposes Committee on 5th July 2017 who agreed that the Muslim Faith representative should also be able to vote and recommended that Council agree to this.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no financial implications arising out of this report.

5. LEGAL COMMENTS

- 5.1 Legal implications are addressed in the body of the report.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The 2011 Census question on faith simply asked '***What is your religion?*** Respondents were asked to tick one of eight categories which comprised: six religions, a '*no religion*' category, and an '*any other religion*' option which allowed residents to provide further detail. For Tower Hamlets, the Borough's two largest religious groups are Muslim and Christian. At the time of the 2011 Census, 38 per cent of residents said they were Muslim and 30 per cent were Christian.

- 6.2 By giving the Muslim faith representative the same voting as the Christian representatives this should help the Council to achieve the objective of equality inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

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

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. RISK MANAGEMENT IMPLICATIONS

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE.

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

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


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

- NONE

Officer contact details for documents:

- N/A

This page is intentionally left blank

Non-Executive Report of the: Council 19 July 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Proposed Revision to the Constitution - Parts 4.2, 4.3, 4.5, 4.6 and 4.7	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
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.

Recommendations:

Council is recommended to:

1. Note the spreadsheet in Appendix 1 setting out the revisions and the reasons;
2. Approve the revised Part 4.2 of the Constitution (Access to Information Procedure Rules) in Appendix 2 with the revisions shown as tracked changes;
3. Approve the revised Part 4.3 of the Constitution (Budget and Policy Framework Procedure) in Appendix 3 with the revisions shown as tracked changes;
4. Approve the revised Part 4.5 of the Constitution (Overview and Scrutiny Procedure Rules) in Appendix 4 with the revisions shown as tracked changes;
5. Approve the revised Part 4.6 of the Constitution (Financial Regulations and Procedure Rules) in Appendix 5 with the revisions shown as tracked changes; and
6. Approve the revised Part 4.7 of the Constitution (Contracts and Procurement Procedure Rules) in Appendix 6 with the revisions shown as tracked changes.

1. REASONS FOR THE DECISIONS

- 1.1 Pursuant to the Local Government Act 2000 ('the 2000 Act') as the Council is operating Executive arrangements then it must have a Constitution and also ensure that this Constitution is kept up-to-date. In that regard, it has been decided that as this is a complete review proposals for changes will be considered by the Member Constitutional Working Party which will recommend changes to the General Purposes Committee for consideration and that such Committee will then recommend the changes for approval to Council.
- 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 not had a thorough review for some time and therefore a full review of the Constitution is being undertaken to incorporate these changes but also for the purposes of assessing the Constitution's strengths and weaknesses and to consider appropriate amendments having particular regard to efficiency, transparency and accountability.

2. ALTERNATIVE OPTIONS

- 2.1 Council could decide not to approve the revisions.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the Council to update on the Monitoring Officer's review of the Constitution.
- 3.2 This report is in respect of the review of Part 4.2 (Access to Information Procedure Rules); Part 4.3 (Budget and Policy Framework Procedure); Part 4.5 (Overview and Scrutiny Procedure Rules); Part 4.6 (Financial Regulations and Procedure Rules); and Part 4.7 (Contracts and Procurement Procedure Rules) of the Constitution. A number of revisions were identified and discussed at a Constitutional Working Party on 13 March 2017 and then at General Purposes Committee on 2 May 2017. A spreadsheet of all the agreed revisions has been prepared (see Appendix 1) and which sets out the various revisions and the reason for them.
- 3.3 There are a number of changes (referred to in entry number 1) that have been made and the purpose of which is to correct grammar (e.g. the addition of the definite article), numbering corrections, or typographical errors and due to the nature of the changes that have been made, these have not specifically recorded in the spreadsheet at Appendix 1. Further all the changes reflecting

the Council's recent structural change (see entry number 2) have not been individually recorded.

- 3.4 Looking at each Part in turn, the Council has statutory responsibilities regarding access to reports and agendas, attendance at meetings; publications of decisions etc. and the changes to the Access to Information Procedure Rules at Part 4.2 are for the purposes of updating legislation and for consistency/ clarification.
- 3.5 Part 4.3 sets out the Budget and Policy Framework Procedure and the changes made are for consistency and clarification.
- 3.6 Part 4.5 sets out the Overview and Scrutiny Procedure Rules. The changes are predominantly for the purposes of updating legislation and for consistency/ clarification. There is also a proposed new Rule 14 and which is a factual change to reinforce that there are sanctions if the Mayor, Member or Officer does not attend in response to a request to attend an Overview and Scrutiny Committee or Sub-Committee/ Panel.
- 3.7 Part 4.6 sets out the Financial Regulations and Procedure Rules. The main change here is that the Financial Regulations/ Procedures that are prepared by the Corporate Director, Resources on a yearly basis will be an Appendix to these Rules so that these are also forward facing for reasons of transparency and ease of reference. There is also a change to emphasise that a breach of these Rules by officers does have consequences.
- 3.8 Part 4.7 sets out the Contracts and Procurement Procedure Rules. The main change here is that the Procurement Procedures that are prepared by the Corporate Director, Resources will be an Appendix to these Rules so that these are also forward facing for reasons of transparency and ease of reference. There is also a change to emphasise that a breach of these Rules by officers does have consequences.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

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

5. LEGAL COMMENTS

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

6. ONE TOWER HAMLETS CONSIDERATIONS

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

7. BEST VALUE (BV) IMPLICATIONS

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

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

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

9. RISK MANAGEMENT IMPLICATIONS

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

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder reductions implications.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Spreadsheet of Revisions
- Appendix 2 – Revised Part 4.2
- Appendix 3 – Revised Part 4.3
- Appendix 4 – Revised Part 4.5
- Appendix 5 – Revised Part 4.6
- Appendix 6 – Revised Part 4.7

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

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

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

- NONE.

Officer contact details for documents:

- N/A

This page is intentionally left blank

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
2	Interim Monitoring Officer			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
4	Interim Monitoring Officer			All	Where appropriate changes to the names of the Directorates to reflect the new Corporate Structure	Factual change
430				4.2 (Index)	In entry number 18 add the word "Urgency"	Factual change - reflects fact that this rule relates to urgency but needs to be distinguished from special urgency
431				4.2 (Index)	In entry number 19 add the word "Urgency"	Factual change - reflects fact that this rule relates to urgency but needs to be distinguished from the general exception
432				4.2 (Rule 1.1)	Addition of the words "Sub-Committees and" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
433				4.2 (Rule 4.1)	Deletion of the words "of the meeting"	Factual change - superfluous words
434				4.2 (Rule 7.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
435				4.2 (Rule 8.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
436				4.2 (Rule 9.1)	Number paragraphs a and b	Factual change - for consistency to reflect the numbering of paragraphs elsewhere in these Procedure Rules
437				4.2 (Rule 9.1)	Addition of words "adviser or" between the words "political" and "assistant"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
438				4.2 (Rule 11.1)	Addition of the words "or those part or parts of meetings" between the words "meetings" and "whenever"	Factual change - reflects the fact that it may only be a part or parts of meetings as opposed to the entire meeting when the public are excluded
439				4.2 (Rule 11.1)	Addition of the words "(as defined in Rule 11.4 below)" between the words "information" and "would"	Factual change - link to the definition
440				4.2 (Rule 11.1)	At the end of the paragraph addition of the words "in breach of the obligation of confidence"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
441				4.2 (Rule 11.2)	Addition of the words "or those part or parts of meetings" between the words "meetings" and "whenever"	Factual change - reflects the fact that it may only be a part or parts of meetings as opposed to the entire meeting when the public are excluded
442				4.2 (Rule 11.2)	Addition of the words "(as defined in Rule 11.5 below)" between the words "information" and "would"	Factual change - link to the definition
443				4.2 (Rule 11.4)	Deletion of the words "which cannot be publicly disclosed by Court Order" and replace with the words "the disclosure of which to the public is prohibited by or under any enactment or by the order of a court"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
444				4.2 (Rule 11.5)	Replace the words "means information falling within the following categories" and replace with the words "is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely"	Factual change - reference to Schedule 12A of the Local Government Act 1972 which specifies the categories
445				4.2 (Rule 11.6)	The addition of the word "above" between the words "Rule 11.5" and "are"	Factual change - tidying up change
446				4.2 (Rule 12.1)	Addition of the words "or those part or parts of the meeting" between the words "the meeting" and "is likely"	Factual change - reflects the fact that it may only be a part or parts of meetings as opposed to the entire meeting when the public are excluded

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
447				4.2 (Rule 12.1)	At the end of the paragraph addition of the words "(see Rule 11.5 above for the categories)"	Factual change - link to the definition
448				4.2 (Rule 13.1)	At the end of the first sentence add the words "(and which term includes Sub-Committees and other decision making meetings)"	Factual change - reflects the fact that this refers to any decision making meeting of the Executive
449				4.2 (Rule 13.1)	Add the word "urgency" before the words "general exception" and "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
450				4.2 (Rule 13.2)	Add the word "urgency" before the words "general exception" and "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
451				4.2 (Rule 14.1)	Add the word "urgency" before the words "general exception" and "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
452				4.2 (Rule 14.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
453				4.2 (Rule 14.1(a))	Addition of the words "at both the offices of the Council and on the Council's website"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
454				4.2 (Rule 16.1)	Number paragraphs a through to h	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
455				4.2 (Rule 16.1(a))	Add new paragraph (a): "that a key decision is to be made on behalf of the Council"	Legislative change - to reflect the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
456				4.2 (Rule 16.1)	Deletion of: 16.1.4 the identity of the principal groups or organisations whom the decision maker proposes to consult before making the decision; 16.1.5 the means by which any such consultation is proposed to be undertaken; 16.1.6 the steps which may be taken by any person who wishes to make representations to the decision maker about the matter in respect of which the decision is to be made and the date by which those steps are to be taken; and	Legislative change - pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 this information is not required to be added to key decision notices
457				4.2 (Rule 16.1(f))	Add new paragraph (f): "that a key decision is to be made on behalf of the relevant local authority"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
458				4.2 (Rule 16.1(g))	Add new paragraph (g): "that other documents relevant to those matters may be submitted to the decision maker; and"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
459				4.2 (Rule 16.1(h))	Add new paragraph (h): "the procedure for requesting details of those documents (if any) as they become available"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
460				4.2 (Rule 16.2)	The deletion of the words "The particulars referred to in paragraph 16.1 above need not contain any advice of a political assistant" and replace with "Where, in relation to any matter- (a) the public may be excluded under Rule 21.2 below from the meeting at which the matter is to be discussed; or (b) documents relating to the decision need not, because of Rule 17, be disclosed to the public, then the document referred to in 16.1 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.	Legislative change - more accurately reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
461				4.2 (Rule 17.1)	The deletion of the words "Exempt information need not be included in any notice of a Key Decision and confidential information cannot be included" and replace with "Nothing in these Rules (or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ("the 2012 Regulations")) is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence"	Legislative change - more accurately reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
462				4.2 (Rule 17.2)	Addition of new Rule 17.2: "Nothing in these Rules or the 2012 Regulations- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain confidential information; or (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant."	Legislative change - more accurately reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
463				4.2 (Rule 18)	Change heading from "General Exception" to "Urgency - General Exception"	Factual change - reflects fact that this is technically a rule relating to urgency but needs to be distinguished from special urgency
464				4.2 (Rule 18.1)	Add the word "urgency" before the words "special urgency"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
465				4.2 (Rule 18.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
466				4.2 (Rule 18.1(c))	Replace the words "local authority" with the words "the Council"	Factual change - reference to the local authority is reference to the London Borough of Tower Hamlets Council and this is referred to as the Council throughout the Constitution
467				4.2 (Rule 19.1)	Change heading from "Special Urgency" to "Urgency - Special Urgency"	Factual change - reflects fact that this is a rule relating to urgency but needs to be distinguished from general exception which is also about urgency

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
468				4.2 (Rule 19.1)	Add the word "urgency" before the words "general exception"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
469				4.2 (Rule 19.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
470				4.2 (Rule 19.2)	Delete the words "a quarterly" and replace with the words "an annual" and delete the words "three months and replace with the word "year"	Factual change - reflects that the Urgency - Special Urgency rule is used infrequently and therefore reporting every three (3) months will frequently result in a nil report
471				4.2 (Rule 20.1)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
472				4.2 (Rule 20.1(b))	Add the word "urgency" before the words "general exception"	Factual change - reflects fact that both rules relates to urgency but still need to be distinguished from each other
473				4.2 (Rule 20.1(b))	Addition of the words "(see Rule 18)" between the words "procedure" and "or"	Factual change - link to appropriate rule
474				4.2 (Rule 20.2)	Number paragraphs a and b	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
475				4.2 (Rule 21.8)	Replace the words "local authority" where they appears with the words "the Council"	Factual change - reference to the local authority is reference to the London Borough of Tower Hamlets Council and this is referred to as the Council throughout the Constitution
476				4.2 (Rule 21.10)	Addition of the word "meeting" between the words "private" and "of"	Factual change - addition of missing word
477				4.2 (Rule 21.10)	Replace the words "local authority" where they appears with the words "the Council"	Factual change - reference to the local authority is reference to the London Borough of Tower Hamlets Council and this is referred to as the Council throughout the Constitution
478				4.2 (Rule 21.13)	Replace the words "local authority" where they appears with the words "the Council"	Factual change - reference to the local authority is reference to the London Borough of Tower Hamlets Council and this is referred to as the Council throughout the Constitution

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
479				4.2 (Rule 22.1)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
480				4.2 (Rule 22.1(a))	Addition of the words "including the date it was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
481				4.2 (Rule 22.1(c))	Delete the words "when it made the decision" and replace with the words "at which the decision was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
482				4.2 (Rule 22.1(d))	Addition of the words "relating to the matter which is" between the words "interest" and "declared"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
483				4.2 (Rule 22.1(e))	Delete the words "a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest" and replace with the words "in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
484				4.2 (Rule 22.6)	(Formerly 22.2.4) - Reword so that it reads "Individual decisions by Members of the Executive can only be taken in the presence of an officer"	Factual change - reflects the fact that, in practice, decisions are not taken before the listed officers
485				4.2 (Rule 22.8)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
486				4.2 (Rule 22.8(a))	Addition of the words "including the date it was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
487				4.2 (Rule 22.8(c))	Delete the words "s/he made" and replace with the words "making"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
488				4.2 (Rule 22.8(d))	Delete the words "in relation" and replace with the words "which relates"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
489				4.2 (Rule 22.8(e))	Delete the words "a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest" and replace with the words "in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
490				4.2 (Rule 22.10)	Addition of the words "or the advice of a political adviser or assistant"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
491				4.2 (Rule 23.5)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
492				4.2 (Rule 23.5(a))	Addition of the words "including the date it was made"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
493				4.2 (Rule 23.5(c))	Delete the words "s/he made" and replace with the words "making"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
494				4.2 (Rule 23.5(d))	Delete the words "in relation" and replace with the words "which relates"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
495				4.2 (Rule 23.5(e))	Delete the words "a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest" and replace with the words "in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
496				4.2 (Rule 23.6)	Delete the words "decisions of the Executive and" and replace with the word "executive"	Factual change - reflects the fact that this Rule is in relation to officer decisions only
497				4.2 (Rule 23.7)	Addition of the words "or the advice of a political adviser or assistant"	Legislative change - reflects the wording in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012
498				4.2 (Rule 23.8)	New Rule 23.8: "Rule 23 must be read in conjunction with the Recording of Officers' Decisions Procedure Rules at Part 4.10 of this Constitution"	Factual change - reflects the fact that there will be separate procedure rules for Recording of Officers' Decisions
499				4.2 (Rule 24.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
500				4.2 (Rule 24.2)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
501				4.2 (Rule 25.1)	Number paragraph a	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
502				4.2 (Rule 25.2)	Number paragraphs a and b	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
503				4.3 (Rule 2.1)	Number paragraphs a through to r	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
504				4.3 (Rule 2.1(g))	Insert the words "if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council" between the words "strategy and "must"	Factual change - reflects the fact that the Mayor can agree the proposed change
505				4.3 (Rule 2.1(g))	Delete the words "give to her/him instructions requiring" and replace with the word "require"	Factual change - less adversarial
506				4.3 (Rule 2.1(h))	Delete the words "gives instructions" and replace with "requires reconsideration"	Factual change - less adversarial
507				4.3 (Rule 2.1(h))	Delete the words "Mayor receives the instructions on behalf of the Executive" and replace with "requirement is made"	Factual change - less adversarial
508				4.3 (Rule 2.1(m))	Insert the words "if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council" between the words "amounts and" and "must"	Factual change - reflects the fact that the Mayor can agree the proposed change
509				4.3 (Rule 2.1(m))	Delete the words "give her/him instructions requiring" and insert the word "require"	Factual change - less adversarial
510				4.3 (Rule 2.1(n))	Delete the words "gives instructions" and replace with "requires reconsideration"	Factual change - less adversarial
511				4.3 (Rule 2.1(n))	Delete the words "Mayor receives the instructions on behalf of the Executive within which" and replace with the words "requirement is received,"	Factual change - less adversarial
512				4.3 (Rule 4.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
513				4.3 (Rule 4.4)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
514				4.3 (Rule 6.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
515				4.3 (Rule 7.4)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
517				4.5 (Rule 1.1)	Addition of the word "and/" between the words "Sub-Committees" and "or"	Factual change - reflects that it is not a choice between Sub-Committees or Scrutiny Panels as both can be set up
518				4.5 (Rule 1.2)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
519				4.5 (Rule 1.3)	Add the words "per political group" and delete the words "for each Councillor"	Factual change - most Committees require specific training for that Committee to permit a Member to participate and limiting the number of substitutes allows for Democratic Services to ensure that the substitutes are informed as to any mandatory training
520				4.5 (Rule 1.3)	Addition of the words at the end of the paragraph "set out in detail in Part 2, Article 6 of the Constitution but they include"	Factual change - reflects the fact that the exact Terms of Reference for the Committee are set out in Part 2, Article 6 of the Constitution
521				4.5 (Rule 1.3(b))	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels" where they appear	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
522				4.5 (Rule 1.3(c))	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels" where they appear	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
523				4.5 (Rule 1.3(i))	Delete existing sub-paragraph (i)	Legislative change - section 21(8) of the Local Government Act 2000 has been repealed
524				4.5 (Rule 1.5(a))	Number paragraphs i through to v	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
525				4.5 (Rule 2.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
526				4.5 (Rule 2.2)	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
527				4.5 (Rule 2.3)	Replace the words "Adults, Health and Wellbeing" with the words "Health, Adults and Community"	Factual change - reflects the new name of that portfolio

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
528				4.5 (Rule 2.3)	Replace the word "Panel" with "Sub-Committee"	Factual change - reflects the correct name is the Health Scrutiny Sub-Committee
529				4.5 (Rule 3.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
530				4.5 (Rule 3.1)	Addition of the words "except in relation to Education matters only (see Rule 4 below)" at the end of the paragraph	Factual change - reflects that co-opted Members can vote in respect of Education matters
531				4.5 (Rule 4.1)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
532				4.5 (Rule 4.3)	Delete the words "in a non-voting capacity" and replace with the words "who can also vote in respect of education matters"	Factual change - reflects that fact that the Council can resolve that the Muslim co-opted member can vote on Education matters
533				4.5 (Rule 5.1)	At the end of the paragraph insert the words "(see Part 4.2 of the Constitution)"	Factual change - for consistency reflects how such links to other parts of the Constitution are referred to elsewhere in the Constitution
534				4.5 (Rule 5.2)	Addition of the word "Sub-Committee/" between the words "Scrutiny" and "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
535				4.5 (Rule 6.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
536				4.5 (Rule 7.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
537				4.5 (Rule 9.1)	Addition of the word "Sub-Committee/" between the words "Scrutiny" and "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
538				4.5 (Rule 10.1)	Addition of the words at the end of the Rule "(see Part 4.3 of the Constitution)"	Factual change - reflects the fact that the Budget and Policy Framework Procedure Rules are set out in Part 4.3 of the Constitution
539				4.5 (Rule 10.03)	Addition of the word "Sub-Committee/" between the words "Scrutiny" and "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
540				4.5 (Rule 11.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
541				4.5 (Rule 12.3)	Delete the words "Part 4.3 –" and replace with "Rule 2 of the Budget and Policy Framework Procedure Rules" and delete the words "– Rule 2 –" and replace with "(see Part 4.3 of the Constitution)"	Factual change - for consistency reflects how such links to other parts of the Constitution are referred to elsewhere in the Constitution
542				4.5 (Rule 12.5(d))	Insert the words "then it is" between the words "Procedure Rules" and "to provide"	Factual change - reads better
543				4.5 (Rule 13.1)	Addition of the word "Sub-Committees/" between the words "Scrutiny" and "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
544				4.5 (Rule 13.1)	At the end of this paragraph after Access to Information Procedure Rules, change so that it reads "(see Part 4.2 of this the Constitution)"	Factual change - for consistency reflects how such links to other parts of the Constitution are referred to elsewhere in the Constitution
545				4.5 (Rule 14.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
546				4.5 (Rule 14.2)	Addition of the words "the Mayor" after the word "Where" and before the words "any Member"	Factual change - the requirement to attend Overview and Scrutiny includes the Mayor
547				4.5 (Rule 14.2)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
548				4.5 (Rule 14.2)	Addition of the word "Mayor" before the word "Member"	Factual change - the requirement to attend Overview and Scrutiny includes the Mayor
549				4.5 (Rule 14.3)	Addition of the word "Mayor" before the word "Member"	Factual change - the requirement to attend Overview and Scrutiny includes the Mayor
550				4.5 (Rule 14.3)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
551				4.5 (Rule 14.4)	New Rule 14.4 "Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee/ Panel will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure"	Factual change - to reinforce that there are sanctions if the Mayor, Member or Officer does not attend in response to a request
552				4.5 (Rule 15.1)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
553				4.5 (Rule 16.3)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
554				4.5 (Rule 16.4)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
555				4.5 (Rule 18.1)	Addition of the word "Sub-Committees/"before the word "Panels"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
556				4.5 (Rule 18.1)	Addition of the words "and should not be used" at the end of the paragraph	Factual change - not only is it inappropriate but it should state that the part whip should not be used in these circumstances
557				4.5 (Rule 19.1)	Number paragraphs a through to e	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
558				4.5 (Rule 19.2)	Number paragraphs a through to c	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
559				4.5 (Rule 19.3)	Addition of the word "Sub-Committee/"before the word "Panel"	Factual change - reflects the fact that Scrutiny Sub-Committees as well as Scrutiny Panels can be set up
560				4.6 (Heading)	Change Heading to "Financial Regulations and Procedure Rules"	Factual change - to reflect that these Rules pertain as much to Regulations and they do to Procedures

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
561				4.6 (Index)	In entry number 2 change to "Financial Regulations/Procedures"	Factual change - to reflect that these Rules pertain as much to Regulations and they do to Procedures
562				4.6 (Index)	Add new entry "Appendix A" "Financial Regulations/Procedures 2017/18"	Factual change - the actual Financial Regulations/Procedures should also be forward facing for reasons of transparency and also ease of reference
563				4.6 (Rule 1.1)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
564				4.6 (Rule 1.1(c))	Delete the word "Investment"	Factual change - superfluous word
565				Part 4.6 (Rule 1.3)	Delete the words "section 4.3 of Part 4 to" and replace with the words "the Budget and Policy Framework Procedure Rules at Part 4.3 of"	Factual change - for consistency reflects how such links to other parts of the Constitution are referred to elsewhere in the Constitution
566				Part 4.6 (Rule 2.1)	Add word "/Procedures" after the word "Regulations"	Factual change - to reflect that these Rules pertain as much to Regulations as they do to Procedures
567				Part 4.6 (Rule 2.1)	Add the words "These Regulations/ Procedures and any updated or amended versions will then be placed in Appendix A of these Rules" at the end of the paragraph	Factual change - the actual Financial Procedures/Regulations should also be forward facing for reasons of transparency and also ease of reference
568				Part 4.6 (Rule 2.2)	Add word "/Procedures" after the word "Regulations"	Factual change - to reflect that these Rules pertain as much to Regulations and they do to Procedures
569				Part 4.6 (Rule 2.2)	Replace the word "may" with "is likely to"	Factual change - greater emphasis that a breach has potential consequences
570				Part 4.6 (Rule 2.2)	Addition of the words "and be investigated under the appropriate disciplinary procedure" at the end of the paragraph	Factual change - greater emphasis that a breach has potential consequences
571				Part 4.6 (Rule 3.1)	Addition of the words "For more details on Virements please see FM2, FM5 and FA10 of Appendix A to these Rules" at the end of the paragraph	Factual change - for transparency cross-reference to the Financial Procedures/ Regulations

CONSTITUTION REVISIONS

NO.	APPROVED BY	DATE APPROVED	VERSION	PART	CHANGE	REASON
572				4.6 (Rule 3.3)	Number paragraphs a through to d	Factual change - for consistency to reflect that paragraphs are numbered elsewhere in the Constitution
573				4.6 (Rule 3.4)	In the heading replace Departments with Directorates	Factual change - reference should be to Directorates
574				4.6 (Rule 3.4)	Replace the words "department" and replace with the word "Directorate"	Factual change - reference should be to Directorates
575				4.7 (Heading)	Change heading to "Contracts and Procurement Procedure Rules"	Factual change - to reflect that these Rules pertain as much to Procurement as they do to Contracts
576				4.7 (Index)	Contents Index Added	Factual change - for consistency reflects that there is a Contents Index for all other Procedure Rules within the Constitution
577				4.7 (Rule 1.4)	Add the words "(otherwise known as the Council's Best Value Duty)"	Factual change - to reflect the fact that this is the name of the duty
578				4.7 (Rule 1.5)	Add the words "Any failure by an offices to comply with the Procurement Procedures is likely to constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure" at the end of the paragraph	Factual change - to emphasise that a breach has potential consequences
579				4.7 (Rule 1.6)	Add the words "If however the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution" at the end of the paragraph	Factual change - to emphasise that some decisions in relation to procurement activity may be 'key' decisions that have not been delegated
580				4.7 (Rule 1.7)	Add the words "If however the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution" at the end of the paragraph	Factual change - to emphasise that some decisions in relation to procurement activity may be 'key' decisions that have not been delegated

This page is intentionally left blank

4.2 Access to Information Procedure Rules

CONTENTS

Rule	Subject
1	Scope
2	Additional Rights to Information
3	Rights to Attend Meetings
4	Notice of Meeting
5	Access to Agenda and Reports Before the Meeting
6	Items of Business
7	Supply of Copies
8	Access to Minutes etc. after the Meeting
9	Background Papers
10	Summary of Public's Rights
11	Exclusion of Access by the Public to Meetings
12	Exclusion of Access by the Public to Reports
13	Application of Rules to Executive
14	Procedure Before Taking Key Decisions
15	Notice of Key Decisions
16	Content of Key Decision Notices
17	Key Decision Notices – Exempt and Confidential Information
18	<u>Urgency</u> - General Exception
19	<u>Urgency</u> - Special Urgency
20	Rights of Overview and Scrutiny
21	Meetings of the Executive and its Committees to be held in public
22	Record of Decisions

23	Executive Decisions made by Officers
24	Overview and Scrutiny Committee Access to Documents - After a Decision has been made
25	Additional Rights of Access for all Members

1. SCOPE

- 1.1** These rules apply to all meetings of ~~the~~ Council, Overview and Scrutiny Committee, Scrutiny Sub-Committees and Panels, the Standards Advisory Committee, regulatory and other Committees, Sub-Committees and public meetings of the Executive (together called “meetings”).

2. ADDITIONAL RIGHTS TO INFORMATION

- 2.1** These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

- 3.1** Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICE OF MEETING

- 4.1** The Council will give at least five 5-clear working days’ notice not including the day that notice is given or the day ~~of the meeting,~~ of any meeting by posting details of the meeting at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG (the designated office).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1** The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five 5-clear working days before the meeting except;
- 5.2** Where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened, and

5.3 ~~where~~Where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be open to inspection from the time the item is added to the agenda.

6. ITEMS OF BUSINESS

6.1 An item of business may not be considered at a meeting unless either:

(a) a copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

(b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

6.2 “Five clear working days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.

6.3 “Special circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for inspection for five clear days before the meeting.

6.4 Where the item of business relates to a key decision Rules 14-19 also apply.

7. SUPPLY OF COPIES

7.1 The Council will supply copies of:

•(a) any agenda and reports which are open to public inspection;

•(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

•(c) if the Corporate Director, ~~of Law, Probity and~~ Governance thinks fit, any other documents supplied to Councillors in connection with an item,

to any person on payment of a charge for postage and any other costs.

8. ACCESS TO MINUTES ETC. AFTER THE MEETING

8.1 The Council will make available copies of the following for six years after a meeting:

~~8.1.1(a)~~ the minutes of the meeting or records of decisions taken together with reasons, for all meetings excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

~~8.1.2(b)~~ a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

~~8.1.3(c)~~ the agenda for the meeting; and

~~8.1.4(d)~~ reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

9.1 **List of Background Papers.** The ~~Corporate~~ Director, ~~of Law, Probity and Governance~~ will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in her/his opinion:

~~(a) 9.1.1~~ disclose any facts or matters on which the report or an important part of the report is based; and

~~(b) 9.1.2~~ which have been relied on to a material extent in preparing the report,

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11) or in respect of reports to the Executive, the advice of a political ~~adviser or~~ assistant.

9.2 **Publication and Public Inspection of Background Papers.** The Council will publish background papers on the Council's website and will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

10. SUMMARY OF PUBLIC'S RIGHTS

- 10.1 A written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the designated office.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 **Confidential Information – Requirement to Exclude Public.** The public *must* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (as defined in Rule 11.4 below) would be disclosed in breach of the obligation of confidence.

11.2 **Exempt Information – Discretion to Exclude Public.** The public *may* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined in Rule 11.5 below) would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.4 **Meaning of Confidential Information.** *Confidential information* means information given to the Council by a Government Department on terms which forbid its public disclosure or information which ~~cannot be publicly disclosed by Court Order~~ the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

11.5 **Meaning of Exempt Information.** *Exempt information* is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely means information falling within the following categories:

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority handling the information) [Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.]

~~Information is not exempt under this category if it is required to be registered under the Companies Act 1985, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Building Societies Act 1986 or the Charities Act 1993.~~

4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:-
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

11.6 Information falling within any of the categories 1-7 of Rule 11.5 above are not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

12.1 If the Corporate Director, ~~of Law, Probity and~~ Governance thinks fit, the Council may exclude access by the public to reports which in ~~her or his/~~ her opinion relate to items during which, in accordance with Rule 11, the meeting or those part or parts of the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed (see Rule 11.5 above for the categories).

13. APPLICATION OF RULES TO EXECUTIVE

13.1 Rules 14-25 apply to the Executive and its Committees (and which term includes Sub-Committees and other decision making meetings). If the Executive or one of its Committees meets to take a key decision or meets in public then it must also comply with Rules 1-11 unless Rule 18 (urgency -

general exception) or Rule 19 (urgency - special urgency) apply. A key decision is defined in Article 13 of this Constitution.

- 13.2** If the Executive or one of its Committees meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within twenty-eight 28 days of the date by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

14. PROCEDURE BEFORE TAKING KEY DECISIONS

- 14.1** Subject to Rule 18 (urgency - general exception) and Rule 19 (urgency - special urgency), a key decision shall not be taken unless:

~~(a) 14.1.1~~ a notice has been published in connection with the matter in question at both the offices of the Council and on the Council's website;

~~(b) 14.1.2~~ at least twenty-eight 28 days have elapsed since the notice has been published; and

~~(c) 14.1.3~~ where the decision is to be taken at a meeting of the Executive or a Committee of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meeting).

15. NOTICE OF KEY DECISIONS

- 15.1** A notice shall be published under Rule 14 in respect of any matter which the Mayor has reason to believe will be the subject of a key decision to be taken by the Mayor, the Executive, a Committee of the Executive, an individual member of the Executive, an officer or under joint arrangements in the course of the discharge of an executive function.

- 15.2** In addition, a notice shall be published under Rule 14 in respect of those items of business which the Executive intends to consider and which form part of the policy framework and where the Executive will be making recommendations to Council.

16. CONTENT OF KEY DECISION NOTICES

- 16.1** Each notice published under Rule 14 shall contain in relation to each matter included such of the following particulars as are available when the notice is

prepared or which the person preparing it may reasonably be expected to obtain:

(a) ~~16.1.1~~ that a key decision is to be made on behalf of the Council;

(b) the matter in respect of which the decision is to be made;

~~16.1.2(c)~~ where the decision maker is an individual, her/his name and title, if any; and, where the decision maker is a decision making body, its name and a list of its members;

~~16.1.3(d)~~ the date on which or the period within which the decision is to be made;

~~16.1.4 the identity of the principal groups or organisations whom the decision maker proposes to consult before making the decision;~~

~~16.1.5 the means by which any such consultation is proposed to be undertaken;~~

~~16.1.6 the steps which may be taken by any person who wishes to make representations to the decision maker about the matter in respect of which the decision is to be made and the date by which those steps are to be taken; and~~

(e) ~~16.1.7~~ a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker; and

(h) the procedure for requesting details of those documents (if any) as they become available.

16.2 ~~The particulars referred to in paragraph 16.1 above need not contain any advice of a political assistant~~Where, in relation to any matter-

(a) the public may be excluded under Rule 21.2 below from the meeting at which the matter is to be discussed; or

(b) documents relating to the decision need not, because of Rule 17, be disclosed to the public,

then the document referred to in 16.1 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

17. KEY DECISION NOTICES – EXEMPT AND CONFIDENTIAL INFORMATION

17.1 Nothing in these Rules (or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the 2012 Regulations”)) is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence. ~~Exempt information need not be included in any notice of a Key Decision and confidential information cannot be included~~

17.2 Nothing in these Rules or the 2012 Regulations-

(a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain confidential information; or

(b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.

18. URGENCY - GENERAL EXCEPTION

18.1 If a matter which is likely to be a key decision is to be considered and the matter has not been published in advance in accordance with Rule 14 then, subject to Rule 19 (urgency - special urgency), the decision may still be taken if:

(a) ~~18.1.1~~—the decision must be taken by such a date that it is impracticable to defer the decision until public notice of at least twenty-eight ~~28~~ days has been given;

(b) ~~18.1.2~~—the Corporate Director, ~~of Law, Probity and~~ Governance has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made;

(c) ~~18.1.3~~ — the Corporate Director, ~~of Law, Probity and~~ Governance has made copies of that notice available to the public at the offices of the ~~local authority~~Council for inspection; and

(d) ~~18.1.4~~ — at least five ~~5~~ clear days have elapsed following the day on which the Corporate Director, ~~of Law, Probity and~~ Governance complied with ~~18.1.2(b)~~ and ~~18.1.3(c)~~.

Where such a decision is taken collectively, it must be taken in public unless it involves consideration of confidential or exempt information.

19. URGENCY - SPECIAL URGENCY

19.1 If by virtue of the date on which a decision must be taken Rule 18 (urgency - general exception) cannot be followed, then a decision can only be taken if the decision taker (or the Chair of the body making the decision) has obtained from:

- (a) the Chair of the Overview and Scrutiny Committee ; or
- (b) if there is no such person, or if the Chair is unable to act, the Speaker ~~of the Council~~; or
- (c) where there is no Chair of the Overview and Scrutiny Committee or Speaker ~~of the Council~~, the Deputy Speaker ~~of the Council~~;

agreement that the taking of the decision ~~cannot~~ reasonably be deferred.

19.2 The Mayor will submit ~~a quarterly~~ an annual report to ~~the~~ Council on the executive decisions taken under this Rule in the preceding ~~three months~~ year. The report will include the number of decisions so taken and a summary of the matters in respect of which each decision was made.

20. RIGHTS OF OVERVIEW AND SCRUTINY

20.1 When the Overview and Scrutiny Committee can Require a Report

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) published in advance in accordance with Rule 14, or

•(b) the subject of the urgency - general exception procedure (see Rule 18),
or

•(c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Speaker ~~of the Council~~ under Rule 19;

the Committee may require the Executive to submit a report to ~~the~~ Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested in writing by:

(a) ~~20.1.1~~ — the Chair of the Overview and Scrutiny Committee; or

(b) ~~20.1.2~~ — three (3) Members of the Overview and Scrutiny Committee.

Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

20.2 The Executive's Report to Council

(a) ~~20.2.1~~ — The Executive will prepare a report setting out particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision, the reasons for that opinion.

(b) ~~20.2.2~~ — The report will be submitted to the next ordinary meeting of ~~the~~ Council. However, if the next meeting of ~~the~~ Council is within ~~ten~~ 10 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the Council meeting after that.

21. MEETINGS OF THE EXECUTIVE AND ITS COMMITTEES TO BE HELD IN PUBLIC

21.1 Any meeting of the Executive or a Committee of the Executive shall be open to the public except to the extent that the public are excluded under Rule 21.2

21.2 The public must be excluded from a meeting during an item of business whenever—

(a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;

- (b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
- (c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

21.3 A resolution under Rule 21.2 (b) must—

- (a) identify the proceedings, or the part of the proceedings to which it applies; and
- (b) state, by reference to the descriptions in Rule 11.5 the description of exempt information giving rise to the exclusion of the public.

21.4 The public may only be excluded under sub-paragraph (a) or (b) of Rule 21.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

21.5 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the Executive and its ~~€~~Committees do not have the power to exclude members of the public from a meeting while it is open to the public.

21.6 While a meeting of the Executive or one of its ~~committees~~ Committees is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

Procedures prior to private meetings

21.7 Any decision made by the Executive or one of its ~~committees~~ Committees to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the Local Government Act 2000 (regulations requiring prescribed information about prescribed decisions).

21.8 At least ~~twenty-eight~~ 28 clear days before a private meeting of the Executive of one of its committees, the Executive must—

- (a) make available at the offices of the ~~local authority~~ Council a notice of its intention to hold the meeting in private; and
- (b) publish that notice on the ~~local authority's~~ Council's website.

21.9 A notice under Rule 21.8 must include a statement of the reasons for the meeting to be held in private.

21.10 At least five clear days before a private meeting of the Executive or one of its committees, the Executive must—

(a) make available at the offices of the local authority Council a further notice of its intention to hold the meeting in private; and

(b) publish that notice on the local authority's Council's website.

21.11 A notice under Rule 21.10 must include—

(a) a statement of the reasons for the meeting to be held in private;

(b) details of any representations received by the Executive about why the meeting should be open to the public; and

(c) a statement of its response to any such representations.

21.12 Where the date by which a meeting must be held makes compliance with Rules 21.8 to 21.11 impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from—

(a) the Chair of the Overview and Scrutiny Committee; or

(b) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Speaker ~~of the Council~~; or

(c) where there is no Chair of the Overview and Scrutiny committee or Speaker ~~of the Council~~, the Deputy Speaker ~~of the Council~~,

that the meeting is urgent and cannot reasonably be deferred.

21.13 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 21.12 to hold a private meeting, it must—

(a) Make available at the offices of the local authority Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and

(b) publish that notice on the local authority's Council's website.

21.14 The Executive or one of its Committees may meet in private if it meets with officers for the purposes only of briefing.

21.15 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place. A meeting of the Executive may not meet to take any decisions unless the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or their nominee are present or have waived their entitlement to attend. The meeting may only take a decision if there is an officer present with responsibility for recording and publishing the decision.

22. RECORD OF DECISIONS

22.1 Executive Decisions made at Meetings. As soon as is reasonably practicable after a meeting of a decision making body at which an executive decision has been made, whether held in public or private, the Corporate Director, of Law, Probity and Governance shall ensure that a written statement is produced in respect of every executive decision made at that meeting including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting by the decision making body ~~when it made the decision~~ at which the decision was made;
- (d) a record of any conflict of interest relating to the matter which is declared by any Member of the decisions making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service ~~a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest.~~

Decisions taken at a meeting may only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, of Law, Probity and Governance or his/her nominee is present.

~~22.2~~ **22.2—Executive Decisions made by Individual Members of the Executive**

~~22.3~~ **22.2.1**—All decisions taken individually by Members of the Executive must be based on written reports setting out key legal, financial, service and

corporate implications and may not be taken unless the Corporate Director, ~~of Law, Probity and~~ Governance (or an officer nominated by her/him) has agreed the report.

22.4 ~~22.2.2~~ When an officer prepares a report which is to be given to an individual Member for decision, s/he must first give a copy of that report to the Corporate Director, ~~of Law, Probity and~~ Governance (or an officer nominated by her/him).

22.5 ~~22.2.3~~ The Corporate Director, ~~of Law, Probity and~~ Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.

22.6 ~~22.2.4~~ Individual decisions ~~may only be made~~ by Members of the Executive can only be taken in the presence of ~~the Chief Executive, Chief Finance Officer or Monitoring Officer or their nominee (unless they waive that requirement). The Director of Law, Probity and Governance (or an officer nominated by her/him) shall have responsibility to record the decision~~ an officer.

22.7 ~~22.2.5~~ Subject to Rules 18 and 19, the individual decision maker may not make any key decision until notice of the decision has been available for public inspection for at least twenty-eight ~~28~~ days before the decision is made.

22.8 ~~22.2.6~~ As soon as is reasonably practicable after an individual Member has made an executive decision s/he shall produce, or cause to be produced, a written statement including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the time by the Member when ~~s/he made~~ making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who was consulted by the Member ~~in relation~~ which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service, ~~a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest~~

22.9 ~~22.2.7~~ A copy of the written statement setting out the decision must be sent to the Corporate Director, ~~of Law, Probity and~~ Governance. All decisions of the Executive must be published and will be subject to call in as set out in Part 4.5 of this Constitution.

~~22.10 22.2.8~~ Nothing in these rules relating to the taking of decision by individual Members shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

23 EXECUTIVE DECISIONS MADE BY OFFICERS

23.1 Where executive decision making is delegated to an officer, that officer may only take a key decision on the basis of a written report setting out key legal, financial, service and corporate implications.

23.2 Subject to Rules 18 and 19, where an individual officer receives a report which s/he intends to take into account in making a key decision s/he shall not make that decision until notice of the decision has been available for public inspection for twenty-eight ~~28~~ days.

23.3 The individual officer making the decision must ensure that the Corporate Director, ~~of Law, Probity and~~ Governance (or an officer nominated by him/her) receives a copy of the report and makes it available in accordance with paragraph 23.4.

23.4 The Corporate Director, ~~of Law, Probity and~~ Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.

23.5 As soon as is reasonably practicable after an officer has made a key decision or a non-key decision delegated to the officer by a specific decision of the Executive s/he shall produce a written statement including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the time by the officer when ~~s/he made~~ making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who was consulted by the officer ~~in relation~~ which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service ~~a note of any relevant dispensation granted in relation to participation in the decision by a Member with a Disclosable Pecuniary Interest.~~

23.6 All ~~decisions of the Executive and executive~~ decisions taken by officers in accordance with Rule 23.5 must be published and will be subject to call in as set out in part 4.5 of this Constitution. Other non-key decisions taken by officers are not subject to call in.

~~23.7~~ ~~23.7~~—Nothing in these rules relating to the taking of a decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

~~23.8~~ Rule 23 must be read in conjunction with the Recording of Officers' Decisions Procedure Rules at Part 4.10 of this Constitution.

24. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS - AFTER A DECISION HAS BEEN MADE

24.1 Subject to Rule 24.2 below, any member of the Overview and Scrutiny Committee or of a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Executive or any of its Committees, and contains material relating to:

- (a) any business which has been transacted at a public or private meeting of the Executive or its Committees; or
- (b) any decision taken by an individual Member of the Executive;
- (c) any key decision that has been taken by an officer in accordance with executive arrangements.

24.2 Limits on Rights. Overview and Scrutiny Committee Members and Scrutiny Panel Members shall not be entitled to:

(a) ~~24.2.1~~—any document that is in draft form;

(b) ~~24.2.2~~—any part of a document that contains exempt or confidential information unless;

- (i) it is relevant to an action or decision that s/he is reviewing or scrutinising or intends to review or scrutinise; or
- (ii) which is relevant to any review contained in any programme of work of an Overview and Scrutiny Committee or Scrutiny Panel;

(c) ~~24.2.3~~—any document or part of a document that contains the advice of a political assistant.

25. ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS

25.1 Material Relating to Council and Committee Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Council and contain material relating to any business to be transacted at a meeting of ~~the~~ Council or its Committees or Sub Committees unless 25.1.1 below applies:

| ~~(a) 25.1.1~~ it contains exempt information falling within categories 1, 2, 3 (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 4, 5 or 7 as set out at Rule 11.5 above.

25.2 Material Relating to Executive Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business to be transacted at a public meeting unless either 25.2.1 or 25.2.2 below applies:

| ~~(a) 25.2.1~~ It contains exempt information falling within categories 1, 2, 3, (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) 4, 5 or 7 as set out in rule 11.5 above.

| ~~(b) 25.2.2~~ It contains the advice of a political assistant.

25.3 After the conclusion of a private meeting of the Executive at which an Executive decision has been made, all Members are entitled to inspect any document which is in the possession or under the control of the Executive and contain material relating to business transacted at the meeting in the terms set out at 25.2 above.

| **25.4 Material Relating to Key Decisions.** All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any key decision in the terms set out at 25.2 above.

25.5 Nature of Rights. These rights are additional to any rights of access to information a Member may have

4.3 Budget and Policy Framework Procedure

CONTENTS

Rule	Subject
1	The Framework for Executive Decisions
2	Process for Developing the Framework
3	Decisions Outside the Budget or Policy Framework
4	Urgent Decisions Outside the Budget or Policy Framework
5	Virement
6	In-Year Changes to Policy Framework
7	Call-In of Decisions Outside the Budget or Policy Framework
8	Suspension

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

1.1 ~~The~~ Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. In relation to the budget and the plans and strategies listed in Article 4:-

- (a) The adoption or approval of the plan or strategy is the responsibility of ~~the full~~ Council;
- (b) The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to ~~the full~~ Council; and
- (c) If ~~the~~ Council wishes to amend the Mayor's proposals in relation to the items included in the Budget and Policy Framework only, the Local Authorities (Standing Orders) (England) Regulations 2001 sets out the dispute resolution procedure to be followed. ~~The~~ Council must inform the Mayor of any objections which it has to his proposals (i.e. the amendments it wishes to agree) and must give the Mayor at least five working days, starting on the day following the meeting, to reconsider his proposals and re-submit them (amended or not, with reasons) to a further Council meeting. If at this further meeting ~~the~~ Council still wishes to amend the Mayor's revised proposals, such a decision requires a two-thirds majority of the Members present and voting. If no valid amendment at the further meeting receives two-thirds support, the

Mayor's proposals are deemed adopted in accordance with the regulations.

- (d) Once a budget or a policy framework document has been agreed, it is the responsibility of the Mayor, the Executive and officers to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

2.1 The process by which the budget and policy framework shall be developed is:

(a) ~~2.1.1~~ — The Executive will publicise, by publishing a notice in accordance with the Access to Information Procedure Rules at Part 4.2 of this Constitution, a timetable for making proposals to ~~the~~ Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.

(b) ~~2.1.2~~ — The Chair of Overview and Scrutiny Committee will be notified of proposals referred to in Rule 2.1.4 ~~(a) and~~ which shall be referred to Overview and Scrutiny Committee.

(c) ~~2.1.3~~ — For the purposes of these ~~procedure-Procedure rules-Rules~~ the consultation in each instance shall be in line with the Council's normal consultation time periods except where there is an urgent need to reduce the consultation period. The period for Overview and Scrutiny Committee to respond to consultation shall be not less than ~~ten 10~~ clear working days unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.

(d) ~~2.1.4~~ — At the end of the consultation period, having taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee, the Executive will submit recommendations to ~~the~~ Council.

(e) ~~2.1.5~~ — ~~The~~ Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place.

(f) ~~2.1.6~~ — If ~~the~~ Council adopts the Executive's proposals without amendment, the decision shall become effective immediately. However, if, having considered a draft plan or strategy, it has any objections to it, ~~the~~ Council must take the action set out in 2.1.7 ~~(g)~~.

(g) ~~2.1.7~~ — Before ~~the~~ Council:

- ~~(i) (a)~~ amends the draft plan or strategy;
- ~~(ii) (b)~~ approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- ~~(iii) (c)~~ adopts (with or without modification) the plan or strategy;

it must inform the Mayor of any objections which it has to the draft plan or strategy and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must ~~give to her/him instructions requiring~~require the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

~~(h) 2.1.8~~—Where ~~the Council gives instructions requires reconsideration~~ in accordance with 2.1.7(g) above, it must specify a period of at least five working days beginning on the day after the date on which the ~~Mayor receives the instructions on behalf of the Executive~~requirement is made within which the Mayor may:

- (i) Submit a revision of the draft plan or strategy as amended by the Executive (the “revised draft plan or strategy”), with the Executive’s reasons for any amendments made to the draft plan or strategy, to the Council for the Council’s consideration; or
- (ii) Inform ~~the~~ Council of any disagreement that the Executive has with any of ~~the~~ Council’s objections and the Executive’s reasons for any such disagreement.

If the specified period would prohibit ~~the~~ Council from making determinations under Rule 2.1.9(i) within the statutory deadline for the setting of Council Tax, ~~the~~ Council may specify such lesser period as is necessary to ensure compliance.

~~(i) 2.1.9~~—Subject to Rule 2.1.10(j), when the period specified by ~~the~~ Council, referred to in Rule 2.1.8(h), has expired ~~the~~ Council must, when:

- ~~(a)(i)~~ amending the draft plan or strategy or, if there is one, the revised plan or strategy;
- ~~(b)(ii)~~ approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or

~~(e)(iii)~~ adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of ~~the~~ Council's objections and the Executive's reasons for that disagreement, which the Mayor submitted to ~~the~~ Council, or informed ~~the~~ Council of, within the period specified.

~~(i) 2.1.10~~ — Where ~~the~~ Council proposes to –

~~(i) (a)~~ amend the draft plan or strategy or, as the case may be, the revised draft plan or strategy;

~~(ii) (b)~~ approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

~~(iii) (c)~~ — adopt with modifications the plan or strategy,

and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph ~~2.1.11(k)~~.

~~(k) 2.1.11~~ — The question referred to in Rule ~~2.1.10(j)~~ must be decided by a two-thirds majority of the members of ~~the~~ Council present and voting on the question at a meeting of ~~the~~ Council.

~~(l) 2.1.12~~ — Subject to Rule ~~2.1.18(r)~~, where, before 8 February in any financial year, the Executive submits to ~~the~~ Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (calculation of budget requirement etc.); or

(ii) estimates of other amounts to be used for the purposes of such a calculation; or

(iii) estimates of such a calculation; or

(iv) amounts required to be stated as a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts),

and following consideration of those estimates or amounts ~~the~~ Council has any objections to them, it must take the action set out in Rule 2.1.~~13~~(m).

~~(m) 2.1.13~~—Before ~~the~~ Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1.~~12~~(l) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive’s estimates or amounts and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must give her/him instructions requiring require the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with ~~the~~ Council’s requirements.

~~(n) 2.1.14~~ Where ~~the~~ Council gives instructions-requires reconsideration in accordance with Rule 2.1.~~13~~(m), it must specify a period of at least five ~~(5)~~ working days beginning on the day after the date on which the ~~Mayor receives the instructions on behalf of the Executive within which~~ requirement is received, the Mayor may:

~~(a)(i)~~ Submit a revision of the estimates or amounts as amended by the Executive (“revised estimates or amounts”) which have been reconsidered in accordance with ~~the~~ Council’s requirements, with the Executive’s reasons for any amendments made to the estimates or amounts, to ~~the~~ Council for ~~the~~ Council’s consideration; or

~~(b)(ii)~~ Inform ~~the~~ Council of any disagreement that the Executive has with any of ~~the~~ Council’s objections and the Executive’s reasons for any such disagreement.

~~(o) 2.1.15~~ Subject to Rule 2.1.~~16~~(p), when the period specified by ~~the~~ Council referred to in Rule 2.1.~~14~~(n) has expired, ~~the~~ Council must, when making calculations (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1.~~13~~(m) or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

~~(a)(i)~~ Any amendments to the estimates or amounts that are included in any revised estimates or amounts;

~~(b)(ii)~~ The Executive’s reasons for those amendments;

~~(c)(iii)~~ Any disagreement that the Executive has with any of ~~the~~ Council’s objections; and

~~(d)(iv)~~ The Executive's reasons for that disagreement,

which the Mayor submitted to ~~the~~ Council, or informed ~~the~~ Council of, within the period specified.

~~(p) 2.1.16~~—Where ~~the~~ Council, for the purposes of making the calculations or issuing the precept, proposes to use estimates or amounts ('the different estimates or amounts') which are not in accordance with the Executive's estimates or amounts or, as the case may be, the Executive's revised estimates or amounts, the question whether to use the different estimates or amounts must be decided in accordance with Rule 2.1.~~17~~(g).

~~(q) 2.1.17~~—The question referred to in Rule 2.1.~~16~~~~(p)~~ must be decided by a two-thirds majority of the members of ~~the~~ Council present and voting on the question at a meeting of ~~the~~ Council.

~~(r) 2.1.18~~ Rules 2.1.~~12~~~~(l)~~ to 2.1.~~17~~(g) shall not apply in relation to:

~~(a)(i)~~ Calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 (limitation of council tax and precept); and

~~(b)(ii)~~ Amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions of Rule 5 (virement) the Mayor, Executive, Committees of the Executive and any officers or joint arrangements may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by ~~the~~ Council, then that decision may only be taken by ~~the~~ Council, subject to Rule 4 below.

3.2 If the Mayor, Executive, a Committee of the Executive, any officer or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to ~~the~~ Council for decision, unless the decision is a

matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 The Mayor, Executive, a Committee of the Executive, an officer or joint arrangements may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by ~~full~~ Council if the decision is a matter of urgency. However, the decision may only be taken:

~~(a) 4.1.1~~ if it is not practicable to convene a quorate meeting of ~~the~~ Council; and

~~(b) 4.1.2~~ if the Chair of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.

4.2 The reasons why it is not practicable to convene a quorate meeting of ~~the~~ Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Speaker ~~of the Council~~, and in the absence of both, the Deputy Speaker ~~of the Council~~, will be sufficient.

4.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.4 Urgent Action

~~(a) 4.4.1~~ Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Proper Officer, after consultation with the Mayor or the Cabinet Member in respect of which the matter is associated, shall have power to act and shall report the action to the next meeting of the Executive.

~~(b) 4.4.2~~ Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.

~~(c) 4.4.3~~ Where the Proper Officer considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of ~~the~~ Council or the appropriate committee

can be called; the Proper Officer, after consultation with the Speaker ~~of the Council~~ or Deputy ~~Speaker of the Council~~, shall have power to act and shall report the action to the next meeting of ~~the Council~~ or the relevant committee.

5. VIREMENT

- 5.1 Steps taken by the Mayor, the Executive, a Committee of the Executive, an officer, or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head. However, such bodies or individuals shall be entitled to vire across budget heads within such limits as shall be laid down in the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

6. IN-YEAR CHANGES TO BUDGET AND POLICY FRAMEWORK

- 6.1 The responsibility for agreeing the budget and policy framework lies with ~~the Council~~, and decisions by the Mayor, the Executive, a Committee of the Executive, officers, or joint arrangements must be in line with it. No changes to any budget, plan or strategy which comprises part of the budget and policy framework may be made by those bodies or individuals except those changes:

(a) ~~6.1.1~~—which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) ~~6.1.2~~—which are necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) ~~6.1.3~~—in relation to the policy framework in respect of a policy which would normally be agreed annually by ~~the Council~~ following consultation, but where the existing policy document is silent on the matter under consideration;

(d) ~~6.1.4~~—which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 7.1 Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with ~~the Council's~~ budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

- 7.2** In respect of functions which are the responsibility of the Mayor or the Executive, the report of the Monitoring Officer and/or Chief Finance Officer shall be to the Mayor and Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet within ~~twenty-one~~ 21 days of receiving the report to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 7.3** If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until ~~the~~ Council has met and considered the matter. ~~The~~ Council shall meet within ~~twenty-one~~ 21 days of the request from the Overview and Scrutiny Committee (or within ~~twenty-eight~~ 28 days if a meeting of ~~the~~ Council is scheduled within that period). At the meeting ~~the~~ Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 7.4** ~~The~~ Council may either:
- ~~(a) 7.4.1~~ — endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of ~~the~~ Council be minuted and circulated to all Councillors in the normal way; or
 - ~~(b) 7.4.2~~ — amend the budget, financial rule or policy concerned to encompass the decision or proposal of the body or individual responsible for that function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of ~~the~~ Council be minuted and circulated to all Councillors in the normal way; or
 - ~~(c) 7.4.3~~ — where ~~the~~ Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Mayor or Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 7.5** If ~~the~~ Council does not meet, the decision will become effective on the date of ~~the~~ Council ~~meeting~~ or expiry of the period in which ~~the~~ Council ~~meeting~~

should have been held, whichever is the earlier; providing that the Monitoring Officer and/or the Chief Finance Officer is/are satisfied that the decision is within the budget and policy framework or falls within Rules 6.1-~~1~~(a) – 6.1-~~4~~(d).

8. SUSPENSION

- 8.1** Provided it is not contrary to law, these rules may be suspended by ~~the~~ Council or, in so far as they are applicable to either body, the Cabinet or the Overview and Scrutiny Committee.

4.5 Overview and Scrutiny Procedure Rules

CONTENTS

Rule	Subject
1	The Arrangements for Overview and Scrutiny
2	Who may sit on Overview and Scrutiny?
3	Co-optees
4	Education Representatives
5	Meetings
6	Quorum
7	Who chairs the Overview and Scrutiny Committee and the Scrutiny Panels
8	Work Programme
9	Agenda Items
10	Policy Review and Development
11	Reports from Overview and Scrutiny
12	Making sure that Overview and Scrutiny Reports are Considered by the Executive
13	Rights of Committee Members to Documents
14	Members and Officers Giving Account
15	Attendance by Others
16	Call-In
17	Call-In and Urgency
18	The Party Whip
19	Procedure at Overview and Scrutiny Committee Meetings
20	Suspension

1. THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

1.1 ~~The~~ Council will establish the Overview and Scrutiny Committee and Sub-Committees and/ or Scrutiny Panels set out in Article 6. ~~The~~ Council will appoint the Chair and Members of the Overview and Scrutiny Committee and the Overview and Scrutiny Committee will appoint the Chair and Members of the Sub-Committees or Scrutiny Panels. The Vice-Chair of each Committee and Sub-Committee/ Panel shall be appointed by the Committee or, as the case may be, Sub-Committee/ Panel itself.

1.2 There will be one standing Scrutiny Panel to discharge the Council's functions under the National Health Service Act 2006. There will be such other Scrutiny Sub-Committees/ Panels during the course of the municipal year as the Committee considers appropriate from time to time to carry out individual reviews under the Overview and Scrutiny work programme.

1.3 The Overview and Scrutiny Committee will comprise nine Members of the Council and up to six co-opted members. Up to three substitutes per political group may be appointed ~~for each Councillor~~. Its terms of reference are set out in detail in Part 2, Article 6 of the Constitution but they include:

- (a) The performance of all overview and scrutiny functions on behalf of the Council.
- (b) The appointment of such ~~Sub-Committees~~ (Scrutiny Sub-Committees/ Panels) as it considers appropriate to fulfil those functions; i determining those ~~Scrutiny-Sub-Committees/~~ Panels' composition (including any co-opted Members); i and the terms of reference of those Sub-Committees/ Panels.
- (c) To approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Sub-Committees/ Panels it appoints to ensure that there is efficient and effective use of the Committee's time and the time of ~~its the Council's~~ Scrutiny Sub-Committees/ Panels.
- (d) To advise the Mayor and Cabinet of key issues/questions to be considered in relation to reports due to be considered by the Executive.
- (e) To exercise the right to call in for reconsideration any executive decisions taken but not yet implemented.
- (f) To determine whether to request ~~full~~ Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.
- (g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.
- (h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.

~~(i) To consider any matters relevant to the remit of the Committee required by a Committee Member to be considered under s.21 (8) Local Government Act 2000.~~

~~(j)~~(i) To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007.

~~(k)~~(j) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

1.4 The Health Scrutiny Panel will undertake the Council's functions under the National Health Service Act 2006 and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:

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

1.5 The membership of individual Scrutiny Panels and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:

(a) To investigate, scrutinise, monitor and advise in relation to:

- ~~(i)~~ (i) How services are being delivered and the Council's functions discharged.
- ~~(ii)~~ (ii) How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, antipoverty and crime and disorder).
- ~~(iii)~~ (iii) The development of relevant policy.
- ~~(iv)~~ (iv) How resources are being used, spent and managed.
- ~~(v)~~ (v) Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY?

2.1 All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Sub-Committees/ Panels. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.

- 2.2 The Overview and Scrutiny Committee will select from among its Councillor Members ~~six~~ Lead Scrutiny Members, one for each of the following ~~service areas~~ portfolios:-

~~Communities, Localities and Culture~~

Children's ~~Services~~

Governance

Health, Adults and Community

Place

Resources

~~Development and Renewal~~

~~Law, Probity and Governance~~

~~Adults, Health and Wellbeing~~

These themes may be subject to change from time to time.

- 2.3 The Lead Scrutiny Member for ~~Adults, Health and Wellbeing~~ Health, Adults and Community shall be appointed as a member and Chair of the Health Scrutiny ~~Panel~~ Sub-Committee.

3. CO-OPTees

- 3.1 The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Sub-Committees/ Panels. Co-opted Members will be non-voting except in relation to Education matters only (see Rule 4 below).

4. EDUCATION REPRESENTATIVES

- 4.1 The Overview and Scrutiny Committee must include in its membership the following voting representatives in respect of education matters:

~~(a) 4.1.1~~ — One Church of England diocese representative;

~~(b) 4.1.2~~ — One Roman Catholic diocese representative; and

~~(c) 4.1.3~~ — Three parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.

This Rule and Rules 4.2 and 4.3 below also apply to any Scrutiny Panel established in respect of education matters.

- 4.2 The Committee may also include a Muslim representative ~~in a non-voting capacity~~ who can also vote in respect of education matters.

- 4.3 These Members may speak but not vote on any other (i.e. non educational) matters.

5. MEETINGS

- 5.1 The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by ~~the~~ Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules ([see Part 4.2 of the Constitution](#)).

- 5.2 The Scrutiny [Sub-Committees/](#) Panels shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of [the Overview and Scrutiny Committee](#) ~~Scrutiny~~ may decide to lead any ~~S~~scrutiny [Sub-Committees/](#) ~~p~~Panels.

6. QUORUM

- 6.1 The quorum for the Overview and Scrutiny Committee and the Scrutiny [Sub-Committees/](#) Panels shall be three [\(3\)](#) voting Members.

7. WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY PANELS

- 7.1 The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny [Sub-Committees/](#) Panels will be drawn from among the Councillors sitting on the Committee.

- 7.2 ~~The~~ Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If ~~the~~ Council does not, and subject to the requirement at 7.1 above, the Committee may appoint such a person as it considers appropriate as Chair.

8. WORK PROGRAMME

- 8.1 The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

9. AGENDA ITEMS

9.1 Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Sub-Committee/ Panel shall be entitled to give notice to the Corporate Director, ~~of Law, Probity and~~ Governance that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Corporate Director, ~~of Law, Probity and~~ Governance will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.

9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from ~~the~~ Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two meetings following receipt of the report. If the matter is relevant to the Council only then will they consider the report at their next meeting.

9.3 Any Council Member ~~of the Council~~ may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to ~~the authority~~ Council or the ~~executive~~ Executive on the matter.

9.4 A "local government matter" at 9.3 above is one that:

- (a) ~~(a)~~ relates to the discharge of any function of the authority; ~~(b)~~
- (b) affects all or part of the Member's electoral area or any person who lives or works in that area; and ~~(c)~~
- (c) is not an excluded matter.

Excluded matters are:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to an individual in respect of which the individual has a right of appeal; and
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Panel.

9.5 If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 9.3 above, it shall notify the Member who

referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the authority or the executive on the matter referred, it shall provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Local Government Act 2000 regarding confidential or exempt information.

10. POLICY REVIEW AND DEVELOPMENT

10.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules (see Part 4.3 of the Constitution).

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Mayor or Executive for developments in so far as they relate to matters within its terms of reference.

10.3 The Overview and Scrutiny Committee or any Scrutiny Sub-Committee/ Panel established for this purpose may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

11. REPORTS FROM OVERVIEW AND SCRUTINY

11.1 All reports from Scrutiny Sub-Committees/ Panels must first be considered by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Corporate Director, ~~of Law, Probity and~~ Governance for consideration by the Mayor or Executive (if the proposals are consistent with the existing budgetary and policy framework) or to ~~the~~ Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

11.2 The Executive shall consider the report of the Overview and Scrutiny Committee one of its next two meetings following submission of the report to the Corporate Director, ~~of Law, Probity and~~ Governance. The Council will consider the report at its next ordinary meeting if appropriate.

12. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE

12.1 Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Corporate Director, ~~of Law, Probity and~~ Governance who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.

12.2 If the Corporate Director, ~~of Law, Probity and~~ Governance refers the matter to Council, s/he may first refer it to the Mayor or Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations. The Mayor or Executive will then refer the report, along with their own additional comments and recommendations, to ~~the~~ Council. When ~~the~~ Council does meet to consider any referral from an Overview and Scrutiny Committee, it shall also consider any additional comments or recommendations of the Mayor or Executive to the Overview and Scrutiny Committee proposals.

12.3 For the avoidance of doubt, the Mayor or Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if ~~the~~ Council does not agree with the Mayor's or Executive's recommendations, the disputes resolution procedure in Part 4.3—Rule 2 of the Budget and Policy Framework Procedure Rules ~~—Rule 2—~~(see Part 4.3 of the Constitution) will apply.

12.4 If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the Corporate Director, ~~of Law, Probity and~~ Governance, the Mayor or Executive will have two 2 weeks in which to consider the matter and respond to the overview and scrutiny report.

12.5 Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the Mayor or Executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or Mayor or Executive:-

- (a) to consider the report or recommendations;
- (b) to respond to the ~~overview—~~Overview and ~~scrutiny—~~Scrutiny committee Committee indicating what (if any) action the authority propose, or the Mayor or Executive proposes, to take;

- (c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,
- (d) if the Overview and Scrutiny ~~committee~~Committee provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules, then it is to provide that Member with a copy of the response, and to do so within two months beginning with the date on which the authority or Mayor or Executive received the report or recommendations or (if later) the notice.

12.6 It is the duty of the authority or Mayor or Executive to which a notice is given under 12.5 above to comply with the requirements specified in the notice.

13. RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

13.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules ~~in~~(see Part 4.2 of ~~this~~the Constitution).

13.2 Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

14. MEMBERS AND OFFICERS GIVING ACCOUNT

14.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling their role, they may require the Mayor, any other Member of the Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

- (a) 14.1.1—any particular decision or series of decisions;
- (b) 14.1.2—the extent to which the actions taken implement Council policy; and/or
- (c) 14.1.3—their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.
- (d) 14.1.4—any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.

14.2 Where the Mayor, any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel under this provision, the Chair of the Committee or Sub-Committee/ Panel will inform the Chief Executive. The Chief Executive shall inform the Mayor, Member or officer in writing giving at least ~~fifteen 15~~-working days notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the Committee or Sub-Committee/ Panel. Where the account to be given to the Committee will require the production of a report, then the Mayor, Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

14.3 Where, in exceptional circumstances, the Mayor, Member or officer is unable to attend on the required date, then the Committee or Sub-Committee/ Panel shall in consultation with the Mayor, Member or officer arrange an alternative date for attendance, to take place within a maximum of ~~twenty-one 21~~-working days from the date of the original request.

14.4 Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee/ Panel will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure.

15. ATTENDANCE BY OTHERS

15.1 The Overview and Scrutiny Committee or a Scrutiny Sub-Committee/ Panel may invite people other than those people referred to in Rule 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

16. CALL-IN

16.1 When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within ~~five 5~~-working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

16.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at 5pm on

the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Corporate Director, ~~of Law, Probity and Governance~~ calls the decision in.

16.3 During that period, the Corporate Director, ~~of Law, Probity and Governance~~ shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:

- ~~(a) 16.3.1~~—Not fewer than five Members of the Council; or
- ~~(b) 16.3.2~~—Two voting church, faith or parent governor representative in respect of any education matters only;
- ~~(c) 16.3.3~~—The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.

16.4 The Corporate Director, ~~of Law, Probity and Governance~~ shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the Chair of the Committee, and in any case within five clear working days of the decision to call-in. However, the Corporate Director, ~~of Law, Probity and Governance~~ will not call-in:

- ~~(a) 16.4.1~~—Any decision which has already been the subject of call-in;
- ~~(b) 16.4.2~~—A decision which is urgent as defined in Rule 17.1 below and has to be implemented prior to the completion of any review. In such circumstances the decision-taker(s) shall give reasons to the Overview and Scrutiny Committee; and
- ~~(c) 16.4.3~~—Decisions by regulatory and other Committees discharging non-executive functions;
- ~~(d) 16.4.4~~—Day to day management and operational decisions taken by officers;
- ~~(e) 16.4.5~~—A resolution which merely notes the report or the actions of officers;
- ~~(f) 16.4.6~~—A resolution making recommendations to ~~full~~ Council.

16.5 Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.

16.6 The Corporate Director, ~~of Law, Probity and Governance~~ shall then notify the decision taker of the call-in, who shall suspend implementation of the decision.

- 16.7** If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Mayor or Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to ~~full~~ Council. If referred to the decision-maker they shall then reconsider within a further ~~five 5~~-clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.
- 16.8** For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.
- 16.9** If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further ~~five 5~~-working day period, whichever is the earlier.
- 16.10** If the matter was referred to ~~full~~Council and ~~the~~Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if ~~the~~Council does object, then ~~the~~Council will refer any decision to which it objects back to the decision-making person or body together with ~~the~~ Council's views on the decision. That decision-making person or body shall decide whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five clear working days of the ~~Council~~request. Where the decision was made by an individual, the individual will also reconsider within five clear working days of the ~~Council~~request.
- 16.11** If ~~the~~Council does not meet, or it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of ~~the~~Council ~~meeting~~or expiry of the period in which the ~~Council~~ meeting should have been held, whichever is the earlier.

17. CALL-IN AND URGENCY

- 17.1** The call-in procedure set out in Rule 16 above shall not apply where the decision being taken by the Mayor, the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the ~~public~~public's interests.

17.2 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

17.3 The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Speaker's ~~of the Council's~~ consent shall be required. In the absence of both, the consent of the Deputy Speaker ~~of the Council~~ or the Head of Paid Service or her/his nominee shall be required.

17.4 Decisions taken as a matter of urgency must be reported to the next available meeting of ~~the~~ Council, together with the reasons for urgency.

17.5 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

18. THE PARTY WHIP

18.1 The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Sub-Committees/ Panels is inappropriate and should not be used.

18.2 In this rule "a party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before ~~the~~ Council or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should s/he speak or vote in any particular manner.

19. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

19.1 The Overview and Scrutiny Committee and the Scrutiny Panels shall consider the following business:

~~(i)~~(a) Minutes of the last meeting;

~~(ii)~~(b) Declarations of interest;

~~(iii)~~(c) Consideration of any matter referred to the Committee for a decision in relation to call-in;

~~(iv)~~(d) Responses of the Executive to reports of Overview and Scrutiny;

~~(v)~~(e) The business otherwise set out on the agenda for the meeting.

19.2 Where the Overview and Scrutiny Committee or a Scrutiny Panel conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:

(a) ~~19.2.1~~—that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(b) ~~19.2.2~~—that those assisting the Committee by giving evidence be treated with respect and courtesy; and

(c) ~~19.2.3~~—that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 Following any investigation or review, the Committee or Sub-Committee/ Panel shall prepare a report, for submission to the Mayor/Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

20. SUSPENSION

20.1 Any part of these Rules may be suspended in accordance with Council Procedure Rule 25 of Part 4.1 of this Constitution provided such suspension is not contrary to the law.

4.6 Financial Regulations and Procedure Rules

CONTENTS

Rule	Subject
1	The Budget Framework
2	Financial Regulations/ <u>Procedures</u>
3	Virements
<u>Appendix</u>	
<u>A</u>	<u>Financial Regulations/ Procedures 2017/18</u>

1. THE BUDGET FRAMEWORK

1.1 The **Budget Framework** comprises the following;

- (a) General Fund Budget
- (b) Housing Revenue Account Budget
- (c) General Fund Capital ~~Investment~~ Strategy
- (d) Housing Revenue Account Capital Programme

1.2 ~~The~~ Council is responsible for agreeing the Budget Framework. It is the responsibility of the Executive (whether the Mayor, the Cabinet, individual Members or an officer acting on delegated authority) to operate within the Budget Framework.

1.3 Any proposal or decision by the Mayor or Executive that would result in expenditure exceeding the limits within the budget framework as defined above will be considered a breach of that framework, and must be dealt with in accordance with the Budget and Policy Framework Procedure Rules at Part 4.3 of section 4.3 of Part 4 to the Constitution.

2. FINANCIAL REGULATIONS

2.1 The Corporate Director, Resources is responsible for the administration of the Council's financial affairs. As part of her/his duties, s/he will, when s/he considers it appropriate, issue Financial Regulations/Procedures which are the rules governing the management of the Council's financial resources. S/he will ensure that the Regulations/Procedures and any updated or amended versions are made available to all chief officers, the Mayor and Members of the Council. These Regulations/ Procedures and any updated or amended versions will then be placed in Appendix A of these Rules.

2.2 It is the responsibility of all ~~chief~~Chief officers~~Officers~~ to comply personally with Financial Regulations/Procedures and to ensure that all officers within their ~~director~~Directorate with financial responsibilities also comply with them. Failure to comply with Financial Regulations/Procedures ~~may~~is likely to constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure.

3. VIREMENT RULES

3.1 These rules aim to allow the Executive to manage the budget once it has been approved by Council, whilst also providing for good governance of financial matters. For more details on Virements please see FM2, FM5 and FA10 of Appendix A to these Rules.

3.2 A virement is the transfer of resources from one budget head to another, during a financial year. It is thus the financial consequence of a change in priority of service delivery or in the means by which services are delivered. It can also be the use of resources provided within the budget framework but which are not allocated for any specific purpose e.g. unallocated contingency. A virement will naturally flow from, and be part of, a decision.

3.3 The Executive shall have the power to vire resources within each of the above components of the Budget Framework agreed by Council, subject to the following limitations:

3.3.1(a) All individual virement proposals that exceed £1 million require the approval of ~~full~~ Council. Virements for the same budget head, project or substantively similar purpose which are below the £1m threshold should not cumulatively (over a period of three months) exceed the £1m limit without the approval of Council.

3.3.2(b) Individual virements between £250,000 and £1 million must be reported to the Cabinet for decision.

3.3.3(c) Individual virements below £250,000 can be authorised by the relevant Corporate Director/_Chief Officer provided that any virement so authorised which exceeds £100,000 must be subsequently reported to the Cabinet for noting.

3.3.4 (d) No virement to or from the following budgets (irrespective of the amount proposed) shall be made without the specific agreement of the Corporate Director, Resources:

- (i) Capital Financing (not normally available for virement)
- (ii) Support service and other forms of internal charges (to avoid unintended impact upon other departments' budget).
- (iii) Rates (to ensure compliance with rating legislation).
- (iv) Insurance (to ensure compliance with insurance policies).
- (v) Pensions (to ensure compliance with Pensions regulations).

3.4 Virements between ~~Departments~~ Directorates

The use of resources from one ~~department~~ Directorate to finance activities in another must be authorised by ~~the~~ Council or the Cabinet (depending on the level of resources involved) but the decision should only be made after advice from the relevant Corporate Directors and the Corporate Director, Resources. However, where the responsibility for a service(s) is merely

transferred from one ~~department~~ Directorate to another, the consequent transfer of budget resources is not deemed to be a virement for the purposes of these Rules.

3.5 Virements – Non-Financial Consequences

The Virement Rules refer only to the financial consequences of proposals and decisions by the Executive. However, such proposals and decisions can also impact upon services and upon the community. This needs to be acknowledged when determining the procedural arrangements for those proposals and decisions, for example they may represent a “key decision”.

This page is intentionally left blank

4.7 Contracts and Procurement Procedure Rules

CONTENTS


<u>Rule</u>	<u>Subject</u>
<u>1</u>	<u>Procurement Procedures</u>
<u>Appendix</u>	
<u>A</u>	<u>Procurement Procedures</u>

1. PROCUREMENT PROCEDURES

- 1.1. Every contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory or approved objectives and shall conform to all relevant EU Directives and United Kingdom legislation.
- 1.2. The **Procurement Procedures** shall govern the Council's tendering and contract procedures. The Corporate Director, Resources shall maintain and issue these Procedures. Any procurement activity shall proceed in accordance with the Procedures and any financial thresholds for procurement specified by the Procedures. These Procedures and any updated or amended versions will then be placed in Appendix A of these Rules.
- 1.3. The Corporate Director, Resources shall make the latest version of the **Procurement Procedures** available to every ~~chief~~ Chief officer ~~Officer~~, the Mayor and all Members of the Council and any other person engaged in procuring works, goods or services on behalf of the Council. Chief ~~officers~~ Officers or officers acting on their behalf shall apply the requirements of the Procedures when engaging in any procurement activity.
- 1.4. The purpose of procurement activity shall be to achieve best value for local people in accordance with the Council's statutory or approved objectives. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness (otherwise known as the Council's Best Value Duty).
- 1.5. Nothing in the **Procurement Procedures** shall be construed as removing or diminishing the responsibility of all involved to meet individual and collective accountabilities. Any failure by an officer to comply with the Procurement Procedures is likely to constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure.
- 1.6. Chief Officers shall ensure that the Executive or an Executive Member is consulted on any procurement activity of a controversial nature. If however

the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution.

- 1.7.** The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding £250,000, and any contract for capital works with an estimated value exceeding £5,000,000, shall be approved by the Executive in accordance with the Procurement Procedures. Contracts for goods or services with an estimated value of less than £250,000 and contracts for capital works with an estimated value of less than £5,000,000 shall be approved by the relevant Chief Officer, in accordance with the Procurement Procedures. If however the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules at Part 4.2 of the Constitution.

Non-Executive Report of the: Council 19 July 2017	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Proposed Revision to the Constitution - Part 5.2 (Planning Code of Conduct)	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Legal Officer
Wards affected	All

Summary

This report advises of a proposed revised Planning Code of Conduct at Part 5.2 of the Tower Hamlets Constitution

Recommendations:

Council is recommended to:

1. Approve the revised Planning Code of Conduct in Appendix 1 of the report.

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 Planning Code of Conduct is an important Constitutional document as it is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011.
- 1.3 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.

2. ALTERNATIVE OPTIONS

- 2.1 Council can decide not to adopt a revised Policy.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the Council to update on the Monitoring Officer's review of the Constitution and is specifically in respect of the review of Part 5.2 (Planning Code of Conduct). This Code is part of the Council's ethical framework and is in addition to the Councillors' Code of Conduct adopted under the provisions of the Localism Act 2011. A number of revisions have been identified and have been discussed at a Governance Review Working Group, Strategic Development Committee, Development Committee, Standards Advisory Committee and General Purposes Committee and the Planning Code of Conduct at Appendix 1 is the product of those discussions. The most recent changes that have been made following the General Purposes Committee on 5th July 2017 are shown as tracked changes.
- 3.2 Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions.

- 3.3 The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.
- 3.4 This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 3.5 Appendix 1 contains the revised proposed Code. Reasons for suggesting changes to the current Code of Conduct fall into 4 categories:
- (i) Changes that bring the Code up to date in terms of legislative context, the organisational structure of the Council and/or current terminology;
 - (ii) Improvements to achieve better consistency with other documents in terms of content and style and structure;
 - (iii) The addition of information/explanation to aide understanding;
 - (iv) Material changes to the Code that will require members and/or officers to conduct themselves differently than under the existing Code
- 3.6 Changes relating to (i) and (ii) above have been made to all sections of the document and, as they are not material, have not been singled out.
- 3.7 Changes to sections relating to categories (iii) and (iv) above are identified in Table 1 below as it was felt that these changes in particular should be brought to the attention of Members.

Table 1: Changed sections and reason for change

	Changes to improve quality/clarity of information or explanation (see 3.5 (i) and (ii))		Additional Information/ Material changes to the Code affecting members and / or officers (see 3.5 (iii) and (iv))	
	Current Version	Proposed New Version	Current Version	Proposed New Version
Planning Code	1. Introduction 4. Contact with Applicants, Developers and objectors 7. Pre-application discussions 8. Post-submission application discussions 5. Lobbying of Councillors 6. Lobbying By Councillors 9. Site Visits 11. Relationship between Members and Officers 12. Applications submitted by members, officers and the Council 13. Decision Making	1. Introduction 8. Pre-meetings, presentations and briefing sessions 7. Lobbying 9. Site Visits 10. Relationship between Members and Officers 5. Application by a Member or Officer 6. Application by the Council 13. Decision Making 15. Guidance/ Procedure Notes	2. Development of proposals and interests under the members Code of Conduct 3. Pre-determination in the planning process 14. Training 15. Appendix 1- Council Guidelines for determining planning applications	3. Interests 4. Predisposition, pre-determination or bias 2. Training of Councillors Appendix 1- Council Guidelines for determining planning applications 10. The Role of the Executive 11. Conduct at the committee 14. Record Keeping Appendix B – Development Procedure Rules Appendix C – Do's and Do Not's Appendix D – What If?

- 3.8 The revised Code has been discussed with Planning Officers.
- 3.9 On 23rd March 2017, a report on the Planning Code of Conduct was discussed at the Strategic Development Committee and a result of the discussion at that meeting changes have been made to section 7 Lobbying and Section 9 Site Visits.
- 3.10 The changes to lobbying are to make it clearer that there is no problem with lobbying per se but it is important that Councillors who are lobbied follow the principles laid out within the Code and that where it is Councillors doing the lobbying that they do not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.
- 3.11 The changes to site visits is to recognise that whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site.
- 3.12 On 10th May 2017, a report on the Planning Code of Conduct was discussed at the Development Committee. At that meeting, it was raised that the code of conduct should cover 'access to information' to enable informed decision making by members. This was on the basis that it was said that planning officers currently restrict the information they provide to members in their officer reports and that there therefore needs to be a section in the Planning Code of Conduct which will enable member to receive full information on the proposals as part of the officers' report. This relates to the provision of a full set of pictures and plans.
- 3.13 This is a matter that is be better addressed in the Development Procedure Rules and these Rules are being revised at this time and are currently with Planning Officers for consideration. This point on further information in reports has also been referred to Planning Officers for consideration.
- 3.14 Generally as to the Development Procedure Rules, these are at Part 4.8 of the Constitution and are therefore separate to the Planning Code of Conduct. When the Licensing Code of Conduct was recently revised, the Rules of Procedure for applications were included as appendices. For consistency, it the Development Procedure Rules will therefore be an appendix to the Planning Code of Conduct and not separate at Part 4.8.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 There are no financial implications arising from the recommendations within 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 provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from applicants, developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved. In implementing the Code, Members will ensure that decisions are taken for planning reasons only and should help to achieve the objectives of equality and personal responsibility inherent in One Tower Hamlets.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The report does not propose any direct expenditure. Rather, it is concerned with ensuring that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. Whilst this might not lead to fewer appeals, the implementation of the Code should result in a much decreased chance of success on such appeals and which should reduce cost implications for the Council on any such appeals.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 It is not considered that there are any environmental implications if this revised Code is ultimately adopted.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The provisions of the revised Planning Code are designed to ensure that planning decisions are taken on proper planning grounds; in a fair consistent and open manner; and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The overall aim is therefore to reduce risk.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 In considering Planning applications, the Council has to have regard to Crime and Disorder and by ensuring that planning decisions are taken on proper planning grounds this should reduce assist reduce crime and disorder.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 - Proposed Revised Planning Code of Conduct.

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

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

- None.

Officer contact details for documents:

- N/A

This page is intentionally left blank

Part 5.2

Planning Code of Conduct

DRAFT

Date Last Reviewed:	28 th June 2017
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	
Date Approved:	
Version No.	
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31 st March 2018

CONTENTS

Section	Subject
1	Introduction
2	Predisposition, Predetermination, or Bias
3	Interests
4	Training of Councillors
5	Application by a Councillor or an Officer
6	Application by the Council
7	Lobbying
8	Pre-meetings, Presentations and Briefing Sessions
9	Site Visits
10	The Role of the Executive
11	Relationship between Councillors and Officers
12	Conduct at the Committee
13	Decision making
14	Record keeping
15	Guidance/ Procedure Notes
Appendices	
A	Council guidelines for determining planning applications
B	Do's and Do Not's <u>Development Procedure Rules</u>
<u>C</u>	<u>Do's and Do Not's</u>
<u>D</u>	<u>What If?</u>

1. INTRODUCTION

- 1.1 The Planning Code of Conduct has been adopted by Tower Hamlets Council to regulate the performance of its planning functions. Its major objectives are to guide Councillors and officers of the Council in dealing with planning

related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.

- 1.2** The Planning Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. The purpose of this Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters.
- 1.3** Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.
- 1.4** This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5** This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.
- 1.6** **If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.**

2. PREDISPOSITION, PREDETERMINATION OR BIAS

- 2.1 Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 2.2 As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is s/he has made up his/her mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing his/her mind to the merits of the decision.
- 2.3 Any planning decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the Council to the risk of legal challenge.
- 2.4 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).
- 2.5 If a Councillor considers that s/he does have a bias or cannot be impartial then they **must** withdraw from considering that application.
- 2.6 Councillors should note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 3 below), they will not appear to be predetermined through-
- listening or receiving viewpoints from residents or other interested parties;

- making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to prejudging the issue and the Councillor makes clear that they are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

2.7 The following advice applies:

- Councillors must not make up their mind, or appear to have made up their mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Committee and of the Councillor hearing the officer's presentation and evidence and arguments on both sides. This includes deciding or discussing how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Committee on how to deal with this.
- It must be noted that if a Councillor is predetermined then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would amount to more than a matter of membership of both the Cabinet and Development Committee, but that through the Councillor's significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits. (See Section 6 below for guidance on applications submitted by the Council).
- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to planning

policies of the Council or to planning policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has due to his/ her political membership predetermined a particular matter. (See Section 7 below relating to Lobbying).

- When considering a planning application or any other planning matter Councillors must:
 - act fairly and openly;
 - approach each planning issue with an open mind; carefully weigh up all relevant issues; and
 - determine each item on its own planning merits

- And Councillors must not:
 - take into account irrelevant issues;
 - behave in a manner that may give rise to a public perception that s/he may have predetermined the item; and
 - behave in such a manner which may give rise to a public perception that s/he may have been unduly influenced in reaching a decision.

3. INTERESTS

3.1 In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the meeting.

3.2 Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 5.1 of the Members' Code of Conduct. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes. A failure to register or declare a DPI or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.

3.3 A DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that

particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.

3.4 Having regard to the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must also be given to personal interests. A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the ~~Council's area~~ Tower Hamlets) the well-being or financial position of the Councillor, a relative or a friend or

- the employment or business carried out by those persons, or in which they might be investors (above a certain level)
- any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.

3.5 If a Councillor has a personal interest in any planning then the Councillor shall, if present, disclose the existence and nature of the interest at the start of the meeting and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. If, in accordance with the Members' Code of Conduct, the interest is 'sensitive', the Councillor must disclose to the meeting that s/he has an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 3.6 below).

3.6 The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are the Councillor is working closely with a developer or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a planning matter with the Council; or generally declaring voting intentions ahead of the meeting etc.

3.7 A Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. S/he cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions etc., then a Councillor will have the same

right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.

3.8 Being a Councillor for the ward in which particular premises is situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. Councillors should remember, however, that their overriding duty is to the whole community not just to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Councillor ~~feels that they must~~considers that it is appropriate to make representations for their ward then the Councillor can declare this and make representations ~~but must then leave before and must not participate in~~ the debate and vote. It may be that by remaining in the Committee room during the debate and vote that a reasonable person could perceive that the Councillor was seeking to influence the decision by their continued presence. In deciding therefore whether to remain, Councillors, especially Executive Members or the Mayor, should consider the perception that their continued presence could cause.

3.9 More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part 5.1 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer or the Divisional Director Legal are available to give advice if required.

~~3.93.10~~ Further, at Appendix C, there are a series of What ifs and which will assist in Councillors determining whether they have a personal interest which they should declare and whether it could give rise to a reasonable observer in possession of the facts considering that the Councillor would be biased or would be unable to be impartial.

4. TRAINING OF COUNCILLORS

4.1 As the technical and propriety issues associated with planning are not straightforward, Councillors who sit on either the Development Committee or the Strategic Development Committee must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of relevant Committee.

- 4.2** Councillors should be aware that training is particularly important for those who are new to the Development Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of planning issues.
- 4.3** The compulsory training programme will cover issues relating to probity in planning, principles in planning to reflect government guidance and case law. Discretionary training will seek to extend Councillors' knowledge of planning law, regulations, procedures, Codes of Practice, Development Plans and best practice. The aim of the training is to assist Councillors in carrying out their role properly and effectively.
- 4.4** Where a Councillor has a genuine difficulty in attending any particular training session officers will try, when practicable, to accommodate a request for an individual or repeat session.

5. APPLICATION BY A COUNCILLOR OR OFFICER

- 5.1** Councillors may need to determine an application submitted by or made on behalf of a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-
- (a) The matter will be referred to the Corporate Director, Place, who shall decide whether or not the application should be referred to the relevant Committee, or determined under delegated powers, if the application is in accordance with development plans and all other material planning considerations.
 - (b) On receipt of such an application, the Corporate Director, Place will pass a copy of the application to the Monitoring Officer who will satisfy himself/herself that the application can be, and is being, processed and determined without suspicion or impropriety.
 - (c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.
 - (d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent his/her views.
 - (e) Councillors of the Committee must consider whether the nature of any relationship with the person (either a Councillor or an officer) applying for

planning permission requires that they make a declaration of interest and if necessary also withdraw from the meeting.

- (f) In respect of former Councillors or former officers the above requirements shall apply for a period of three (3) years following their departure from the Council.

5.2 The onus is on the Councillor or Officer to bring to the attention of the Corporate Director, Place that they are personally involved in an application as well as the nature of that involvement.

6. APPLICATION BY THE COUNCIL

6.1 Councillors may need to determine an application submitted by or on behalf of the Council for the Council's own development. It is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority. Proposals for such development should be treated with the same transparency and impartiality as those of private developers so as not to give rise to suspicions of impropriety. In the interests of transparency, the Committee Report will clearly state that the application is made by or on behalf of the Council.

6.2 If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Committee

7. LOBBYING

7.1 Lobbying is the process by which applicants and their agents, objectors, non-Committee Councillors and other interested parties seek to persuade Councillors who sit on the Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Councillors who sit on Committee as these discussions can help Members to understand the issues and concerns. This can happen prior to an application being made or at any time after the application is made.

7.2 Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the relative merits based on all the evidence presented at the meeting. To avoid such perception if a Councillor is approached s/he should following the principles set out in section 2.6 of this Code and also:

- (a) explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee;
- (b) explain the procedures by which representations can be made;
- (c) explain the kinds of planning issues that the Council can take into account;
- (d) inform the person making the approach that such approach should be made to officers within the Place Directorate or to elected Councillors who are not Councillors of the either the Development Committee or Strategic Development Committee;
- (e) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Councillor concerned. This should include any offers made of planning gain or constraint of development, through a proposed section 106 Planning Obligation or otherwise; and
- (f) keep an adequate written record so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Committee.

7.3 If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental. As stated in 7.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Development Committee.

7.4 Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.

7.5 Councillors should not become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.

7.6 Where Councillors contact fellow Councillors regarding their concerns or views they must not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.

7.7 In no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental.

7.8 Where a Committee member feels that s/he has been unreasonably or excessively lobbied on a particular proposal s/he must make a declaration at the Committee on that application that s/he has been lobbied. Provided that member has followed the principles in this Code then s/he will still be able to speak and vote on the application.

8. PRE-MEETINGS, PRESENTATIONS AND BRIEFING SESSIONS

8.1 Councillors should avoid agreeing to any formal meeting with applicants, developers or groups of objectors. If a Councillor considers that a formal meeting would be useful in clarifying the issues, then the Councillor should not seek to personally arrange such a meeting but should request the Divisional Director Planning and Building Control to organise it and a planning officer will attend any such meeting. ~~If This ensures that if~~ such a meeting takes place then it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee. The Councillor should take no other person to the meeting unless that person is that Councillor's carer.

8.2 If a Councillor does arrange a private meeting with an applicant, developer, agent or objector then this must be declared at the Development Committee meeting by the Councillor. The Councillor should also arrange to be accompanied by a planning officer and they should take no other person to the meeting unless that person is that Councillor's carer. As in Section 7.2(c) above, the Councillor should keep an adequate written record of the meeting. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

8.3 Where there is to be a presentation by applicants/ developers, Councillors should not attend unless it has been organised by an officer. If a Councillor does attend a presentation not organised by officers then the Councillor must inform the Divisional Director Planning and Building Control that s/he has done so. The Councillor should keep an adequate written record of the presentation. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

- 8.4** When Councillors attend presentations, they should ask relevant questions to clarify their understanding of the proposal. Councillors should be mindful, however, that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Development Committee.
- 8.5** Councillors should bear in mind that a presentation is a form of lobbying and they must not express any strong view or state how they or other Councillors might vote. Further Councillors are reminded that if they do attend a presentation then any hospitality or gifts received over the value of £25.00 must be disclosed and registered in the normal way.
- 8.6** Public meetings are sometimes organised as part of the Council's pre-application process (contained in the Council's Planning tool kit). All Councillors are encouraged to participate in such pre-application discussions.
- 8.7** Further where briefing sessions (generally for major applications) have been arranged (by officers) for Councillors following submission of an application then Councillors should attend these sessions as it will give them an opportunity to better understand the Council's planning policies and its economic objectives.
- 8.8** Councillors should note that the Code of Conduct of Member and this Code apply to any of the above meetings, presentations or briefing sessions and that at any subsequent Committee considering the application that Councillors must disclose attendance at any such meetings and/ or presentations.

9. SITE VISITS

- 9.1** Site visits by Councillors determining schemes are an essential part of determining a planning application. It is good practice for Councillors to visit an application site before a meeting, so that they can familiarise with the site or surrounding area and Councillors should try to attend the pre-Committee site visits organised by officers. A site visit may also assist Councillors in matters relating to the context of the application and the characteristics of surrounding area. Whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site. Councillors can, of course, rely upon their own local knowledge.
- 9.2** During site visits, Councillors of the Planning Committees shall not engage individually in discussion with applicants or objectors.

9.3 On site visits applicants, developers, objectors or other interested parties who attend shall only be permitted to point out to Councillors features to look at either on the site or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application.

9.4 Should it is not possible for a Councillor to attend an organised site visit and a Councillor then carries out a site visit on their own, the guidelines below apply-

- The Councillor must notify the Divisional Director Planning and Building Control of the intention to visit (which will be recorded on the file).
- The Councillor must carry out the visit discreetly and the Councillor must not make himself/ herself known to the applicants or neighbours.
- The Councillor must treat the site visit as an opportunity to seek information and to observe the site only. The Councillor must not use the site visit as or allow it to become an impromptu lobbying opportunity for the applicant or objectors.
- Councillors should not hear representations from the applicant or any other party and the Councillor shall have regard to the provisions on Lobbying in Section 7 above, and advise them that they may make representations in writing to the Council and direct them to relevant officers.
- Councillors must not express opinions or views on the application to anyone as this may lead to an allegation of apparent bias or pre-determination.
- Councillors should note that the Code of Conduct for Members and this Code apply to any such visit.

9.5 As in Section 7.2(c) above, the Councillor should keep an adequate written record of the site visit, including any new information gained from such visit. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

9.6 Once the application has reached the determination stage, Councillors should not request a site visit unless the Councillor considers that it is really necessary, and the Committee may decide to revisit the site where particular site factors are significant in terms of the weight attached and it would be difficult in the absence of a site visit to assess the application or there are significant policy or precedent implications and specific site factors need to be carefully addressed.

10. THE ROLE OF THE EXECUTIVE

- 10.1 The Executive consists of 10 people, namely the Mayor and 9 Councillors. Each of the 9 Councillors has a specific Portfolio and one of those Portfolios is Strategic Development. The Mayor is responsible for most decisions about day-to-day Council services but this excludes the regulatory council functions such as planning.
- 10.2 Councillors on the Planning Committees have specific responsibility for planning. However, planning is important to all Councillors and can help deliver other local objectives. Further, planning takes account of wider, long-term public interests including the environment, economic growth and prosperity, a cohesive and empowered society, good health and wellbeing, enhancement of heritage, conservation, local culture and community identity.
- 10.3 The Executive therefore has an interest in Strategic Planning: hence the Member of the Executive with the Strategic Development portfolio. As such, the Mayor, the lead Member and other Members of the Executive may be approached regarding or become involved in planning applications. This is perfectly acceptable but where the Mayor, the lead Member or other Members of the Executive are approached or become involved then this Code of Conduct also applies to them, particularly paragraphs 6, 7, 8 and 10. Further, they should not attend the pre-Committee site visits organised by officers unless they sit on the Planning Committee.
- 10.4 Additionally, Councillors of the Executive should not meet to discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so.

11. RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 11.1** Councillors shall not attempt in any way to influence the terms of the officers' reports upon any application including a particular recommendation. Officers are advising Councillors. They must give impartial policy advice on planning considerations and the recommendations as set out in the report without seeking to persuade Councillors. (This does not prevent a Councillor from asking questions or submitting views to the Divisional Director Planning and Building Control, which may be incorporated into any Committee report).
- 11.2** Any criticism by Councillors of an officer in relation to the handing of any application should be made in writing to the Corporate Director, Development and Renewal and/ or the Monitoring Officer rather than to the Officer handling the application.

- 11.3** If any officer feels or suspects that pressure is being exerted upon him/her by any Councillor in relation to any particular application, s/he shall forthwith notify the matter in writing to the Monitoring Officer.
- 11.4** If any officer of the Council who is involved in dealing with any application has had any involvement with an applicant, developer or objector, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Development Committee meeting.
- 11.5** No officer of the Council shall engage in any paid work for any planning matter for which Tower Hamlets is the Planning Authority other than on behalf of the Council.

12. CONDUCT AT THE COMMITTEE

- 12.1** Councillors must not only act fairly but must also be seen to act fairly. Councillors must follow agreed procedures (at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the meeting Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, a developer, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.
- 12.2** Councillors of the Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations. Councillors shall be respectful to the Chair and to each other and to officers and members of the public including applicants, developers, objectors and their representatives and shall not bully any person.
- 12.3** When asking questions at a meeting, Councillors shall ensure that their questions relate only to planning considerations relevant to the particular application.
- 12.4** The Committee must ensure that they hear the evidence and arguments for and against the application and approach each planning issue with an open mind.
- 12.5** If a Councillor arrives late for a meeting, s/he will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has

to leave the meeting for any length of time, s/he will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, s/he should ask the Chair for a short adjournment

- 12.6** It is permissible for the Chair of the meeting to curtail statements of parties if they are merely repeating matters which have already been said.
- 12.7** In considering the application, Councillors are advised that if objections are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then such carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.

13. DECISION MAKING

- 13.1** When a report goes before the Committee rather than being determined through officer delegation, the reasons why will be set out in the report to the Committee.
- 13.2** Councillors must come to meetings with an open mind and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2007 and section 70(2) of the Town and Country Planning Act 1990, Councillors must make decisions in accordance with the Development plan unless material considerations indicate otherwise.
- 13.3** Councillors should only come to their decision after due consideration of all of the relevant information reasonably required upon which to base a decision. If it is considered that there is insufficient time to digest new information or that there is simply insufficient information before Councillors then Councillors can request that further information be provided and, if necessary, defer or refuse the application.
- 13.4** Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee.
- 13.5** Where Councillors take a decision to defer any proposal then the reasons for Committee's decision must be given and recorded.
- 13.6** When a Councillor is proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan then s/he must clearly

identify and understand the planning reasons leading to this conclusion/ decision. These reasons must be given prior to the vote and be recorded. The Councillor must be aware that s/he may have to justify the resulting decision by giving evidence in Court or at Enquiry in the event of any challenge. Further advice on this is set out in the Development Procedure Rules at Appendix B.

13.7 Prior to deciding the matter before the Committee, Councillors must consider the advice that planning, legal or other officers give to the Committee with respect to the recommendation or any proposed amendment to it.

13.8 **At the end of the day, Councillors must bear in mind that they are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. When Councillors take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Councillors must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.**

14. RECORD KEEPING

14.1 In order that planning applications are processed properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council's Information Governance Framework and, specifically, the Council's Records Management Policy.

15. GUIDANCE/ PROCEDURE NOTES

15.1 Appendix A to this Code of Conduct are the Council's Guidelines for determining planning applications.

15.2 Appendix B to this Code of Conduct sets out the Development Procedure Rules that apply to all meetings of the Development Committee, Strategic Development Committee and Council in relation to the determination of planning applications.

DRAFT

COUNCIL GUIDELINES FOR DETERMINING PLANNING APPLICATIONS
APPLICATIONS UNDER THE TOWN & COUNTRY PLANNING
ACT 1990

- (i) The emphasis in determining applications is upon a plan led system. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires all planning applications to be determined in accordance with the Development Plan (comprised of the London Plan (produced by the Mayor of London), Local Plan and Neighbourhood Plans (should any be adopted)) and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application **must** be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- (ii) The term "other material considerations" has a wide connotation as expressed by the following judicial comment:-
".....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration".
- (iii) Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.
- (iv) Material considerations can include (but are not limited to):-
- (a) Local, strategic, national planning policies and policies in the Development Plan;
 - (b) Emerging new plans which have already been through at least one stage of public consultation;
 - (c) Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice;
 - (d) Previous appeal decisions and planning Inquiry reports;
 - (e) Principles of Case Law held through the Courts;
 - (f) Loss of sunlight (based on Building Research Establishment guidance);
 - (g) Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);
 - (h) Overlooking and loss of privacy;
 - (i) Highway issues: traffic generation, vehicular access, highway safety;
 - (j) Noise or disturbance resulting from use, including proposed hours of operation;
 - (k) Smells and fumes;
 - (l) Capacity of physical infrastructure, e.g. in the public drainage or water systems;
 - (m) Deficiencies in social facilities, e.g. spaces in schools;

- (n) Storage & handling of hazardous materials and development of contaminated land;
- (o) Loss or effect on trees;
- (p) Adverse impact on nature conservation interests & biodiversity opportunities;
- (q) Effect on listed buildings and conservation areas;
- (r) Incompatible or unacceptable uses;
- (s) Local financial considerations offered as a contribution or grant;
- (t) Layout and density of building design, visual appearance and finishing materials;
- (u) Inadequate or inappropriate landscaping or means of enclosure; and
- (v) Disabled persons access.

(v) Matters which are not material considerations again can include (but are not limited to):-

- (a) Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.;
- (b) Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.;
- (c) Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts);
- (d) Opposition to the principle of development when this has been settled by an outline planning permission or appeal;
- (e) Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability – see (vi) below);
- (f) Previously made objections/representations regarding another site or application;
- (g) Factual misrepresentation of the proposal;
- (h) Opposition to business competition;
- (i) Loss of property value;
- (j) Loss of view; and
- (k) Personal remarks (e.g. the applicant's motives).

(vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.

(vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.

- (viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by English Heritage or the Environment Agency.
- (ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
- (x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
- (xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

DRAFT

DO'S AND DO NOT'S

1. Councillors must:

- (a) Attend compulsory training sessions;
- (b) Be open minded and impartial;
- (c) Declare any actual interest;
- (d) Act solely in the public interest;
- (e) Listen to the arguments for and against;
- (f) Carefully weigh up all relevant issues;
- (g) Ask questions that relate only to planning considerations relevant to the particular application;
- (h) Make decisions on merit and on material planning considerations only;
- (i) Respect the impartiality and integrity of the Council's officers;
- (j) Report any lobbying from applicants, agents, objectors or any other Councillor;
- (k) Promote and support the highest standards of conduct; and
- (l) Promote equality and not discriminate unlawfully against any person, and treat all people with respect;

2. Councillors must not:

- (a) Be biased or give the impression of being biased;
- (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
- (c) Act to gain financial or other benefit for themselves, their family, friends or close associates;
- (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a Councillor (e.g. by accepting gifts or hospitality from any person involved in or affected by a planning proposal);
- (e) Place themselves in a position where their integrity might reasonably be questioned;
- (f) Participate in a meeting where they have a DPI;
- (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
- (h) Express opinions during site visits to any person present, including other Councillors.

APPENDIX "D"
(To the Planning Code of Conduct)

WHAT IF?


1. What if you have a good friend who lives next door to the premises in respect of which there is an application and the friend has objected?
Would be considered predetermined – do not participate

2. Now what if your spouse/ significant other is a good friend of that person?
Would be considered predetermined – do not participate

3. Now what if you know the person casually but they are not a good friend?
Could be considered predisposed – could still determine with open mind – declare interest but can still participate

4. Now what if person works in the same organisation as you and you may say hi occasionally but there is no other interaction?
Could not be considered predisposed – can determine with open mind – nothing to declare

5. What if you are a member of the Board of THH and the application is by or on behalf of THH?
Firstly, not a DPI as membership of the Board does not amount to an office carried on for profit or gain – Could be considered predisposed or predetermined due to membership of Board however – This is dependent on nature of the application and is a matter of whether the application can be determined with an open mind – If the application has not been discussed at the Board or is not relevant to Board projects then likely to be considered predisposed and therefore declare the interest but you can still participate in the meeting – If however application was discussed at the Board or is relevant to projects discussed at the Board then likely to be considered predetermined and therefore declare an interest and do not participate

Non-Executive Report of the: COUNCIL 19 July 2017	
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Motions submitted by Members of the Council	

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

SUMMARY

1. Sixteen motions have been submitted by Members of the Council under Council Procedure Rule 13 for debate at the Council meeting on Wednesday 19 July 2017.
2. The motions submitted are listed overleaf. In accordance with the protocol agreed by the Council on 21st May 2008, the motions are listed by turns, one from each group, continuing in rotation until all motions submitted are included. The rotation starts with any group(s) whose motion(s) were not reached at the previous meeting.
3. Motions must be about matters for which the Council has a responsibility or which affect the Borough. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. There is no specific duration set for this agenda item and consideration of the attached motions may continue until the time limit for the meeting is reached. The guillotine procedure at Council Procedure Rule 9.2 does not apply to motions on notice and any of the attached motions which have not been put to the vote when the time limit for the meeting is reached will be deemed to have fallen. A motion which is not put to the vote at the current meeting may be resubmitted for the next meeting but is not automatically carried forward.

MOTIONS

Set out overleaf are the motions that have been submitted.

13.1 Motion regarding Fire Safety in Tower Hamlets for Residents

Proposer: Councillor Ohid Ahmed

Secunder: Councillor Md. Maium Miah

The Council notes:

Prime Minister Theresa May has admitted in the Parliament that there are other buildings with 'combustible' cladding - like Grenfell Tower - across the country. She stated that that the Department for Communities and Local Government will inform the relevant local authorities and checks were being carried out.

The fire in Grenfell Tower in London was a national tragedy - with 80 people presumed dead but the accurate figure is likely to be more - to widespread public anger, dismay and a national search for answers. They all should have been safe when they went to sleep at night. In the 21st century Britain, one of the richest countries in the world, in the richest city in the country, nobody should be living in a home that risks their life.

It's heartbreaking when you consider that this devastating fire was eminently avoidable. The allegedly unnecessary cost cutting measures by Kensington and Chelsea (K&C) Council or its agencies to reportedly save £5,000 by installing cheaper but more flammable cladding and non-existence of sprinklers did not help the poor people, which included very young children, who were trapped and died in the fire. This becomes even more devastating when you consider the fact that the K&C Council is sitting on a shocking £209 million reserves in their coffers – surplus to their requirements, and offered a £100 council tax rebate to residents just before the local election in 2014.

The Chief Executive, Leader and Deputy Leader have of K&C council had to resign from their positions after initial reluctance. The Government is being urged to send commissioners to the K&C council.

The Boss - Director of Grenfell Tower insulation provider - 'is government adviser'. Technical director of Saint Gobain UK, which makes Celotex insulation, is reportedly also on the Building Regulations Advisory Committee (BRAC), which advises Sajid Javid, Secretary of State for Communities and Local Government.

In Tower Hamlets, we have many similar towers and residents are genuinely worried and have concerns. We have seen many fires in Tower Hamlets in recent weeks with many families evacuated.

On 3 July, a young teenage girl – 17 years old – tragically died after trying to escape a burning fire in her home in Mile End, with 50 people evacuated and four suffering smoke inhalations. Our thoughts and prayers are with her family and loved ones, as well as all the victims and loved ones of Grenfell Tower and other fires in the capital.

A large blaze tore through the roof of a multi-million-pound development next to Regent's Canal, Bow Wharf in Tower Hamlets where eighty firefighters were dispatched to tackle the fire at the five-storey building in Bow Wharf, Wennington Road – luckily no one was yet living in the building.

Following Grenfell fire tragedy, John Biggs issued a statement citing Tower Hamlets Homes (THH), Council's Arms-length Housing provider, about the Fire Risk Assessments (FRAs) of its THH managed tower blocks in the Borough but has failed to publish the FRAs despite requests by the residents and the Independent Group.

John Biggs has yet to confirm the final details about the safety of the buildings and towers managed by Registered Social Landlords (RSLs) and private landlords.

Labour administration in Tower Hamlets sold off the family silver – our social housing stock – to private companies or RSLs – so John Biggs cannot simply absolve himself of his utmost responsibility of keeping all our residents safe in light of the tragedy that befell on the poor people of Grenfell Tower in west London at night.

Independent Group in London Borough of Tower Hamlets had officially written to John Biggs highlighting the concerns and asking for reassurance and specific answers for residents, still awaiting a reply.

The Council believes:

Everyone deserves to know if their home is safe when they go to sleep at night.

All Landlords - including local authorities, RSLs, Arm's Length Housing Management Organisations (ALMOs) like THH and private landlords - have a legal obligation to provide safe and secure buildings for our residents and where they cannot do so they must provide alternative accommodation.

People need assurance and answers and Biggs must ensure that 'all' our buildings in Tower Hamlets are safe for our residents.

The Council resolves:

1. Install up to date sprinklers and smoke alarms that are regularly checked – **retrofitted if needed without any exception**, and implement all relevant recommendations made by Lakanal House fire inquiry.
2. A clear public assurance that none of our buildings, not just THH tower blocks, is fitted with the cladding that contains '**flammable polyethylene**' used in Grenfell Tower or **have 'any combustible material'** that may spread instead of containing the fire.
3. The most appropriate fire safety doors that can at least withstand the fire for 60 minutes, retrofitted if necessary, in consultation with the residents.
4. Comply with the best practice and official advice from the Fire Brigade and other relevant authorities on fire safety.
5. Comply with the advice from The Department for Communities and Local Government which state: "**Cladding using a composite aluminium panel with a 'polyethylene core' would be non-compliant with current Building Regulations guidance.**"
6. Use the Council's position and power directly, or through appointed board members sitting on RSL boards and other influential places, to ensure that the above is complied with by the RSLs, the Council and THH.
7. Publish all Fire Risk Assessments carried out by the Council, THH and RSLs.
8. Keep all local ward councillors inform of any local issues in this regard.
9. With the Independent Group and others who may wish to join, write to the Government for urgent changes in the fire safety laws. Use the Council's reserves and/or contingency funds to ensure all our buildings - particularly high rise and tower blocks - are safe and are properly maintained.

13.2 Motion regarding construction noise and dust

Proposed by: Councillor Andrew Wood
Seconded by: Councillor Chris Chapman

This Council notes that;

Tower Hamlets is undergoing an unprecedented amount of demolition and construction, which in some areas has been underway for more than a decade now and will continue for another decade.

Furthermore, the construction of some of the tallest residential buildings in western Europe is taking place very close to existing homes.

This construction is generating significant amounts of noise, dust and light pollution – which is impacting on resident's health and quality of life.

That other forms of disruption like road closures whether for construction or sports events are also negatively affecting quality of life.

That too often developers start noisy construction work before 8am and continue after 6pm (or 1pm Saturday) or even try and sneak it in on Sunday mornings

Construction management plans are rarely followed and do not fully capture the different phases of construction

This Council further notes that;

If a developer asks for an extension of allowable hours and provides reasons why; it is too often granted allowing work into the evening.

The Council does not have a physical presence to monitor and control construction and does not even pay overtime to the staff that could provide some extra coverage despite earning hundreds of millions of pounds in S106, New Homes Bonus and CIL.

The council calls on the Mayor to undertake the following;

1. That Construction Management Plans are reviewed and approved on the basis that they minimise disruption to residents.
2. That demolition methods allowed are designed to minimise the impact on local residents
3. That all such plans are discussed with the local community in advance
4. That the only allowable reason for working late are Health and Safety Reasons.
5. To ensure the rules are enforced throughout each and every day

13.3 Motion regarding Children and Young People

Proposer: Councillor Aminur Khan
Seconder: Councillor Shafi Ahmed

The Council Notes;

- That in their April report Ofsted graded the council's services as 'inadequate' after finding leaders, including the chief executive, director of children's services and elected members, were "unaware" that children were being left in harmful situations.
- That the then Lead Member Cllr Rachel Saunders of Children's Services failed to attend her statutory duties by not attending the child safeguarding board.
- Action was only taken after issues were flagged up by inspectors, Ofsted's report said.
- A culture of "drift and delay" left children waiting to receive the help they needed, meaning family relationships declined and in some cases put young people at risk of being drawn into gang activity, a significant issue in the borough, inspectors found.
- The OFSTED report was issued on the 7th April 2017 and had the following results;

1. Children who need help and protection	Inadequate
2. Children looked after and achieving permanence	Requires improvement
2.1 Adoption performance	Requires improvement
2.2 Experiences and progress of care leavers	Requires improvement
3. Leadership, management and governance	Inadequate

The Council Resolves;

- The GLA 2015 Round Projections for the borough states that there are 40,400 children aged 0-9 years of age and will rise to 45,000 in 2021; it also projects there are 30,300 aged 10-19 year olds and will rise to 35,100 in 2021.
- Tower Hamlets Children's Services received Good with Outstanding features in the last two OFSTED inspections and it is essential to make sure our services for children and young people are protected and investment is increased to ensure that children and young people are able to reach their full potential.
- That an inquiry is led through Overview and Scrutiny to hear from all parties affected by the Ofsted report.

13.4 Motion regarding action to improve Children's Services

Proposer: Councillor Amy Whitelock Gibbs

Seconder: Councillor Danny Hassell

This Council notes:

1. The Ofsted inspection report dated 7th April 2017 which found children's services in Tower Hamlets to be inadequate overall.
2. The Ofsted inspection revealed extensive deep-rooted and longstanding problems across children's services that had built up over many years and multiple political administrations, but had not been sufficiently identified or addressed by senior managers.
3. That the Mayor made it clear to the Chief Executive and the Corporate Director for Children's Services that the Ofsted findings are extremely serious and that immediate action needed to be taken to keep children safe.
4. That the Mayor and council fully accepts the findings of Ofsted and has made it an absolute priority to meet all the recommendations in its report to provide our children, young people and families with a consistent, high quality service.
5. That the council will work with partners, frontline staff and children and young people to ensure there is rapid and sustainable improvement in children's social care services.

This Council further notes:

1. That internal and external assessments of the service show the problems had developed over many years and "against a backdrop of significant instability and change at political, corporate and managerial levels." (Ofsted report, p.26)
2. That a combination of factors led to insufficient focus and action, including a failure of professional leadership at all levels, political and corporate focus on the many areas of concern which had led to the Government intervention in 2014, and a culture of 'false assurance' backed up by inaccurate performance data and an over-optimistic perception of service quality.
3. That councillors of all political parties could and should have done more to interrogate and challenge children's social care services, whether in executive, scrutiny or backbench roles – particularly given our statutory roles as Corporate Parents.
4. That the Ofsted inspection highlights some strong examples of political leadership – including the Corporate Parenting Board and the links to the Health and Wellbeing Board – demonstrating the positive role elected members can play, which should be built on.
5. That Ofsted and the Local Government Association both regard cross-party support and mature, constructive challenge as critical for success in achieving sustainable improvement in children's social care services.

This Council welcomes:

1. The extra investment already proposed by the Mayor – and agreed by Full Council before the Ofsted inspection – of £4.8m into children’s social care services, following years of underinvestment.
2. The establishment of a new Children’s Services Improvement Board and the appointment of an Independent Chair, Alan Wood, to oversee service improvement, with support from key partners including the Local Safeguarding Children Board, the police, health partners and schools.
3. The development of a robust operational Improvement Plan focussed on four themes: leadership, management and governance, a robust model of social work practice, a sufficient and skilled workforce, quality assurance and audit – progress against which will be regularly reported to Cabinet, the Best Value Programme Board and Overview & Scrutiny Committee.
4. The ambition and commitment from political and corporate leaders through to managers and frontline staff to achieve a “good” rating at our next Ofsted inspection, which is the minimum our children and young people deserve.

This Council believes:

1. Protecting children from harm is one of the most important duties of the Council.
2. The decision by the previous Mayor to merge the Adults and Children’s social care teams in one very large Directorate was disastrous, leading to a lack of oversight and leadership in critical safeguarding and risk areas.
3. That instability and churn within the workforce at all levels, combined with a severely underfunded service over the years, has stored up significant problems in the long term.
4. The Ofsted report confirms many of the issues that have been uncovered across the whole council since the previous Mayor was removed from office in 2015, but it also highlights that the pace of improvement since then has not been fast enough and the focus on children’s social care was insufficient.

This Council resolves:

1. To agree all councillors should take their responsibility seriously to support and constructively challenge the vital improvement of children’s social care services in the coming months.
2. To ensure training is in place to support councillors to perform their corporate parenting, children’s safeguarding and other duties.
3. To support our staff to do the best job they can for the most vulnerable people in our borough and protect children from harm.
4. To support ongoing action, including increased investment as required, to meet the recommendations made by Ofsted and to fully address the deep-rooted and longstanding problems across children’s services.

13.5 Motion regarding Acid Attacks

Proposer: Councillor Mahbub Alam

Seconded: Councillor Ohid Ahmed

The Council notes:

Senseless, tragic and bigoted acid attacks have become prevalent in London and all over the United Kingdom. This year the number of attacks doubled. Too many families and individuals are suffering and falling victim to this grievous and criminal act.

London is being dubbed as 'Acid attack capital of Britain'. Instances of acid attacks are on the sharp increase in 2016, a big increase on the year before.

On 21 June in east London, Resham Khan, a university student, was driving a car with her cousin Jameel Mukhtar when they were victims of a horrific acid attack by a white male. Without any provocation or logic, out of nowhere, both were attacked with acid thrown at their face and body. Both will have scars that will never leave them. Their lives have been changed forever. The pair strongly believe this was an Islamophobic hate crime.

Worryingly, a high percentage of these attacks have been concentrated in a small pocket of east London with a high Muslim population - 398 attacks in Newham, 134 in Barking and Dagenham and **84 acid attacks in Tower Hamlets in recent years.**

Two of the most recent attacks were on Commercial Road with the junction of Sidney Street, in Tower Hamlets on 29 June – another such attack on Burdett Road, E3 at 02:13hrs on 4 July 2017. A separate attack, possibly unreported, took place in Watney Market in the week before. There are quite a few other attacks which were neither reported to the police, not appeared in the media.

The Council believes:

The attackers seem to specifically target Muslims and/or Asians but an attack like this could happen to anyone.

The horrific injuries often sustained from such attacks can leave victims with permanent scarring, psychological problems and destroy their lives.

These barbaric and inhumane attacks, the impact on those who suffer as well as the wider community relations and cohesion, should not be dumbed down or diluted by anyone.

It is about time that the law changes for the purchase of corrosive acid and dangerous chemicals - right now anyone can buy it easily from any hardware store. A person can easily walk into a store and purchase this lethal substance or similar chemical off the shelf.

Corrosive acids like sulphuric acid are very lethal and life damaging substances. You should only be allowed to purchase them with a licence to buy or verifiable professional/trade identification. The person purchasing should go through checks before.

Many attacks could have been stopped if there were controls that made it harder to buy, and meant we knew more about people buying it.

Acid attacks have become too common, the Home Office and the local authorities through trading standards and other means available at their disposal needs to do something to bring it under control. It is a disgusting criminal act. We need licensing laws and the use of existing regulatory powers now to deter this from happening.

John Biggs needs to strengthen the scope of community safety and enforcement, with more resources, to protect and support our residents. He can easily do so by reversing his illogical cuts in budgets for the community safety team, enforcement team of police officers and THEOs.

The Council resolves:

The assailants of such inhumane attacks need to be prosecuted and publicised for an effective deterrence and punishment. Critically, the victims and the families of these barbaric attacks be supported in every way possible.

To reverse the Mayor's decision to sack 34 dedicated local partnership police officers - a critically important frontline resource - appointed by the former Mayor and his team who could be used to work with and provide support to the community.

With the Independent Group and others who may wish to join, to write to the Home Secretary, the Prime Minister and the local MPs to do whatever they can to change the laws on the purchase of corrosive acid and dangerous chemicals used in acid attacks.

To explore local authority's powers to stop the sale of these dangerous substances other than to licenced or registered trade buyers with a clear database and checks.

John Biggs to ensure an accurate and up to date monitoring and publication of Islamophobic crimes in Tower Hamlets. *(something which the Independent Group has been urging the Mayor for more than a year but the Mayor has failed to listen or deliver the information despite a promise by his cabinet member)*

John Biggs need to reverse his catastrophic decisions: to cut community safety team; to stop CCTV upgrades, to sack 10 THEOs; to remove the community safety coordinator post; and to bring the teams up to the level under the former Mayor Lutfur Rahman and his cabinet.

There needs to be more THEOs and the Police on the beat. CCTV and surveillance need to be a lot more robust in order to apprehend the assailants which mean the planned CCTV upgrade by the previous administration - stopped by John Biggs - must go ahead immediately.

13.6 Motion regarding management of critical services

Proposed by Councillor Julia Dockerill
Seconded by Councillor Chris Chapman

This Council notes that;

That after this Council's Children's Services failed its OFSTED Inspection that those responsible for the service were moved sideways, stayed in post or have taken a secondment elsewhere but nobody has lost their job.

That the former Cabinet Member responsible has been moved to another vitally important Cabinet role with serious responsibilities in this case for Adult Social Care.

That the elected Council has not been informed as to the current state of Adult Social Care but based on anecdotal evidence we have reasons to be concerned about its services. There is no OFSTED inspection of Adult Social Care.

That the OFSTED failure was a surprise to this Council but in part was due to the culture of the service. That culture may be found elsewhere within the Council.

We call on the Mayor to;

1. Expand the talent base of the Council as we simply do not have enough competent people to cover every role with sufficient depth, responsibility and expertise.
2. Invite the Local Government Association or other bodies to inspect all of Tower Hamlet's critical services to enable reassurance that failings in Children's Services are not repeated elsewhere within the authority.

13.7 Motion regarding Knife Crime, Acid and Hate Attacks

Proposer: Councillor Shafi Ahmed

Seconder: Councillor Rabina Khan

This Council Notes:

- Tower Hamlets has also seen a sharp rise in hate crime in the past year.
- Islamophobic hate crime has risen 59% to 86 reported incidents, while there were 122 reported homophobic incidents, a rise of 39%.
- Other racist and religious hate crimes increased by 43% to a total of 838 reported crimes.
- The borough has seen an increase in knife crime with figures with Tower Hamlets (1,087) been one of the highest in London.
- Tower Hamlets has also seen the rise of acid attacks with incidents in Shadwell and Mile End.

This Council Resolves:

- That a review of the Gangs Strategy is immediately undertaken with a comprehensive plan of detached and outreach youth work to take place.
- That the Mayor honours his commitment to the requests made by Syed Jamanoor Islam's family at the vigil held in Altab Ali Park in April 2017 following his death to tackle knife crime.
- That all Elected Members are given appropriate support to access the support of police and other agencies to tackle knife, acid and hate crime in their respective wards through additional policing and gang prevention work.
- This support must be developed with each elected member in their respective wards with their communities.
- Each ward in Tower Hamlets must now have its own youth centre that delivers a multi-agency services to work with children and young people engage in positive activities but working in partnership with the police, local groups, schools and statutory agencies.
- The legal definition of an offensive weapon includes anything intended to be used to harm another person, like a sharpened comb. Acid must also now be seen as an offensive weapon.
- The Mayor to write a joint letter with all Group Leaders to Secretary of State to review the legislation of acid so that to carry acid or corrosive substance will be an offensive weapon.

13.8 Motion on fire safety since Grenfell

Proposer: Mayor John Biggs

Seconder: Councillor Sirajul Islam

This council notes that:

- The tragic events at Grenfell Tower in Kensington were a devastating reminder of the importance of fire safety in our residential blocks, particularly high rise properties.
- In immediate response to the tragedy the council arranged for donation points to be set up across the borough and sent a number of staff to Kensington to support residents and loved ones affected by the fire.
- The scale of the tragedy and the widespread media coverage has quite naturally created local concern about the resilience of fire safety arrangements across our borough.
- The Mayor, Deputy Mayor and council officers have been working to ensure we are doing everything possible to reassure residents and review the safety of high-rise blocks in the borough and have attended multiple resident meetings since Grenfell to reassure residents that their homes are safe and any issues are being addressed.
- All members of the Council, MP's and GLA member were provided with detailed briefing by the Mayor following the aftermath of the Grenfell Tower fire.

In relation to Tower Hamlets homes, this council notes that:

- All 900 Tower Hamlets Homes (THH) blocks have had updated Fire Risk Assessments (FRAs) in the past year following years of neglect under the previous administration.
- There is no ACM cladding on THH owned buildings.
- Work is ongoing to address significant issues raised as part of these reviews and that has been accelerated since the Grenfell tragedy, particularly for high-rise blocks. Previously scheduled work to upgrade fire doors and other fire safety features will be bought forward wherever possible.
- THH already have a programme of installing hardwired smoke detectors for tenants and that as a result most tenants already have them and THH are reviewing the implementation of the rest. Most tenants also have 'fire resistant front doors' and THH are looking at upgrading the remainder. In both cases, high-rise blocks will be the priority.
- There is no immediate cause for concern but THH have increased caretaker presence at weekends in all their neighbourhoods to check for bulky waste, rubbish and other hazards. On top of this there are additional visits to high-rise blocks as well as increased cover for our concierge blocks as a precaution.
- All THH leaseholders and tenants have been written to setting out the above and providing fire safety advice, including especially for leaseholders, including how to

get a Fire Brigade free home fire safety check which includes a free smoke alarm.

- In the case of 8 blocks which received 'substantial' risk ratings (and it should be noted this is not the highest level of the FRA ratings) work is already being procured by THH to address the concerns which were discovered. On one block, Brodick House this work is nearly complete. Residents in all of the affected blocks have been notified and kept informed.
- The Mayor has allocated a £12m capital fund over coming years to improve fire safety in THH properties.

With relation to Housing Association properties, this council notes that:

- The Mayor, Deputy Mayor and council officers are working closely with all of the housing associations in the borough and have requested they carry out tests on any cladding on their blocks and review the current state of their FRAs, taking action to meet any significant deficiencies.
- Most Registered Providers (RPs) proactively undertook reviews of fire safety and prevention and have advised residents on their estates of any issues.
- The Mayor and senior council officers met representatives of all the local RPs of social housing to review progress following the Grenfell fire and the DCLG requirement to carry out cladding material tests. The partners agreed to share emergency planning and business continuity information, to work together on a consistent approach to fire risk management.

With regards to private high-rise properties, this council notes:

- Many of the newer private tower blocks in the borough feature more modern fire suppression technology, though the council are no less concerned that we learn any lessons we can and encourage our partners to do the same.
- The deregulation of building control means external Approved Inspectors can be responsible for monitoring and signing off works throughout construction to ensure they are fire and safety compliant and they retain a responsibility for the works which they have supervised.
- The council has written to all of the Approved Inspectors who have operated in the borough and asked them to review any high-rise developments they have signed off and provide feedback to us.

This council believes that:

- The safety of our residents is not negotiable.
- The Grenfell disaster shocked and devastated the nation and made many high-rise residents understandably concerned about the safety of their homes.
- Government needs to explain how cladding which was so dangerous was deemed acceptable for so many years.
- The lessons from Grenfell need to be learnt and then heard by Government including by giving councils the financial resources to make any necessary upgrades recommended to existing properties

- The public enquiry into the Grenfell disaster should be concluded swiftly and maintain the confidence of local people in its conclusions.

This council resolves:

- To express our deepest condolences for the families and friends of everyone affected by the Grenfell tragedy
- To welcome the proactive approach of the Mayor, Deputy Mayor and THH in completing new Fire Risk Assessments on all 900 of the THH blocks in the past year and for addressing the significant issues uncovered, and to acknowledge the work of our other housing partners
- To call on the Mayor and Council to continue to learn the lessons of Grenfell, to engage with the Public Inquiry into the disaster, and to apply the relevant recommendations of the Inquiry locally.

13.9 Motion regarding the Public Sector Pay Cap – including Tower Hamlets staff and emergency workers

Proposer: Councillor Oliur Rahman

Secunder: Councillor Gulam Robbani

The Council notes:

The political choice of austerity has failed miserably.

The Tory Government and their allies need to recognise that the economic approach of the past decade has been an abject failure. The recent economic data shows that growth has slowed, Inflation is rising. Wages - when adjusted for prices - are lower than they were when the last recession began in early 2008.

Britain has a cost-of-living crisis as well as a political crisis but most importantly it is affecting our residents, our staff, wider public sector workers, civil servants and their loved ones which in turn affect the local economy and the wider society.

Local Government is the most efficient part of the public sector according to Government. Tower Hamlets council staff have had their pay frozen or capped for nearly a decade.

Firefighters, Nurses, Police, Paramedics, all put their lives on the line to protect people, but right now they're suffering because of a pay cap which means that wages stay frozen while costs of living continue to go up.

MPs had their pay increased by 10%. John Biggs gave himself a 14.24% pay increase and granted a 40% increase to the pay packet of a local Tory councillor.

Stephen Crabb, the former Conservative Work and Pension Secretary, as well as, Government Cabinet Ministers, Michael Gove and Boris Johnson have called for the pay cap to be lifted. Regrettably and hypocritically, they did not vote for removal of the cap in the Parliament.

The Chancellor had previously claimed that the public is "weary" of austerity and wants to see an end to the "long slog" of cutbacks. The latest comments from within the Government's top brass about austerity and pay cap follow accusations of a Government "shambles" on the issue after a Number 10 source said the PM was ready to listen to the pay review bodies' recommendations, only for her official spokesman and the Treasury to insist "the policy has not changed".

Speaking to Panorama, a former Tory MP and now Theresa May's Chief of Staff at No 10 Downing Street, Mr Barwell said "There's a conversation I particularly remember with a teacher who had voted for me in 2010 and 2015 and said 'you know I understand the need for a pay freeze for a few years to deal with the deficit but you're now asking for that to go on potentially for 10 or 11 years and that's too much'.

The Council believes:

Given the outstanding job that our emergency services perform week in, week out, we feel that they deserve just reward for their efforts.

Given the recent tragedies and the incredible bravery and heroism these people and their colleagues across the country have shown, with little thought for their own lives, it is time

to find the money to make sure these brave and honourable men and women are being paid a decent wage for the incredible job they do.

We all saw the brave police tackling the terrorists at London Bridge, the firefighters rushing in to tackle the Grenfell fire, the paramedics running to help the people caught up in the Manchester terror attack. And every day nurses working round the clock to keep our NHS going. These people shouldn't have to worry about whether they can pay their rent or the electricity bill at the end of the month.

The Council resolves:

With the Independent Group, the Mayor to write to the Chancellor and Prime Minister asking them to remove the pay cap and officially end austerity in order to help the working people, the public-sector workers and local authorities including our hard-working council staff.

With the Independent Group, the Mayor to write to the local MPs and shadow chancellor John McDonnell requesting them to do whatever in their power to influence and force the Government to lift the pay cap - present an Early Day Motion or a joint opposition motion - and vote for it in the Parliament at the next possible opportunity in light of clear divisions in the Government at the highest level.

13.10 Motion regarding population growth in Tower Hamlets and required infrastructure

Proposed by: Councillor Chris Chapman

Seconded by: Councillor Andrew Wood

This Council notes that;

The recent release of updated population statistics by the GLA based on ONS data. Once again Tower Hamlets is the fastest growing place in the UK. Much of that growth is concentrated in the far west and south east of the Borough.

	2012	2013	2014	2015	2016
Total population	263,676	273,563	284,688	295,909	305,527
Increase on 2012 no.		9,887	21,012	32,233	41,851
Increase on 2012 %		4%	8%	12%	16%

The Council further notes;

The imminent release of the Isle of Dogs and South Poplar Opportunity Area Planning Framework and the accompanying Development Infrastructure Funding Study (DIFS). The study will show the large amount of development that could come on top of the 19,500 homes already with planning permission in the area plus the almost doubling of employment space in Canary Wharf.

That the 2016 Infrastructure Delivery Plan part of the draft Local Plan forecast a total spend on infrastructure of £1,016 million by 2032 across the Borough and that the DIFS will show that a similar scale of spending is required in the OAPF area.

That population growth has consistently exceeded forecasts. The 2009 Local Development Framework forecast Tower Hamlets hitting the population it achieved in 2016 only by 2025 and even then, only in the high-density growth option.

That the scale of the required spending and complexity of what is required far exceeds that of the move to the Royal London Hospital site.

The Council calls on the Mayor to;

1. Improve clarity over the spending and planning of infrastructure. Currently we only have visibility over infrastructure spending when Cabinet papers are released.
2. To set up dedicated teams to plan and deliver the infrastructure required in each major growth area. We need to replicate the dedicated delivery mechanisms of organisations like the London Docklands Development Corporation or the Old Oak and Park Royal Development Corporation.
3. Since nowhere in western Europe will be as tall and dense as the Isle of Dogs we will need to seek international advice from cities like New York, Singapore, Hong Kong and Shanghai.
4. Recognise that residents will care more about the delivery of new schools, GP

surgeries, playgrounds, bridges, recycling facilities, sports halls, community halls then whether or not LBTH has a nice new office.

13.11 Motion regarding Fire Safety in Council, Social and Private Sector Dwellings

Proposer: Councillor Abdul Asad
Seconder: Councillor Rabina Khan

This Council notes:

- Following the tragic events of the fire that ripped through Grenfell Tower Block in Latimer Road (West London), it has become apparent that the issue of safety was one raised by resident groups to landlords and public authorities- just like in many parts of our country- these concerns fall on deaf ears until tragedy strikes.

This Council resolves:

- Mayor John Biggs & London Borough of Tower Hamlets to carry out a comprehensive inspection, for fire safety on all Tower Hamlets Blocks and Buildings and ensure that all Registered Landlords and Private Sector also carry out effective fire safety inspections of their portfolios.
- The council or the housing association or private landlords are responsible for carrying out their fire risk assessment every year or two years. As long as the fire risk assessment is up to date and remedial works carried out according to it then it is sufficient under the Fire Safety Reform Act 2005 using the PAS79 approach of LFB.
- We call for a review of current inspection criteria including fire testing of building and refurbishment material and the investigation of sprinklers to be installed into high rise buildings.
- That all testing on cladding on Council, Social & Private sector dwellings are made public.
- That the council invests into a Private Sector Team consisting of private rent tenant's advisors and EHO officers to ensure that the private sector is regulated using statutory powers.

13.12 Motion regarding John Biggs failing the Borough and austerity axing the Olympic Legacy

Proposer: Councillor Maium Miah
Seconded: Councillor Oliur Rahman

The Council Notes:

Residents and Tower Hamlets Independent Group of councillors are disappointed to learn that the number of people playing a sport or taking another form of exercise at least once a week has fallen since the Olympic Games were held in east London.

Although participation in sport has risen since 2005, the Olympics were supposed to leave a legacy of greater participation in sport after the event – and it's not happening in East London. A particular worry is that the highest decline has been among ethnic minority communities (a drop of 1.4%) and least well-off sections of the community (a drop of 2.9%).

The Games cost £8.77 billion to stage – but already 8,700 fewer people are participating in sport or exercise at least once a week than were doing so in 2012. The main factors influencing whether people take exercise include whether they have facilities nearby and whether they can afford to use them. Sport England figures show that overall Council spending on local sports has fallen by over a quarter (£389 million) over the last five years – and this is thought to be contributing to the decline in participation rates.

Cllr Ohid Ahmed, Shadow Lead for Community Safety and Partnerships, said: "It is sad to see that the number of people participating in sports at a grassroots level has begun to fall. This is not the Olympic legacy we were hoping for – or that we were promised. With John Biggs creating uncertainty over the future of our youth clubs and other community centres, it's going to be difficult to keep our young people healthy."

In relation to Tower Hamlets Council, the Trustees of the Tower Hamlets Youth Sport Foundation (THYSF) are lobbying the Members for support after the breakdown of their discussions with the Mayor and Council last month - after they first raised the need for Council action with the Mayor in August 2015.

John Biggs inherited over £400m reserves from the former Mayor Lutfur Rahman and his administration which were put aside through robust and painstaking fiscal management to protect the residents and key local services from cuts and closures.

The Council Believes:

The Trustees of the THYSF are lobbying for the support of our residents and elected representatives to help them save what is currently the most successful youth sport partnership in the country.

Our children are in danger of losing, as the article by Seb Coe in the Evening Standard (15 May 2017), circulated by THYSF to Members, shows the alarming deterioration in youth sport in our country as a whole, the final page of this shows how everything Lord Coe would wish to see available nationally is currently still in place in Tower Hamlets - for some of the most economically deprived youngsters in the UK. **Not for much longer however, since the breakdown of our discussions with the Mayor and Council officers last month - after we first raised the need for Council action with the Mayor in August 2015 - now seems certain to result in the staff being made redundant and the organisation and its activities dismantled.**

The email from THYSF, among other facts and information, stated that **“For those of you unfamiliar with the organisation, the second attachment gives just a flavour of the range of activities and opportunities available to youngsters in Tower Hamlets right this minute. None of which is provided by or through the Council. Most of which will go if this organisation is allowed to go under.”**

“For historical reasons (this all started with the national School Sports Partnerships scheme in 2005) the staff of THYSF are all employed by Langdon Park School (where I was the Headteacher for 21 years until 2013), but they did this on behalf of the Borough’s schools and by agreement with the Council. Langdon Park, having done an extraordinary job for Tower Hamlets for 12 years, now quite understandably needs to be relieved of this responsibility. Trustees of THYSF believe the obvious answer is for the staff to be adopted as a business unit in the Council’s sports department, which currently and by design focuses nearly all of its work on adult provision. The Mayor disagrees, and wants Trustees to take responsibility for employing the staff, something we are very clear we do not have the capacity to do.”

The Council Resolves:

John Biggs should listen to THYSF, Tower Hamlets Independent Group, our young people and residents by transparently addressing the points raised herein.

John Biggs needs to act – beyond platitudes – and update the members and residents about the issues raised in this motion.

13.13 Motion regarding cyclists in Greenwich Foot tunnel

Proposer: Councillor Peter Golds
Seconder: Councillor Andrew Wood

This Council notes that;

The Cabinet of the Royal Borough of Greenwich considered changes to the By-Laws governing the use of the tunnel.

That these by-law changes must be then agreed by Tower Hamlets Council before submission to the Secretary of State for final approval.

That the change in By-Laws is introduced by this comment;

“Currently the bye-laws prohibit cycling in the tunnels. This is contrary to the Council’s policy of encouraging safe and considerate cycling at a time when there is demand from users to be allowed to cycle through the tunnels when it is safe to do so. It is proposed to amend the bye-laws to provide the Council with discretion to allow cycling. That discretion would be exercised when cycling is considered safe to all users and advertise by appropriate signage.”

The proposed By-Law says this;

“4. No person shall ride or sit or stand upon any pedal cycle, skateboard, scooter or other wheeled device used for recreational purposes in the Tunnel, unless authorised by the Council. All cyclists must dismount when directed to do so howsoever by the Council.”

This Council notes:

- Many pedestrian users are Tower Hamlets residents visiting Greenwich or tourists.
- The numbers of cyclists who continue to cycle when pedestrians are in the tunnel even when small children are present.
- The narrowness of the tunnel.
- That it was designed as a Foot tunnel not as a cycling tunnel.
- The conflict and anti-cycling prejudice that creates due to a lack of enforcement of the current no cycling rules.
- The fear that some residents have of walking through the tunnel due to cyclists not stopping.
- The lack of enforcement of the rules as they currently stand.

This Council calls on the Mayor;

1. To notify the council of the Royal Borough of Greenwich that he and Tower Hamlets Council will not agree to a change of the By-Laws.
2. That if any changes were to happen that local residents on both sides of the tunnel should be consulted first
3. That the London Borough of Tower Hamlets will continue to work with Greenwich Council to enforce the current rules against cycling in the tunnel.

13.14 Motion regarding a Sustainable Tower Hamlets

Proposer: Councillor Rabina Khan

Seconder: Councillor Shafi Ahmed

This Council notes:

- That investment is needed to build a safer, stronger and sustainable Tower Hamlets than the extensive cuts on nurseries, youth centres and provision and frontline services.
- People and Communities coming together to support each other in such testing times to address fire safety in tower blocks, knife & acid attacks, hate crimes and the heinous terrorist attacks at Westminster, Manchester and London Bridge.
- That all politicians from different persuasions have been called to account for how they will support communities in such difficult and testing time; that action is called sooner than later.
- For the preservation of people's life and to prevent these horrors from happening again- we call upon the authorities to do everything necessary to ensure public safety.
- This includes fire safety, community safety, anti-social behaviour, keeping communities clean from bulk waste, crime prevention, community policing and most of all listening and delivering on resident valid concerns. There is no need to throw money away on consultants- just listen to residents and invest in services effectively.

This Council resolves:

- The Mayor's Budget 2017 fails to capture ambition, vision and growth for the borough.
- The Mayor's Budget fails to consider the implications of Brexit in the borough and its impact on both a growing young population and older generation with varying needs
- That the Labour Mayor stops cuts to all frontline services immediately.
- As we move towards the retention of Business rates the council will move towards a self-financing model of delivering services.
- That Tower Hamlets Council must develop a strong Capital/Growth Strategy in particular income generation so that the borough can be a key player on national and global platform to ensure that it generates income to both protect and deliver the frontline services to all residents in Tower Hamlets.

13.15 Motion regarding the future of the Tower Hamlets Youth Service

Proposer: Councillor Gulam Robbani

Seconded: Councillor Oliur Rahman

This Council notes that:

1. Former Mayor Lutfur Rahman had a positive vision for the Youth Service which was expressed, for example, at the Cabinet in April 2012:

“He considered that what really mattered were the young people of Tower Hamlets who represented the future of the Borough and that youth services were provided that benefited them. It was his intention as Mayor that young people in Tower Hamlets received the best youth services and best education possible.”

2. That the main motivations of bringing the Youth Service back in-house were:
 - to save money on duplicating management functions and re-invest it in the front line of the service;
 - to respond to the Government’s localism agenda;
 - to strengthen the Council’s partnership agenda;
 - to obtain extra value by, for example, the youth service working effectively.
3. That although bringing the Service back in-house was a decision of the Executive Mayor, councillors were able to discuss the transfer openly within Council structures – for example, Councillor Oliur Rahman was able to explain the decision to the April meeting of the Overview and Scrutiny Committee, at which Councillor Rachael Saunders declared a personal interest on this item as she had “been in receipt of information from some of the service providers managing the contract in question.”

This Council further notes that:

1. The current Mayor’s intention to make a fundamental change in the way that the Youth Service is run (initially on an interim basis) was not mentioned at the Cabinet on 10th May 2016, although planning must have been well underway by then.
2. The Mayor’s intention to make this fundamental change was set out in a briefing paper from the Mayor’s office dated 12th May 2016 which was circulated to all councillors.
3. This paper stated that the interim delivery plan would begin in July, which clearly precludes any wider member involvement (indeed, the paper refers to the decision having been developed in discussion with John Biggs and Councillor Saunders) and a future delivery model will be in place from April 2017 (and there will be full member involvement in options for this model, but how this will happen is not explained).
4. This paper also stated that a gap analysis is underway with a view to there being a programme of procurement and commissioning in June 2016 targeted at local third sector organisations.

5. This paper also states that it is the intention to offer youth services for the rest of this financial year from only eight venues in the borough – despite the fact that youth are often very reluctant to travel far to a formal provision. The paper states that the Council intends to offer an outreach service to encourage you to travel to the formal provision and also to rely, in the interim, on whatever additional services are provided in an un-co-ordinated manner by local charities or voluntary organisations.

This Council further notes that:

1. The Mayor's decision was revealed at the Council's Annual Meeting on 18th May 2016 by Councillor Rachael Saunders in what appeared to be an unplanned announcement. This included Councillor Saunders reading out an email from her mobile phone but not saying who had sent her the email (in sad contrast to her previous openness about who was briefing her).
2. Councillor Saunders stated that "The service has faced allegations of fraud and corruption" and other serious allegations. She also said that "Investigations into these serious allegations are ongoing," and that the Youth Service does not have the capacity to deliver as much as it has in the past. She stated that "we" were working out a service plan which would be based on reduced capacity and on when that had been developed would consideration be given to identifying and filling gaps. She expected the identification of gaps to be finished by June (a couple of weeks after she was speaking) – but did not mention John Biggs's intention to fill these gaps by contracting out parts of the service to third sector organisations (or who, in the event of this being done, would manage these organisations).
3. The Council Communications Office issued a press release on 26th May referring to the change only having been prompted by "historic shortcoming". This announced that an interim delivery model would be adopted "by the summer". It gave details of the interim delivery model and stated that young people's views had been listened to throughout the review process. (The members have yet to see a concrete tangible and evidence of that)
4. There have been a number of reports in the local press since the Council AGM which have reported the detail of various allegations – presumably either on the basis of their own imaginations or on the basis of briefings from unknown parties in the Council which have not been shared with all councillors.
5. That as a result of the way the Mayor and relevant Cabinet Members have dealt with this issue, it is entirely unclear what is happening to the youth service – which has led to a great deal of serious concern among service users and in the wider community.

This Council believes that:

1. If and when there are allegations of corruption or other serious malpractice, these should be investigated in accordance with Council procedures and individuals should be dealt with appropriately. (Independent Group fully supports this approach and have publicly offered to work together for the benefit of young people of Tower Hamlets).
2. That if a service is to be reviewed in order to spend or save money by cutting certain provisions, and/or deliver the service more efficiently or effectively, this

should be discussed openly, including with councillors and services users and the wider community rather than playing politics or blame-game.

3. (1) and (2) above should not be confused.

This Council further believes that:

1. The current position, in which the Administration appears to have responded to allegations against individuals by pre-emptively altering the service as a whole, and in which the Youth Service is to be run on an interim delivery model based on reduced capacity and enhanced by some sort of ad-hoc procurement, is ill thought out and poorly planned.
2. The interim service delivery model will, for the rest of this financial year, lead to an increase in Anti-Social Behaviour across the Borough – to the irritation of the whole community, for whom this is already a massive problem.
3. The interim service delivery model will, for the rest of this financial year, incur a risk of extra spending on management and quality assurance of the service – risks which have not been addressed in the little documentation available or in such public statements as have emerged.

This Council resolves that:

1. The current Mayor, John Biggs, should honour his commitment to govern in a transparent manner and he should put on the public record a full account of what has been going on, including what allegations have been made, when these were made, by whom and how - and critically how these are being investigated (releasing as much information as is possible without compromising the investigations or the individuals concerned); what prompted the service review and how it took place; and what his intentions are towards the service.
2. The current Mayor, John Biggs, to immediately stop any further work to drastically reduce and cut the Youth Service provision in the name of interim delivery model and engage in a serious, open, transparent consultation with the young people, residents and stakeholders.
3. The current Mayor, John Biggs, to reverse the decision to close unprecedented number of Youth Centres and look for an alternative way to provide effective, efficient and fit-for-purpose Borough-wide localised youth service provision.
4. The current Mayor, John Biggs, must keep the Youth Service in-house rather than privatising or contracting it out.
5. In the event that the current Mayor, John Biggs, should not agree to do think again, he must issue a statement clarifying how he intends to procure a service to fill in the gaps from the third sector, given that the Commissioners have been running grant-making functions; and he must also issue a comprehensive statement covering which of his chosen eight venues will pick up delivering the service previously provided by centres which John Biggs and Councillor Saunders have closed and how service users whose centres have been closed are expected to access the replacement services, including details of travel arrangements, etc.

13.16 Motion regarding additional security against terrorism

Proposer: Councillor Craig Aston
Seconded: Councillor Peter Golds

This Council notes that;

Recent terror attacks in London which have included the use of vehicles to knock down and kill vulnerable pedestrians either in well visited areas or outside a Mosque. The presence within Tower Hamlets of a number of dense streets with large numbers of pedestrians present.

That the City of London is once again investing in physical security measures and intends to build a £5 million 'ring of steel' around the City to protect it from future terrorist attacks. This will include manned checkpoints, rising street bollards, restricted roads and crash-proof barricades. These precautions come after MI5 warned that the "eastern cluster" of towers planned or being built around Bishopsgate is "highly sensitive to the threat of a hostile, vehicle-borne" attack and will replace the previous ring of steel installed to ward off IRA attacks.

That the City of London is seeking S106 funds from developers in order to help fund this work.

That at within Tower Hamlets only the Canary Wharf estate has a similar level of physical protection.

The installation on London's bridges of concrete barriers to protect pedestrians from vehicle attacks.

The Council further notes;

That in February 1996 the IRA bombed Marsh Wall which killed two and injured and maimed many more, some who died of their wounds years later. This location was deliberately chosen as a softer target than Canary Wharf estate to the immediate north but one with the same level of publicity value.

That like the City of London Tower Hamlets has emerging clusters of tall towers in Aldgate, Blackwall, Marsh Wall and the areas to the north of Canary Wharf. None have any form of physical security built in or in the immediate area except for some ANPR cameras on some (but not all) of the approach routes. There is not even a publicly funded CCTV network in place in most of these areas.

The location in Tower Hamlets of several high-profile locations such as Brick Lane, Whitechapel, Marsh Wall, Roman Road and the Blackwall Tunnel Approach.

This Council believes that;

We also need to review our security measures in line with the City of London and have appropriate security measures in place to protect and deter potential attacks. And with so many tall buildings close together we may be perceived as a softer target especially as so many buildings are residential in nature.

The Council calls on the Mayor to;

Initiate a full security and safety review of the Borough which will be submitted to Cabinet, Overview and Scrutiny and the full council for consideration and final recommendations.
And;

1. Consult with MI5 on the potential security threats to Tower Hamlets given its strategic location and national assets
2. Consider adding to future S106 agreements additional funding for additional security measures over and above those funded through CIL
3. Identify in advance likely targets and consider what steps would be required to mitigate the impact of any future attack using vehicles or other methods
4. Publicise such preparation where appropriate, in order to reassure residents and deter potential attackers
5. Work with the City of London Corporation to ensure that any security cordon includes developments physically located in Tower Hamlets but which are an extension of the City Fringe. That the same happens in the areas adjoining Canary Wharf or other possible targets like Whitechapel Mosque.

This page is intentionally left blank