

GENERAL PURPOSES COMMITTEE

Thursday, 12 October 2017 at 7.00 p.m.

C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

This meeting is open to the public to attend.

Members:

Chair: Councillor Danny Hassell
Vice-Chair: Councillor Denise Jones

Councillor Craig Aston, Councillor Aminur Khan, Councillor Abdul Mukit MBE,
Councillor Muhammad Ansar Mustaqim, Councillor Joshua Peck and Councillor Helal
Uddin

Deputies:

Councillor Asma Begum, Councillor Peter Golds, Councillor Ayas Miah and Councillor
Candida Ronald

[The quorum for this body is 3 Members]

Contact for further enquiries:

Joel West, Democratic Services
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4207
E-mail: joel.west@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

Scan this code
for an
electronic
agenda:



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

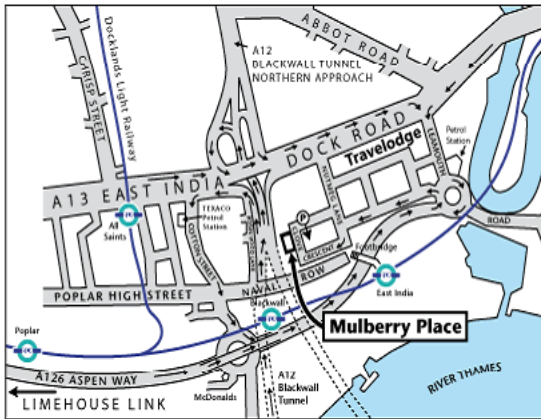
Audio/Visual recording of meetings.

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.

APOLOGIES FOR ABSENCE

- 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS** **1 - 4**

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

See attached note from the Monitoring Officer.

- 2. MINUTES** **5 - 16**

To agree the unrestricted minutes of the ordinary General Purposes Committee meeting held on 5 July 2017 and the Extraordinary General Purposes Committee meeting held on 13 September 2017.

- 3. WORK PLAN** **17 - 20**

To review the Committee's work plan for the 2017/18 municipal year.

- 4. REPORTS FOR CONSIDERATION**

- 4 .1 Update of preparations for the Mayor and Local elections 2018** **21 - 30**

Preparations in place for the Mayor and Local Government elections 2018.

- 4 .2 LA Governor Appointment Report** **31 - 78**

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

- 4 .3 Employment Appeals Against Dismissal - Update** **79 - 84**

This report updates Members about progress towards hearing outstanding employment appeals in the period July to mid-September.

It also follows the General Purposes Committee meeting of July this year where it was agreed to receive a review of Employment Policies and Procedures later in this municipal year including arrangements for appeals.

- 4 .4 HR Policies and Procedures - diagnostic** **To Follow**

4 .5	Member Learning & Development	To Follow
4 .6	Review of external appointments	85 - 102
	Further to a request by the Mayor, this report provides the Committee with an overview of the Council's process for appointing representatives to outside bodies and information on bodies to which the Council nominates (or may nominate) representatives. It forms the first part of a review that will allow the Committee to look at the range of current organisations, make recommendations about the appropriateness of appointments to each body and develop a picture of the skills and accountabilities needed for appointees to each outside body. This report asks that further work be undertaken to inform Phase 2 of the review.	
4 .7	Constitution Review – Council Procedure Rules	103 - 108
	General Purposes Committee on 5 th July 2017 agreed to review the Council Procedure Rules. This report presents a revised set of Rules for recommendation to Council.	
4 .8	Constitution Review – Member/ Officer Relations' Protocol	109 - 130
	General Purposes Committee on 5 th July 2017 agreed to review the Member/Officer Relations' Protocol. This report presents a revised Member/Officer Relations' Protocol for recommendation to Council and addresses the Best Value Programme Review Board consideration for a Member to Member protocol.	
4 .9	Whistleblowing – New policy, processes and the work of Grant Thornton	131 - 136
	In January 2017 Grant Thornton UK LLP was commissioned to undertake a review of the whistleblowing arrangements of the Council. They produced a report outlining their findings and made a number of recommendations that they considered would produce a more effective whistleblowing framework for the Council and suggested an action plan.	
5.	ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT	

6. EXCLUSION OF THE PRESS AND PUBLIC

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

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

EXEMPT SECTION (Pink Papers)

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

7. RESTRICTED REPORTS FOR CONSIDERATION

7.1 Senior Recruitment Update

137 - 142

This report updates Members on recent senior recruitment activity.

Next Meeting of the Committee:

Thursday, 25 January 2018 at 7.00 p.m. in C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

This page is intentionally left blank

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 5 JULY 2017

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

Members Present:

Councillor Danny Hassell (Chair)
Councillor Denise Jones
Councillor Craig Aston
Councillor Abdul Mukit MBE
Councillor Joshua Peck
Councillor Asma Begum (Substitute for Councillor Helal Uddin)

Apologies:

Councillor Aminur Khan
Councillor Helal Uddin

Officers Present:

Asmat Hussain	(Corporate Director, Governance and Monitoring Officer)
Runa Basit	(Head of School Governance & Information)
Heather Daley	(Divisional Director, HR & Transformation)
Paul Greeno	(Senior Corporate and Governance Lawyer, Legal Services)
Louise Stamp	(Head of Electoral Services)
Beverley McKenzie	(Head, Members Support, Democratic Services, LPG)
Joel West	(Senior Democratic Services Officer)

1. APPOINTMENT OF VICE-CHAIR FOR THE 2017-18 MUNICIPAL YEAR

Councillor Craig Aston **moved** and Councillor Asma Begum **seconded** that Councillor Denise Jones be nominated as Vice-Chair of the General Purposes Committee for the 2017/18 municipal year. There were no other nominations and the Committee:

RESOLVED:

1. That Councillor Denise Jones be elected as Vice-Chair of the General Purposes Committee for the 2017/18 municipal year.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disclosable pecuniary interests.

Councillors Danny Hassell and Joshua Peck declared a personal interest in Agenda Item 4.3 – Local Authority Governor Applications – as both knew applicant Kevin Brady.

3. MINUTES

RESOLVED:

That the unrestricted minutes of the General Purposes Committee meeting held on 8 March 2017 and the Extraordinary General Purposes Committee meeting held on 2 May were agreed as a correct record.

That the unrestricted minutes of the Extraordinary General Purposes Committee meeting held on 17 May 2017 were agreed as a correct record, subject to the removal of Councillor Khales Uddin Ahmed from the list of Members Present.

4. REPORTS FOR CONSIDERATION

4.1 General Purposes Committee, Terms of Reference 2017/18

Members considered the report setting out the Terms of Reference for the Committee. The Committee noted, in accordance with Section 12 of Appendix 1 to the report, that it had provision to determine employee appeals. It noted this is not a common practice at other councils, so asked the Monitoring Officer to review procedures for employee appeals to determine if input of elected members is appropriate.

RESOLVED:

That the General Purposes Committee:

1. Notes its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to the report submitted.
2. Asked the Monitoring Officer, in conjunction with the Divisional Director HR and Transformation, to review procedures for employee appeals, to determine if input of elected Members is appropriate and report the outcome to a future meeting.

4.2 General Purposes Committee Work Plan 2017-18

The Committee received a tabled draft work plan 2017/18.

RESOLVED:

That the General Purposes Committee;

1. Noted its work plan for 2017/18 as tabled.

4.3 Local Authority Governor Applications

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

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

RESOLVED -

1. That the applications for Local Authority Governors as detailed in the report be approved as follows:
 - a. That Tom Phillips be nominated for appointment as a governor at Clara Grant School under the 2012 School Governance (Constitution) Regulations.
 - b. That Obi Anyanwu be nominated for appointment as a governor at Marner Primary School under the 2012 School Governance (Constitution) Regulations.
 - c. That Avril Newman be nominated for appointment as a governor at Kobi Nazrul Primary School under the 2012 School Governance (Constitution) Regulations.
 - d. That Colin McLennan be nominated for appointment as a governor at St Paul's and St Luke's CoE Primary School under the 2012 School Governance (Constitution) Regulations.
 - e. That Kevin Brady be nominated for appointment as a governor at Bangabandhu Primary School under the 2012 School Governance (Constitution) Regulations.

4.4 General election - lessons learnt

Louise Stamp, Head of Electoral Services, introduced the report. Ms Stamp tabled a document that detailed that detailed polling station turnout for both constituencies.

The Chairman advised Ms Stamp had received a letter from Chris Skidmore MP, Parliamentary Secretary, thanking her and her team for their tremendous efforts in running the election.

Ms Stamp asked members to note section 4 of the report regarding the pre-election period. Asmat Hussain, Corporate Director, Governance, confirmed the pre-election guidance for 2018 elections will have more emphasis on public Council events and campaigning.

Members asked Ms Stamp to review the use of more double stations for the 2018 elections, namely Locksley Community Centre and Marnier Centre.

Several members of the Committee indicated concern with the proposal to hold the count for the 2018 Mayoral and local elections at East Wintergarden, Canary Wharf. Members drew attention to the successful recent counts held at the Excel Centre which they felt was superior for several reasons including size and security, and urged that the Excel Centre be reconsidered for the 2018 counts. Asmat Hussain and Louise Stamp agreed to relay these concerns to the Returning Officer.

RESOLVED:

1. That the Committee noted the content of the report.

4.5 Revised Planning Code of Conduct

Paul Greeno, Senior Corporate and Governance Lawyer, introduced the report and explained the rationale for some of the changes since the previous planning code of conduct. Mr Greeno explained that the proposed new Code had been benchmarked with other councils, including specifically those operating a directly elected mayor system.

The Committee welcomed the proposed new Code of Conduct but asked that a number of minor amendments be made, as follows:

- Section 3 – Interests – guidance as to what constitutes ‘the Council’s area’ in various scenarios and guidance for Councillors making representations to withdraw (or otherwise) when the Committee votes on those issues.
- Section 5 – Application by a Councillor or Officer – addition of wording to clarify that the onus is on the Councillor or Officer to alert the relevant persons that they are personally involved in an application.
- Section 6 – Application by the Council – addition of wording to stress that the Council's involvement as the applicant will be made explicit and transparent.

- Section 8 – Pre-Meetings, Presentations and Briefing Sessions – guidance on who should/should not accompany a Councillor in a meeting with an applicant, developer, agent or objector.
- Section 13 – Decision Contrary to Officer Recommendations – ensuring any linkages with the Development Procedure Rules are explicit.

RESOLVED:

That the General Purposes Committee:

1. Noted the revised Planning Code of Conduct in Appendix 1 of the report;
2. Noted that Planning Code of Conduct is part of the Council's ethical framework and should be read in conjunction with the Councillors' Code of Conduct and the Member/ Officer Protocol;
3. Agreed that the amendments listed above be made to the Code and/or Development Procedure Rules as appropriate, prior to their referral to Council;
4. Noted that pursuant to Part 1 Paragraph 4.02 of the Constitution the adoption and amendment of the revised Code of Conduct is a matter for Council; and
5. Recommended to Council the revised Planning Code of Conduct, subject to the Committee's proposed amendments to the draft Code being highlighted for the Council's information.

4.6 Update from Constitutional Working Party - Council Procedure Rules (Part 4.1 of the Constitution)

Paul Greeno, Senior Corporate and Governance Lawyer, introduced the report and explained the rationale for some of the changes to the Council Procedure Rules. Mr Greeno explained the DCLG Commissioners had specifically identified the Council's Member-level engagement as an area for development. Since this time, the Constitution Working Party (CWP), which includes representation from all political groups, has reviewed the Council's Procedure Rules in detail, in order to identify any changes which may increase the effectiveness of Council meetings.

The Committee welcomed the input of the CWP and also noted its emphasis on the importance of public engagement opportunities at Council meetings. However, some members of the Committee indicated concern that a disproportionate amount of time was allocated to public engagement, with the effect that insufficient time could be spent considering and debating reports for decision, which often dealt with critically important issues, potentially involving high levels of expenditure/savings. Members indicated they felt that Mayoral assemblies provided an accessible and appropriate forum for public questions, so these could be removed from Council meetings.

Asmat Hussain, Corporate Director, Governance, advised the Committee that it is good practice for Councillors to discuss reports where a decision is required by Council.

The Committee discussed a number of ways that the CWP's proposed new order of business (as set out in Table 1 of the report submitted) could be amended so that the time available for Council meetings to consider reports for decision could be increased.

Further to paragraph 3.7 of the report, Rule 24.1, the Committee asked if solutions could be explored to address improper conduct from persons in the public gallery which, whilst not substantial enough disturb the meeting, might disturb or cause annoyance to Councillors, officers or other members of the public in their immediate vicinity.

RESOLVED:

That the General Purposes Committee:

1. Approved the proposed new order of business for ordinary Council meetings as set out in Table 1 of the report, subject to:
 - a. Public engagement – questions - deletion of this agenda item.
 - b. Public engagement – petitions:
 - i. Allowing up to 4 petitions; and
 - ii. Allowing 2 minutes for Lead Member comments (and thus reducing the total time for each petition to 5 minutes)
 - c. Mayor's Report - re-ordering this item to immediately after Introductions, Minutes, Declarations, Announcements.
 - d. Administration Motion Debate - re-ordering this item to immediately before the Opposition Motion Debate.
 - e. Reports –
 - i. re-ordering this item to immediately following the Opposition Motion Debate; and
 - ii. increasing the allocated time as much as possible, taking into account the time freed up from changes above and the constraints of the overall meeting length as provided for elsewhere in the Council Procedure Rules.
2. Approved the specific proposed changes in paragraph 3.7 of the Report; and
3. Agreed that the Council Procedure Rules be re-drafted as indicated in 1 and 2 above so that a report proposing revised Council Procedure Rules may be prepared, for future submission to a meeting of the Council.
4. Agreed that the Constitution Working Party be informed of the Committee's deliberations and decision, and thanked for its work and proposals to date.

4.7 Update from Constitutional Working Party - Overview and Scrutiny Committee - Voting Rights of Co-opted Members

Paul Greeno, Senior Corporate and Governance Lawyer, introduced the report and explained that the proposal to enable the Muslim Faith representative on the Overview and Scrutiny Committee to vote on education matters had been suggested to regularise this provision across all co-opted members of that committee.

RESOLVED:

That the General Purposes Committee:

1. Recommend to Council that the Muslim Faith representative on the Overview and Scrutiny Committee is able to vote on Education matters.

4.8 Proposed Revision to the Constitution - Part 5.4 (Member/ Officer Relations' Protocol)

Paul Greeno, Senior Corporate and Governance Lawyer, introduced the report. Mr Greeno explained there were a number of omissions that he had identified since publication of the draft protocol, which he would correct in future iterations, specifically:

- Section 13 - Members' Services and the use of Council Facilities – would be updated to reflect:
 - the current (recently updated) Councillor Enquiry process; and
 - that the term 'Council Facilities' includes IT equipment.

Heather Daley, Divisional Director, HR and Transformation, also suggested a number of amendments to Section 14 – Recruitment, Appointment and other Staffing Matters – to more accurately reflect the role of Members in these matters and clarify the proper role of the Joint Consultative Advisory Group. Ms Daley also advised the Protocol may need amendment to reflect potential changes to the employee appeals process, discussed by the Committee earlier in the meeting.

The Committee noted that the emphasis on the role of committee chairs (Section 9) gave the impression that the Protocol reflected a committee system model. It asked that the Protocol be amended to that it reflects more clearly the Council's directly elected mayor/cabinet model of governance.

RESOLVED:

That the General Purposes Committee:

1. Requests that an updated Member/Officer Relations Protocol is brought to a future meeting.

5. REPORTS FOR NOTING

5.1 Councillor Learning & Development

Heather Daley, Divisional Director, HR and Transformation introduced the report.

Members indicated some concerns with the Council's current Member training offer. They noted, for example, it was currently difficult to work out if offered sessions were briefings, or training sessions; were focussed on policy development, or skills development. They asked that more detail is provided on listed sessions, so Councillors could identify those opportunities best suited to their development needs.

Members also asked that e-learning opportunities for Councillors be explored.

RESOLVED:

That the General Purposes Committee:

1. Noted the current Member development offer detailed at Appendix 1 of the report.
2. Agreed that the October General Purposes Committee receive a report providing further detail on the development opportunities that could be offered to Members.
3. Agreed access to the development events currently provided for officers as detailed at Appendix 2 of the report.

5.2 Update on Senior Recruitment

Heather Daley, Divisional Director, HR and Transformation introduced the report.

The Committee asked Ms Daley to consider whether the role of Divisional Director Sports, Leisure and Culture should be located entirely in the Children's Directorate, given the broad and cross-cutting nature of the portfolio.

RESOLVED:

That the General Purposes Committee:

1. Noted progress on the recruitment to senior management vacancies following the implementation of a revised Council structure.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

The Chair advised he had been informed of one matter of urgent business.

CONFIRMATION OF APPOINTMENT TO EXTERNAL BODY

The Chair advised that a recent decision of the Mayor (ref. Mayoral Decision Log No. 155) had made a number of appointments to external bodies in accordance with his authority to make appointments relating to executive functions. One of these appointments had since been identified as relating to a Council function, so falls within the General Purposes Committee's delegated powers to approve. The Committee indicated no objections to the proposed appointment and

RESOLVED

1. That Councillor Danny Hassell is appointed as the Council's representative on the Local Government Group Annual Conference for 2017/18.

7. RESTRICTED REPORTS FOR NOTING

7.1 Employment Appeals

Heather Daley, Divisional Director, HR and Transformation introduced the report. Ms Daley noted that the review of employment appeals processes, agreed earlier in the meeting, would potentially impact on the recommendations in this report.

The Committee noted that officers have reported difficulties securing Member attendance at upcoming Employee Appeal Sub-Committees, which is contributing to delays in hearing employment appeals. The Chair asked that Democratic Services canvass all members and deputies of the Committee for their availability for future Employee Appeal Sub Committees, which are currently set for:

- Monday 31 July, 6.30pm
- Wednesday 2 August, 6.30pm.

RESOLVED:

That the General Purposes Committee:

1. Noted the significant delay in hearing employment appeals
2. Agreed that a schedule of six employment appeal panels should be arranged for the municipal year 2017/18.
3. Agreed to receive a review of Employment Policies and Procedures later in this municipal year including arrangements for appeals.

7.2 Exempt Appendices for Local Authority Governor Applications

Noted.

The meeting ended at 8.48 p.m.

Chair, Councillor Danny Hassell
General Purposes Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 6.00 P.M. ON WEDNESDAY, 13 SEPTEMBER 2017

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

Members Present:

Councillor Danny Hassell (Chair)
Councillor Denise Jones (Vice-Chair)
Councillor Aminur Khan
Councillor Helal Uddin

Apologies:

Councillor Craig Aston
Councillor Abdul Mukit MBE
Councillor Muhammad Ansar Mustaqim
Councillor Joshua Peck

Officers Present:

Janet Fasan	(Divisional Director, Legal)
Jacinta Gasson-Mulcahy	(Senior Manager – HR Consultancy)
David Knight	(Senior Democratic Services Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

None were declared.

2. REPORTS FOR CONSIDERATION

2.1 Amendments to Terms of Reference for Appointment Sub Committee

The Committee received the report of the Corporate Director, Health, Adults & Community proposing amendments to Terms of Reference for the Appointment Sub Committee considering the appointment of the Joint Director, Integrated Commissioning which is proposed to be a joint role with the Tower Hamlets Clinical Commissioning Group (CCG).

RESOLVED that the Committee:

1. Agree that the following changes be made to the arrangements agreed at its meeting on 17th June 2017 in respect of the Appointments Sub-Committee for the appointment of the Joint Director of Integrated Commissioning only:

- (a) That the membership of the Sub-Committee comprise 4 Council members (2 Labour and 1 each from two of the 3 other political groups) and an additional four co-opted members from the CCG in a non-voting capacity.
- (b) That subject to (a) the Corporate Director, Governance is delegated authority to determine which nominees from the 3 other political groups are appointed to the Sub-Committee.
- (c) That the quorum be 4 with a minimum of 2 Council and 2 CCG representatives.
- (d) That the Council voting members must take account of the views of the co-opted members in making an appointment.
- (e) That the Committee understand and agree that a joint senior appointment could only be made effectively with agreement across the 2 organisations and therefore to proceed, a consensus would need to be reached on the appointment. In the event of one party not agreeing to the appointment, the process would need to be abandoned with no appointment being made.

The meeting ended at 6.45 p.m.

Chair, Councillor Danny Hassell
General Purposes Committee



TOWER HAMLETS

GENERAL PURPOSES COMMITTEE WORK PLAN 2017/18

Page 17

Contact Officer:	Joel West Democratic Services
Email:	joel.west@towerhamlets.gov.uk
Telephone:	020 7364 4207
Website:	www.towerhamlets.gov.uk/committee

Agenda Item 3


GP CTTEE WORK PLAN 2017/18

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
25 JANUARY 2018			
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	
2. Pay policy statement	<i>To be advised.</i>	Heather Daley Divisional Director HR and Transformation	
3. Mayor and Local Government Elections update – including the role of the Police	Progress update for the Mayor and Local elections 2018, including, timetable, polling places, staffing, training, postal vote openings, role of the police and preparations for the count.	Will Tuckley, Chief Executive	
4. Annual canvass 2017 update	Report on response rate and statistics for the published Register of Electors 2018.	Will Tuckley, Chief Executive	
5. Constitution revisions	To note any revisions made to the Constitution by the Monitoring Officer under the MO's delegated authority.	Asmat Hussain, Corporate Director of Governance	
6. Review of external appointments (Phase 2)	To conclude the review looking specifically at (1) the range of bodies currently appointed to and (2) the skills and accountabilities needed of nominees to each.	Asmat Hussain, Corporate Director of Governance Matthew Mannion, Committee Services Manager.	
7. Members' Learning and Development	Further to the October 2017 report, an update on the range of learning & development opportunities available to Members	Asmat Hussain, Corporate Director of Governance Beverley McKenzie, Head of Members Support	
4 APRIL 2018			
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	

GP CTTEE WORK PLAN 2017/18

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
2. Mayor and Local Government elections update	Further progress update for the Mayor and Local elections 2018, including nominations, agents, deadline dates, polling day and count briefing.	Will Tuckley, Chief Executive	
3. Constitution revisions	To note any revisions made to the Constitution by the Monitoring Officer under the MO's delegated authority.	Asmat Hussain, Corporate Director of Governance	

This page is intentionally left blank

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>12 October 2017</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Will Tuckley, Returning Officer</p>	<p>Classification: Unrestricted</p>
<p>Update on preparations for the Mayor and Local Government elections 2018</p>	

<p>Originating Officer(s)</p>	<p>Louise Stamp, Head of Electoral Services</p>
<p>Wards affected</p>	<p>All</p>

Summary

This report outlines preparations in place for the Mayor and Local Government elections 2018.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the content of this report.

1. REASONS FOR THE DECISIONS

- 1.1 To update the Committee on preparations in place for the Mayor and Local Government elections 2018.

2. ALTERNATIVE OPTIONS

- 2.1 None as this is a noting report.

3. DETAILS OF REPORT

- 3.1 Preparations are well underway for the Mayor and Local elections taking place on Thursday 3 May 2018.
- 3.2 Election planning group (EPG) meetings, chaired by Will Tuckley, Returning Officer, and officers from across the council have taken place to discuss initial preparations for the combined elections. The group was asked to review the UKPGE 2017 and offer recommendations for change at future elections.
- 3.3 Further EPG meetings have been arranged monthly until January 2018, then fortnightly until March 2018 and weekly until polling day. The Police and Electoral Commission will be invited to the group meetings from November 2017.
- 3.4 A draft election timetable is attached at Appendix A for information. Members to note the pre-election period (purdah) commences on Tuesday 27 March 2018.
- 3.5 A series of briefings will take place over the next few months providing practical guidance for Political Groups and Independent Members, explaining the process to follow for nominations, registration, purdah, polling day and the count.
- 3.6 A pre-election candidates and agents meeting will be held on Friday 23 March 2018 at 6pm in the Council Chamber. Following publication of the statement of persons nominated on Monday 9 April 2018, a further meeting has been arranged to discuss polling day and count arrangements.

4. LESSONS LEARNT FROM THE UKPGE 2017

- 4.1 A series of meetings have taken place with the Election Planning Group, Polling Station Inspectors, Presiding Officers, Senior Count Staff and Accountants. Some recommendations for consideration from the meetings were:

- Some single stations to become double stations to avoid queues

- Training to be provided in-house as online training would not cover the detail required for combined elections
- More in depth training for presiding officers to cover the register content and various lists
- The number of Polling Stations Inspectors to double – one PSI per ward
- Privacy Banners to be placed on all polling booths to deter family members from influencing the vote
- Better communication from PO's to the PSI's, confirming set up is complete and the station is open
- Form to capture the name of the person handing in postal votes at the polling station
- Polling station ballot papers to be pre-folded to allow the presiding officer to see the back of the ballot paper before being placed in the ballot box
- A dedicated front of house person to be identified for the count

5. POLLING PLACE REVIEWS

5.1 Following the 2017 UKPGE, a number of polling places will be reviewed to assess their suitability for the combined elections in May 2018.

5.2 The polling places and reason for review are listed below:

PD	Polling Place	Reason for review
CW3	Tiller Leisure Centre	First floor location, difficult for disabled voters as lift is often out of order. In the room used for polling, gym equipment had to be relocated the evening before poll and reinstated after close of poll. Contractors need to be involved and there is a high cost element associated with this work.
SB1	Christ Church Primary School	First floor location, difficult for disabled voters. Lift location is through the main reception area and door is kept locked. If lift is not working, the PO has to bring ballot paper down to the elector.
BW2	Olga Primary School	School was newly renovated in 2017 and the hall is now located on the first floor. Lift access for disabled voters.
SB4	Whitechapel Sports Centre	Due to Cross Rail works, the outside area has restricted access and is not suitable for disabled voters. Area used for voting is in the main reception and due to high turnout, a double station is required, but the area is too small.
BW3	Gateway Housing Association	Major difficulty in 2017 with manager at this site who does not want us to use the premises. She requests security guards for each election and the costs are very high.

BE3	Eastside Youth Centre	This location is too small to accommodate a double station. Staff complained that the size of hall is difficult to manage during busy periods.
SD2	Alice Model Nursery	Currently a single station, but needs to be a double station due to high turnout. The area used is too small for a double station.
BC1	Portakabin by East India DLR	Currently no issues using the Portakabin, but we have to gain permission from DLR and Highways to place the kabin on site. In addition, a detailed health and safety report has to be prepared. There is a high cost element involved due to the hire of the Portakabin (one week minimum), security, highway costs, portaloos cost, electricity cost and generator cost.

5.3 A full report with recommended changes will be presented to GP committee in January 2018.

6. COUNT VENUE 2018

6.1 The count venue secured for the 2018 elections is:

East Wintergarden
43 Bank Street
Canary Wharf
London
E14 5NB

6.2 Verification of both ballot boxes will commence at 10pm on Thursday 3 May 2018, followed by the Mayoral count and declaration.

6.3 The local ward counts will start at 2pm on Friday 4 May 2018, with a fresh count team.

6.4 Excel London was approached for hire because the site has been successfully used for previous elections, but the venue is not available on the required dates.

7. ELECTORAL PILOTS

7.1 Will Tuckley, Returning Officer for the Mayor and local elections in 2018, was approached by the Cabinet Office to undertake a postal vote pilot to trial recommendation 23 of Sir Eric Pickles' report into electoral fraud. The following three areas have been identified:

- A leaflet to be included in postal vote packs to inform electors who to

contact if they suspect fraudulent activity. Contacts to include – the RO, Police and Crime Stoppers

- Random sampling for the receipt and return of postal vote packs
- Possibility of hand delivering postal vote packs with the 5+ elector checks conducted two weeks prior to the deadline for registration. Signature requirements to be discussed.

The postal vote pilot will be evaluated by the Electoral Commission along with evaluation of the five voter ID pilots.

- 7.2 Will Tuckley, met with officials from the Cabinet Office in June 2017, to confirm that Tower Hamlets will not be taking part in the 2018 Voter ID pilots.
- 7.3 This is not because the RO is opposed to voter ID in principle, but the decision not to participate was made to eliminate risks associated with the poll and ensure electors are not disenfranchised.
- 7.4 There have been major developments since the expression of interest was made that have resulted in an assessment that the risks of proceeding are greater than the perceived benefits.
- 7.5 The delay in designing and announcing the pilots is one of those risks. Any change must be planned and implemented carefully and communicated extensively over a significant period of time.
- 7.6 The RO was very clear with the Cabinet Office and in direct dialogue with the Minister that we needed to know by June 2017 if our pilot had been accepted. This timescale was discussed at our Best Value Board where commissioners commented that this was the minimum required.
- 7.7 We had designed a pilot that exploited our secure electoral registration system. This would have allowed voters to confirm their identity electronically and upload a photograph.
- 7.8 Asking for voter ID is a significant change in practice. People who do not comply, either because they are unaware or refuse will, potentially, be turned away and won't be able to vote.
- 7.9 Since the pilots were developed the Conservative Party manifesto has included a clear commitment to introducing this change across the country. In light of this there does not seem to be much point in testing an alternative method with little chance of providing a universal model.
- 7.10 The Head of Electoral Services is taking part in an advisory group for the 2018 pilots, assisting them with reform designed to make the process safer.

8. COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 This is a noting report which provides the general purposes committee with an update on the preparations for the Mayor and Local elections 2018.

8.2 The Council's Electoral Services team administers elections on behalf of the Returning Officer. The mayor and local elections are estimated to cost around £600k and will be fully funded by the council.

9. LEGAL COMMENTS

9.1 The Mayor and Local elections will be conducted in compliance with The Local Authorities (Mayoral Elections) (England and Wales) Regulations (as amended) and The Local Elections (Principal Areas) (England and Wales) Rules (as amended).

10. ONE TOWER HAMLETS CONSIDERATIONS

10.1 There are no One Tower Hamlets considerations arising from this report.

11. BEST VALUE (BV) IMPLICATIONS

11.1 Allegations of electoral fraud.

11.2 Election petitions following the election.

11.3 Polling places and count venue unavailable.

11.4 Royal Mail strike – unable to deliver poll cars and postal vote packs.

11.5 Incorrect declarations at count.

12. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

12.1 There are no SAGE implications arising from this report.

13. RISK MANAGEMENT IMPLICATIONS

13.1 A detailed risk and contingency planner will be prepared for the combined elections in December 2017.

14. CRIME AND DISORDER REDUCTION IMPLICATIONS

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

Linked Reports, Appendices and Background Documents

Linked Reports

None

Appendix 1

- Statutory Timetable

Local Government Act, 1972 Section 100D (As amended)
List of “Background Papers” used in the preparation of this report
NONE

Officer contact details for documents:

- Asmat Hussain

This page is intentionally left blank

Mayor and Local Government Elections Statutory Timetable of Proceedings for Thursday 3 May 2018

Publication of Notice of Election		Tuesday 27 March 2018
Receipt of Nominations	4:00 pm	Friday 6 April 2018
Withdrawal of Candidate	4:00 pm	Friday 6 April 2018
Appointment of Election Agents	4:00 pm	Friday 6 April 2018
Publication of Notice of Election Agents	4:00 pm	Friday 6 April 2018
Publication of Statement of Persons Nominated	4:00 pm	Monday 9 April 2018
Last Date for Registration		Tuesday 17 April 2018
Receipt of Postal Vote Applications	5:00 pm	Wednesday 18 April 2018
Publication of Notice of Poll		Wednesday 25 April 2018
Receipt of Proxy Vote Applications	5:00 pm	Wednesday 25 April 2018
Appointment of Poll and Count Agents		Thursday 26 April 2018
First Day to Issue Replacement Lost Postal Ballot Papers		Friday 27 April 2018
Receipt of Emergency Proxy Vote Applications	5:00 pm	Thursday 3 May 2018
Last Day to Issue Replacement Spoilt or Lost Postal Ballot Papers	5:00 pm	Thursday 3 May 2018
Day of Poll	7:00 am to 10:00 pm	Thursday 3 May 2018
Verification and Mayoral Count - East Wintergarden	10:00 pm	Thursday 3 May 2018
Local Ward Counts – East Wintergarden	2:00 pm	Friday 4 May 2018
Return of Election Expenses		Thursday 7 June 2018

Dated Wednesday 04 October 2017

This page is intentionally left blank

Non-Executive Report of the: General Purposes Committee 12 th October 2017	 TOWER HAMLETS
Report of: Debbie Jones, Corporate Director (Children's Services)	Classification: [Unrestricted]
Local Authority Governor Application	

Originating Officer	Runa Basit
Wards affected	All

1. SUMMARY:

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

By virtue of section 100A of the Local Government Act 1972 and paragraph 1 of Schedule 12A of the Local Government Act 1972, Appendices 1 to 8 of the Report are Exempt as it contains information relating to any individual. The Appendices are exempt to the extent that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the Appendices"

2. RECOMMENDATION:

The General Purposes Committee is recommended to:

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

3. REASONS FOR DECISION:

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

3.2 The governor nominations in this report are to fill the current LA governor vacancies.

4. ALTERNATIVE OPTIONS:

Background - LA appointed governors

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

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

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

5. LOCAL AUTHORITY GOVERNOR NOMINATIONS AND APPOINTMENTS

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

6. APPLICATIONS

New applications

6.1 The Headteacher of Harry Roberts Nursery School is in support of Andrew Barton's application.

Mr Andrew Barton's application is enclosed at **Appendix 1**.

6.2 The Headteacher and Chair of St Matthias CoE Primary School are in support of Harry Fletcher Wood's application.

Mr Harry Fletcher Wood's application is enclosed at **Appendix 2**.

6.3 The Chair of Raine's Foundation is in support of Richard Tyndall's application.

Mr Richard Tyndall's application is enclosed at **Appendix 3**.

Re-appointments

6.4 The Headteacher at Arnhem Wharf Primary School is in support of Alesha De-Freitas's application.

Ms Alesha De-Freitas's application is enclosed at **Appendix 4**.

6.5 The Headteacher at St Elizabeth RC Primary School is in support of Melian Mansfield's application.

Ms Melian Mansfield's application is enclosed at **Appendix 5**.

- 6.6** The Headteacher at Cubitt Town Infant School is in support of Penny Grimwood's application.

Ms Penny Grimwood's application is enclosed at **Appendix 6**.

- 6.6** The Headteacher and Chair at Osmani Primary School are in support of Shelagh Taylor's application.

Ms Shelagh Taylor's application is enclosed at **Appendix 7**.

- 6.6** The Headteacher at Swanlea Secondary School is in support of Sophie Fanning-Tichborne's application.

Ms Sophie Fanning-Tichborne's application is enclosed at **Appendix 8**.

7. COMMENTS OF THE CHIEF FINANCE OFFICER

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

8. LEGAL COMMENTS

- 8.1 Section 19 of the Education Act 2002 requires each maintained school to have a governing body, which is a body corporate constituted in accordance with the Regulations. Each maintained school is required to have an instrument of government, which specifies the membership of the governing body. Regulations require a governing body to include person appointed as a local authority governor and for a number of associated matters.
- 8.2 The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.
- 8.3 Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –

- A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.
- A person must be aged 18 or over at the date of appointment to be qualified to be a governor.
- A person cannot hold more than one governor post at the same school at the same time.
- A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.
- A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being barred from 'regulated activity' relating to children under the Safeguarding of Vulnerable Groups Act 2006; or (6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.
- A person is disqualified from appointment as a local authority governor if he or she is eligible to be a staff governor.

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

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

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

9. ONE TOWER HAMLETS CONSIDERATIONS

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

10. BEST VALUE (BV) IMPLICATIONS

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

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 There are no SAGE implications in the report.

12. RISK MANAGEMENT IMPLICATIONS

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

13. CRIME AND DISORDER REDUCTION IMPLICATIONS

13.1 The proposals in the report do not have an impact in relation to the reduction of crime and disorder.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendices 1 – 8 [EXEMPT]. LA Governor Application Forms

Officer contact details for documents:

- Runa Basit

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Non-Executive Report of the: General Purposes Committee 12 October 2017	
Report of: Heather Daley, Divisional Director, Human Resources and Transformation	Classification: Unrestricted
Employment Appeals Against Dismissal to Members	

Originating Officer(s)	Jacinta Gasson-Mulcahy Senior Manager Consultancy
Wards affected	(All Wards);

Summary

This report updates Members about progress towards hearing outstanding employment appeals in the period July to mid-September.

It also follows the General Purposes Committee meeting of July this year where it was agreed to receive a review of Employment Policies and Procedures later in this municipal year including arrangements for appeals.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the conclusion since 30 August 2017 of 4 outstanding employment appeal hearings; and the 3 still to convene based on the current employment procedures.
2. Note the arrangements agreed for a schedule of 3 further employment appeal panels for the municipal year 2017/18 and nominate Members to attend.
3. Agree a further 4 meetings to be held by 31 March 2018 to consider future appeals and ensure there is no further backlog.

1. REASONS FOR THE DECISIONS

- 1.1 Appeal hearings should be held in a timely manner and this report seeks to ensure that meeting dates are scheduled in advance to minimise the time taken to hear appeals.

2. ALTERNATIVE OPTIONS

- 2.1 Committee could choose not to set hearing dates nor appoint members, but this would lead to further delays to appeal hearings, which is not in line with best practice.

3. DETAILS OF REPORT

3.1 In July this Committee was advised of the following appeals awaiting a hearing – the reason for dismissal has been added in italics:

Directorate	Date of Dismissal	Appeal Rec'd	Days Outstanding	Planned Appeal Date
Place	04/04/16 <i>Sickness</i>	07/06/2016	315	10/07/17 9.30 am <i>Withdrew</i>
Place	21/12/16 <i>Gross Misconduct</i>	12/01/2017	98	10/07/17 3.30 pm Re-instated
Place	08/02/17 <i>Sickness</i>	03/03/2017 resubmitted 04/04/17	50	30/08/17 Upheld
Place	06/03/17 <i>Gross Misconduct</i>	28/03/2017	19	10/07/17 Upheld

3.2 Since that report, 1 of these people withdrew their appeal and 4 hearings have been held which has now concluded all the cases above, plus one other which was omitted from the table (in error), which was a dismissal for gross misconduct.

3.3 There are 3 appeals against dismissal cases left to hear and dates have been set for the appeals panels to sit to consider these. These are:

Directorate	Date of	Appeal Rec'd	Days	Planned
-------------	---------	--------------	------	---------

	Dismissal		Outstanding	Appeal Date
Place	13/07/16 <i>Gross Misconduct</i>	20/07/16	398	20/11/2017
Children's	30/05/17 <i>Gross Misconduct</i>	27/06/17	65	03/10/2017

Children's	12/07/17 <i>Sickness</i>	13/07/17	49	30/10/2017
------------	-----------------------------	----------	----	------------

3.3 The case which has been delayed for over a year; and that should have been on the list in the paper to General Purposes in July but was omitted in error; was delayed in the main as a result of the backlog of Member appeal hearings. It had been expected that the case would be heard earlier but when a date was eventually set the appellant was on leave. A number of appeals have taken between 6 months to a year to be heard; however this backlog should not continue if regular appeal hearing dates are scheduled in advance.

3.4 Currently there are no additional outstanding employment dismissal appeals; however there are 5 disciplinary cases to be held in the next couple of months which will be considering allegations of gross misconduct. Should any of these result in dismissal then there may be further appeals submitted.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no financial implications arising directly from this report.

5. LEGAL COMMENTS

5.1 The primary risk to the Council of delay in the hearing of appeals against dismissal is the potential for an Employment Tribunal to consider that there has been a failure to follow the ACAS Code of Practice in respect of hearing an appeal within a reasonable time frame. Although not every dismissal leads to a claim and the circumstances of each case will be considered in determining what is reasonable, a finding that there has been an unreasonable failure to comply with the ACAS Code could lead to a potential uplift in any compensation ordered of up to 25%.

5.2 An employee may also seek to add additional claims or additional grounds of complaint in any existing Tribunal claim regarding any breach of procedure or failure to act within a reasonable timeframe (which could include claims of discrimination).

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 Appeal panels are constituted to be representative wherever possible. The appeal stages of any employment process serves as a check of procedural adherence.

7. BEST VALUE (BV) IMPLICATIONS

7.1 There are no best value implications arising directly from this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

8.1 There are no environmental issues arising directly from this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The Council is incurring risk by delaying the hearing of employment appeals. Employment Tribunals take a dim view of such delays and may infer procedural irregularity thus weakening the Council's defence.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no crime and disorder issues arising from this report.
-

Linked Reports, Appendices and Background Documents

- 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.

- Exempt appeal report

Officer contact details for documents:

- Jacinta Gasson-Mulcahy 0207 364 4525

This page is intentionally left blank

Non-Executive Report of the: General Purposes Committee 12 October 2017	
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Review of external appointments – Phase 1	

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

Summary

Further to a request by the Mayor, this report provides the Committee with an overview of the Council’s process for appointing representatives to outside bodies and information on bodies to which the Council nominates (or may nominate) representatives. It forms the first part of a review that will allow the Committee to look at the range of current organisations, make recommendations about the appropriateness of appointments to each body and develop a picture of the skills and accountabilities needed for appointees to each outside body. This report asks that further work be undertaken to inform Phase 2 of the review.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the process for the nomination of representatives to outside bodies, for both executive and non-executive functions as set out in paragraphs 3.2 to 3.6.
2. Note the roles and responsibilities for outside body appointments as detailed in paragraphs 3.7 to 3.9 and agree that these continue to be communicated to all parties via appropriate channels.
3. Review the list of current outside bodies as set out in Appendix A and make recommendations or comments as necessary.
4. Agree that outside bodies be asked to provide the Council with updated information on their purpose, status and operating structure to inform Phase 2 of the review, which will seek to develop a picture of the skills and accountabilities needed of appointees to each outside body.
5. Receive a Phase 2 report at the January 2018 meeting, providing
 - a. a further list of outside bodies, incorporating any changes as a result of (4);
 - b. any new information obtained as a result of (5); and
 - c. revised Guidance for Members Representing the Council on External Bodies.

1. REASONS FOR THE DECISIONS

- 1.1 The Council has delegated the function of making appointments to outside bodies, where the activities of those outside bodies relate to Council functions, to the General Purposes Committee.
- 1.2 The Mayor has asked the Committee if it would consent to carry out a review of the organisations and the process for outside body appointments for both executive and Council functions.

2. ALTERNATIVE OPTIONS

- 2.1 The Committee could refuse the Mayor's request to conduct a review of outside bodies.

3. DETAILS OF REPORT

- 3.1 The Mayor has asked the Committee if it would consent to carry out a review of the organisations and the process for outside body appointments for both executive and Council functions. The Mayor has suggested that the review could:
 - A. look at the range of current organisations and make recommendations about the appropriateness of appointments to each body; and
 - B. develop a picture of the skills and accountabilities needed for each outside body, so they may be matched with potential appointees when future decisions on appointments are made.

ROLES IN THE OUTSIDE BODY APPOINTMENT PROCESS

- 3.2 The process of appointing and maintaining representatives on outside bodies requires input and collaboration from a number of different roles.

Decision makers

The Mayor

- 3.3 The Mayor can make nominations to outside bodies where the activities of the outside body relate to executive functions. This includes almost all current outside body appointments. The Mayor can make such appointments at a Cabinet meeting or through Individual Mayoral Decisions. Decisions are published in accordance with the Council's Access to Information Rules.

General Purposes Committee

- 3.4 The Mayor cannot make nominations to outside bodies where the activities of the outside body relate to Council functions. The responsibility for these

nominations lies with the Full Council. However, the Council has delegated this function to the General Purposes Committee.

- 3.5 The terms 'Executive function' and 'Council function' are explained in Parts 3.1 and 3.2 of the Council's [Constitution](#).
- 3.6 Subject to the constitution or rules of each outside body, decision makers can nominate Councillors, Council officers or lay-persons (members of the public) to outside bodies.

Officers (Democratic Services)

- 3.7 Council Officers support both the decision makers and appointed Council representatives. Officers also liaise with outside bodies to communicate key information. These tasks are undertaken by officers in Democratic Services (Committee and Member Support Teams). They
- Provide advice and guidance to decision makers/nominators (i.e. The Mayor and General Purposes Committee) on the issues around the appointment of persons to outside bodies.
 - Provide advice, guidance and support to appointees (Member, Officer and Laypersons) on their specific appointment/role on the outside body. See also 'Appointees' below.
 - Maintain, process and publish all relevant data, decisions, etc in relation to the making of the appointments in accordance with the Council's relevant statutory responsibilities.
 - Communicate details of Council nominees (names and basic contact details) to outside bodies (and vice-versa) promptly following appointments.
 - Communicate the Council's expectations to outside bodies (see below).
 - [Cabinet Members only] Provide diary support as required regarding outside body appointments and commitments (via the Mayor's office).

Outside bodies

- 3.8 The Council appoints representatives to outside bodies as it recognises that they contribute to the wellbeing of the Borough. Where nominations are made, outside bodies are expected to reciprocate the Council's investment by observing the following:
- Outside bodies must maintain regular direct contact with the Council's appointees, including advising of any meetings the appointees are entitled to attend.
 - Outside bodies must provide Council Officers with basic information and regular updates on their purpose, operation and constitution.

- Outside bodies must inform the Council in a timely manner of any changes to their status, contact details, constitution/operating structure or anything else that would reasonably be of interest to the Council.

Appointees

- 3.9 Appointed Council representatives play an important liaison role. Often they provide the only formal link between the Council and the outside body to which they have been nominated. Therefore, appointees are expected to:
- Read and observe the guidance provided by Council Officers on their role within the outside body to which they are appointed and contact Officers should they feel they have a training/support need. The guidance includes a number of requirements appointees are expected to observe, including participation in meetings and reporting back to the Council.
 - Alert Council Officers of any changes to their personal circumstances which may affect their ability to carry out their representative role.
 - Alert Council Officers should the outside body fail to provide them with regular information (or in any other way not meet the Council's expectations).
- 3.10 The Council acknowledges that acting as a Council appointed representative on an outside body can be demanding. As such, Council Officers have developed guidance for appointees. The guidance is currently being reviewed by legal officers and will be presented at Phase 2 of the review.

CURRENT OUTSIDE BODIES

- 3.11 Appendix A details those outside bodies which are currently deemed 'active' with regards to Council appointments, i.e. they have informed the Council that they currently allow for one or more Council-nominated representatives on their governance arrangements and the Council has made such an appointment in the past three years. Current appointees to each body are also shown. In some cases, the Council does not currently have a nominated representative to that body, so the nomination is shown as vacant. Basic information on the purpose of each outside body is provided, where known.
- 3.12 The Committee is invited to consider the list of current outside bodies and make comments and recommendations as necessary. The list of outside bodies will then be amended/refined as necessary.
- 3.13 It is proposed that Officers will ask outside bodies to provide the Council with updated information on their purpose, status and operating structure to enable the Committee to understand the skills and accountabilities required of appointees so they might be matched with potential appointees when future decisions on appointments are made. This exercise will be undertaken in Phase 2 of the review.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

4.1 There are no financial commitments arising from the recommendations within this report.

5. LEGAL COMMENTS

5.1 Pursuant to Part 3.2.2 of the Constitution, the appointment and removal of Councillors and others to outside bodies is an Executive decision when the appointment relates to executive functions. Where it is non-executive then that function is delegated to General Purposes Committee as per Part 3.3.1(8) of the Constitution.

5.2 There are 3 types of external bodies:

- Formal joint Committees or joint working groups set up with other authorities. Councillors and/or officers serve on them as Council Members or officers.
- Bodies that are independent of the Council but are advisory or consultative and appointees have a representative function rather than an executive one. The purpose of the appointment is to speak on behalf of the Council.
- Bodies that are independent outside bodies and the appointees are placed there to act as Trustees, members of the Management Committee, officer of a Company, or some similar role. In such cases, the Councillor and/or officer is not there to act as Council representative but to use their judgement in the best interests of the outside body. In most cases, while acting on the outside body, the Councillor and/or officer will be under a positive legal duty to act in its best interests rather than those of the Council

5.3 Due to the differing roles on external bodies, appointments should be time-limited and regularly reviewed to ensure that the correct person has been appointed. Where the Councillor and/or officer's role is representative and speaking on behalf of the Council then it is important that there is regular feedback from the Council representative attending to ensure that the Council's interests are being best represented.

5.4 In its consideration of this Report and its recommendations, 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 do not (the public sector equality duty). There is some information in the report relevant to these considerations in paragraph 6 below.

6. ONE TOWER HAMLETS CONSIDERATIONS

6.1 The appointment of representatives to external bodies enables the Council to strengthen links with the community. The appointment of representatives also contributes to the Council's leadership role in the community.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 Clarifying procedures and roles for the outside body appointment process should improve efficiency by maximising the limited officer capacity to support outside appointments. By ensuring the Council focusses its efforts on outside bodies that support its objectives, this review should increase the effectiveness of the Council's outside body appointments.

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 Participating in the work of outside bodies in an effective, consistent and structured way reduces potential risk to the Council's reputation.

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 A – List of current outside bodies.

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:

- Joel West, Senior Committee Officer 020 7364 4207

APPENDIX A

NOMINATIONS TO OUTSIDE BODIES 2017/18 (as at 1 September 2017)

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Action for Bow	This Charitable Trust was established by the former Tower Hamlets Housing Action Trust, to promote social and economic regeneration in Bow East and Bow West.	Councillor Marc Francis	Mayor
Billingsgate Market Consultative Advisory Committee		Councillor Clare Harrisson	Mayor
Bromley by Bow Centre	The Bromley by Bow Centre is an innovative community organisation in east London, working in one of the most deprived boroughs in the UK. Supporting families , young people and adults of all ages to learn new skills, improve their health and wellbeing, find employment and develop the confidence to achieve their goals and transform their lives.	Councillor Rachael Saunders (Subject to review)*	Mayor
Create London - Director	Create exists to explore the ways artists can contribute to the lives of people in cities, primarily focused in east London, We help artists to connect more closely with communities through an ambitious programme of projects.	Councillor Denise Jones	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Cultural Industries Development Agency	We are a creative and cultural development agency. We support creatives , in the broadest possible sense, in so many ways and across so many creative disciplines. “ We put the business into creativity ”.	No current nomination	Mayor
Davenant Centre		Andy Scott Jackie Odunoye	Mayor
Docklands Sailing and Water Sports Centre	We are a Royal Yachting Association recognised training centre, and deliver courses in Sailing, Windsurfing and Powerboating under the RYA scheme. We also offer British Canoe Union courses in paddlesports .	Councillor Dave Chesterton	Mayor
East End Community Foundation	East End Community Foundation is a unique partnership of businesses, charities and public bodies dedicated to improving opportunities for people living in London's East End. We fund grass roots organisations , directly deliver projects and work with local businesses to raise educational achievement, enhance employability and increase social cohesion.	No current nomination	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
East End Homes Board	Eastend Homes is a community led, Registered Provider of Social Housing based in the London Borough of Tower Hamlets. Eastend Homes was set up as part of the Tower Hamlets Housing Choice programme and was registered with the Housing Corporation in January 2005. We are also a registered charity.	Councillor Rachael Saunders (Subject to review) Motin Uz-Zaman	Mayor
East London & The City University Mental Health NHS Trust (East London NHS Foundation Trust)	ELFT provides mental health and community health care services and support. While our core area covers City of London, Hackney, Newham and Tower Hamlets – we also deliver services further afield.	Councillor Rachael Saunders (Subject to review)	Mayor
East London Nursing Society Trust	To relieve in cases of need persons resident in Tower Hamlets who are sick, convalescent, disabled or infirm. Working with Children, Young People, Older People, Disabled People and other Charities and Voluntary Organisations.	Councillor Rachael Saunders (Subject to review)	Mayor
English Heritage - Historic Environment Champion	English Heritage exists to protect and promote England's spectacular historic environment and ensure that its past is researched and understood.	Councillor Amina Ali	Mayor
Greater London Employment Forum (London Councils)		Councillor David Edgar	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Greater London Enterprise	GLE is one of the most active and creative supporters of small businesses, working to create jobs, encourage enterprise and equip SMEs with the expertise and resources to compete.	No current nomination	Mayor
Green Candle Dance Company	Green Candle is a dance company, known for its work involving both young and older people with and without disabilities. Our main objective is to provide dance experiences to those with least access to it, within both educational and community settings, regardless of age or ability.	No current nomination	Mayor
Greenwich & Docklands Festival	Greenwich Docklands International Festival (GDIF) is London's leading festival of free outdoor performing arts (theatre, dance, and street arts), an annual 9-day celebration of extraordinary outdoor events that transform people's lives.	Councillor Amina Ali	Mayor
Jagonari Women's Education & Resource Centre- Board Member	Jagonari Women's Educational Resource Centre is a community centre situated in the heart of Whitechapel; the centre is largely used by women, families and children to access core services in respect of adult learning, training employment, health wellbeing, crèche and nursery, women ahead.	No current nomination	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Lee Valley Regional Park Authority	Lee Valley Regional Park Authority runs award winning open spaces and sports venues along the 26 mile long, 10,000 acre park. The park was created by a unique Act of Parliament as a “green lung” for London, Essex and Hertfordshire. Our approach is to be community focused and commercially driven, to work with partners to produce a unique combination of activities, sights and experiences.	Councillor Dave Chesterton Councillor Denise Jones	Mayor
LHC (London Housing Consortium)	LHC is a Joint Committee of Local Authorities providing procurement services relating to the construction, refurbishment and maintenance of public sector buildings throughout the UK.	Councillor Joshua Peck Councillor Rachel Blake	Mayor
Local Government Group Annual Conference (LGA)		Councillor Danny Hassell	Council appointment (Nomination by Mayor)
London City Airport Consultative Committee	The London City Airport's consultative committee has been established to monitor all aspects of the operation of the Airport and to advise on operating procedures with a view to minimising noise pollution or other nuisance from whatever source.	Councillor Clare Harrison	Mayor
London Councils Grants Committee		Councillor Abdul Mukit MBE	Mayor
London Councils Leaders Committee		Mayor John Biggs Councillor Sirajul Islam	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
London Councils Pensions Common Investment Vehicle Sectoral Joint Committee	This committee fulfils 2 primary functions, first, to act as a platform for shareholder meetings and decision making, and second, as a forum for members to consider the structure and performance of the CIV Operator and Fund as well as to steer the development of both.	Councillor Clare Harrison	Mayor
London Councils Transport and Environment Committee		Councillor Amina Ali Councillor Rachel Blake	Mayor
London Legacy Development Corporation Planning Decisions Committee	The Legacy Corporation Board has appointed a Planning Decisions Committee to ensure that decisions on planning applications are made in an open, transparent and impartial manner.	Councillor Danny Hassell Councillor Rachel Blake	Mayor of London appointment (Nomination by Mayor)
London Legacy Development Corporation	The London Legacy Development Corporation was created in 2012 and has the responsibility for looking after the development of buildings and outdoor spaces in and around Queen Elizabeth Olympic Park.	Mayor John Biggs Councillor Sirajul Islam	Mayor of London appointment (Nomination by Mayor)

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
London Youth Games Ltd	<p>The London Youth Games are managed by London Youth Games (LYG) Foundation, a registered charity (1048705) set up in 1986. Borough teams have competed on an annual basis for the Jubilee Trophy and the event has grown into Europe's largest annual youth sports event.</p> <p>Jubilee Trophy as the event has grown into Europe's largest annual youth sports event.</p>	Councillor Amina Ali	Mayor
Merchant Navy Welfare Board	As the umbrella charity for the maritime charity sector, we promote co-operation between organisations that provide welfare services to merchant seafarers and their dependants within the UK.	Councillor Amina Ali	Mayor
Mudchute Association (Park and Farm)	Mudchute farm and park is a 32 acre site which is open to the public with views across London. In partnership with the London Borough of Tower Hamlets we preserve the open space and make it available for events, community groups or just your simple family picnic.	No current nomination	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Norton Folgate Almshouse Charities	The Norton Folgate Almshouses consist of 11 flats, clustered around a gated courtyard garden and nearby Victorian cottages. There are further flats in Commercial Street opposite Old Spitalfields Market. The Almshouses have their own housing regulations and the scheme is for the benefit of people in need within the Tower Hamlets area.	Councillor John Pierce Mr Dean Jones	Mayor
Ocean Regeneration Trust Board	Ocean Regeneration Trust was created in May 2008. It was established to own assets and receive income generated from the Ocean Regeneration Scheme for the benefit of the local community.	Councillor Ayas Miah Councillor Sabina Akhtar	Mayor
Older People's Member Champion		Councillor Rachael Saunders (Subject to review)	Mayor
Ricardo Community Foundation (St Clements Hospital)		Councillor Rachael Saunders (Subject to review)	Mayor
Rich Mix Cultural Foundation	Rich Mix is an independent arts venue. Our mission is to be the place where all of the communities of the world come together to make and experience art and feel like they belong. We are committed to delivering art to increasing and increasingly diverse audiences; we work with emerging and established artists and support them to deliver and develop their artistic practice.	Councillor Abdul Mukit MBE Councillor Candida Ronald	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Spitalfields Market Community Trust	Spitalfields Market Community Trust is a charity which works towards helping and raising money for charitable causes.	No current nomination	Mayor
St.Paul's Way School Foundation Trust - Member Authorised Representative	St Paul's Way Foundation School is a University School in East London with a strong emphasis on six key areas: Communication, Investigation, Networking, Participation, Scholarship and Vision.	Councillor Rachel Blake	Mayor
Stepney Relief in Need Charity	Relieving Either Generally Or Individually Persons Resident In The Area Of Benefit Who Are In Conditions Of Need, Hardship Or Distress.	Councillor Sabina Akhtar Councillor Ayas Miah	Mayor
The Henderson Charity	The Provision Of Stipends To Poor Pensioners Who Are Resident In The Area Of Benefit.	No current nomination	Mayor
Tower Hamlets and Canary Wharf Further Education Trust	The Tower Hamlets and Canary Wharf Further Education Trust exists to promote the advancement of further, higher and postgraduate education and vocational training among Tower Hamlets residents, with an emphasis on supporting vocational courses that lead to employment.	Councillor Rachel Blake Christine McInnes	Mayor
Tower Hamlets Community Housing	THCH is a Registered Social Landlord and a Registered Charity operating exclusively in the London Borough of Tower Hamlets, aiming to provide good quality homes for rent and shared ownership	Councillor Abdul Mukit MBE	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Tower Hamlets Community Transport	Our aim is to combat social exclusion and increase independence through the provision of accessible, safe and affordable transport.	Councillor Ayas Miah	Mayor
Tower Hamlets Homes Board	THH is an ALMO (Arm's Length Management Organisation). A not-for-profit company set up to deliver housing services for residents living in 22,000 Tower Hamlets Council homes.	No current nomination	Mayor
Tower Hamlets Sports Council	Tower Hamlets Sports Council promotes participation and achievement in sport within the borough of Tower Hamlets by representing the interests of local sports clubs and individuals.	No current nomination	Mayor
Tower Project	The Tower Project provides various services to children and young people with complex physical disabilities and/or learning difficulties and Autism between the ages of 5 to 18 years.	Councillor Rachel Blake	Mayor
V & A Museum of Childhood	The Museum of Childhood has lots of free fun things to do for all ages, from exhibitions and displays to activities for children, groups and schools.	Councillor Denise Jones Councillor Clare Harrisson	Mayor

Outside Body Title	Description of purpose/activities	Current Representative(s)	Nomination made by (Mayor / Council)
Whitechapel Art Gallery	We bring together artists and audiences to give everyone a direct experience of art. With galleries, exhibitions, artist commissions, collection displays, archives, education resources, art courses, talks, symposia, film,	Councillor Danny Hassell	Mayor
Women's Environmental Network	The Women's Environmental Network's mission is to make the connections between women's health and well-being and environmental issues. WEN works directly with women in the UK, providing information, training and workshops on matters of local food growing, health, and climate change, to encourage and inspire women to make change in their lives, families and wider networks.	Councillor Shiria Khatun	Mayor
Women's Library Council	The Women's Library @ the London School of Economics documents all aspects of women's lives, with a particular emphasis on the lives of women in the UK and the great political, economic and social changes of the past 150 years.	No current nomination	Mayor

*The Mayor has recently appointed Councillor Denise Jones as the Cabinet Member for Health & Adult Services, replacing Councillor Rachael Saunders. It is likely therefore the Mayor may wish to review these appointments in the near future.

This page is intentionally left blank

Non-Executive Report of the: General Purposes Committee 12 th October 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Constitution Review – Council Procedure Rules	

Originating Officer(s)	Hannah Ismail, Trainee Solicitor and Paul Greeno, Senior Corporate and Governance Lawyer
Wards affected	All

Summary

General Purposes Committee on 5th July 2017 agreed to review the Council Procedure Rules. This report presents a revised set of Rules for recommendation to Council.

Recommendations:

The General Purposes Committee is requested to:

1. Recommend to Council the changes to Part 4.1 of the Constitution as set out in Appendix 1 to enable these changes to come into effect; and
2. To note that a further review of the Petition Scheme is planned for next year.

1. REASONS FOR THE DECISIONS

- 1.1 The Council Procedure Rules are an important part of the Constitution providing the rules of procedure governing each of the 4 types of Council meetings: annual, budget, ordinary and extra-ordinary. Some of the rules also apply to Committees and Sub-Committees' meetings. As these Rules provide a framework within which confidence in Tower Hamlets decision making can be maintained it is important that they are reviewed to ensure continued good governance.

2. ALTERNATIVE OPTIONS

- 2.1 Not to approve the revised Council Procedure Rules.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the General Purposes Committee Party to update on the review of the Constitution.

- 3.2 The purpose of the review is to ensure that these rules are workable in order to apply the following principles of good governance:

- (a) Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour;
- (b) Taking informed and transparent decisions which are subject to effective scrutiny and managing risk; and
- (c) Members and officers working together to achieve a common purpose with clearly defined functions and roles.

- 3.3 Further, in aiming to strengthen these rules, particular regard has been given to economy, efficiency, effectiveness, transparency and accountability

- 3.4 The Procedure Rules were discussed at a meeting of the Constitutional Working Party on 22nd June 2017 where the 4 Group Leaders were all present. It was then discussed at General Purposes Committee on 5th July 2017 and it was agreed that the agreed revisions to the Rules would be undertaken and a revised set of Rules submitted to submitted to the Committee at this meeting.

- 3.5 In terms of significant changes the suggested amendments are as follows:

Rule 1- Annual Meeting of the Council

- 3.6 The following additions have been included in the programme:

- The Mayor shall report on any appointments of outside bodies;

- The Mayor shall report on circumstances where the Special Urgency provisions have been used during the year preceding the Annual Meeting;
- A report will be received advising on any changes made to the Council's Constitution since the previous Annual Meeting; and
- The State of the Borough will be debated at the Annual Meeting.

3.7 The State of the Borough Debate shall take place in accordance with the following procedure:

- The debate will last up to 1 hour;
- The debate will begin with a 15 minute introduction by the Mayor;
- The remaining 45 minutes will be divided proportionally (to the nearest minute) between the political groups on the council. It will be for each group to determine how much time each of their speakers will have subject to a minimum speech length of two minutes. There is no maximum speech length providing that group's overall allocated time limit is not breached;
- Lists of speakers must be provided to the Monitoring Officer before the start of the meeting;
- The 45 Minute Debate will end with the Mayor or the Mayor's appointee;
- The Mayor and the Group Leaders of the other political groups may speak twice should they wish. All other Councillors may speak once;
- There will be no motions, reports or votes on the debate.

Rule 2 – Ordinary Meetings

3.8 At the Constitution Working Party meetings it was acknowledged that the existing rules require strengthening and restructuring to strike a balance in both Member and Public engagement. Accordingly, a programme has been devised to enable this balance. This can be found Under Rule 3.1 at Appendix 1.

3.9 It is proposed that the petitions increase from 3 to 4 to allow greater public engagement. However, public questions will be removed as there will be opportunities for the public to ask the Mayor questions at Mayoral Assemblies. Rule 11 (Questions by the Public) has therefore been deleted. This allows for enhanced Member engagement. For example, the revised programme will allow an additional administration debate which in turn will increase involvement of opposition groups

Rule 5 – Time, Place, Postponement and Cancellations of Meetings

3.10 It is proposed that all Council meetings will commence at 7:00pm unless determined otherwise by the Speaker/Chair of the Committee or Sub-Committee.

3.11 Rule 5 has been amended to include rules relating to cancellations of meetings; therefore Rule 10 (Cancellation of Meetings) has been removed. There is also the option of postponement of meetings where the Chief Executive deems there is a good reason.

Rule 19 - Petitions

3.12 This has been re-numbered and is now Rule 17. The information on petition rules and practice contained in Rule 19 was, for the most part, repeated in the Petition Scheme. This information has therefore been consolidated into a single comprehensive Petition Scheme and which will be attached as an Appendix to the Procedure Rules.

3.13 The Scheme has been updated with regards to petition presentation and debate procedures at meetings of the full Council. Including:

- clear procedure rules for petitions for debate at full Council;
- incorporating the decision of the Council (September 2017) that petitions for debate also include a 'questions from Councillors' segment (previously only allowed for petitions for presentation); and
- the Committee's proposal in July 2017 to hear up to 4 petitions and all remaining petitions to be listed and 'noted' instead of being held over to future meetings; and reduced time for Lead Member response to presented petitions from 3 to 2 minutes.

3.14 The deadline for receipt of petitions has been extended to 10 working days prior to the meeting asnd which brings it into line with the deadlines for members' questions and motions. This will ensure that all petitions can be listed on the agenda. The current deadline is 3 working days, which is after agenda publication date and means that officers and Councillors have insufficient notice to prepare for the petition.

3.15 The updated Scheme includes specific reference to the Council's e-petition facility and which is due to be launched imminently. It advises as to the Council's rules regarding accepting e-petitions from third party websites.

3.16 No material changes have been made to the Scheme, except those changes that have previously been proposed by the Committee or agreed by Council. The changes have been to tidy, simplify and rationalise the scheme and generally make it easier to read.

3.17 A further review of the Petition Scheme is planned for next year. This review will include benchmarking with other councils' schemes to identify good practice and make recommendations for how the Council can promote its objective to engage with residents, whilst ensuring effective decision making at public meetings. It is hoped a report on this review will be brought to the Committee in the 2018/19 municipal year.

Rule 23 – Members’ Conduct

- 3.18 This has been re-numbered to Rule 21. The Constitution Working Party Meetings requested that the Speaker should have the authority to ask a Member who behaves inappropriately, offensively or is deliberately obstructing business, to leave the meeting if such behaviour persists following receipt of a warning. The Rule has been amended to provide the Speaker with this authority as such behaviour impacts on the Borough’s reputation and it was agreed that the existing rules do not work to adequately address this. The Speaker will receive appropriate training as well as advice from the Chief Executive and the Monitoring Officer

Rule 24 – Disturbance by the Public

- 3.19 This Rule is now Rule 22. It has been amended to include instances where the Public cause annoyance or breach health and safety during the course of filming and recording.

Rules relating to Committees and Sub-Committees

- 3.20 A further section has been inserted in Part 4.1 and this is Rule 24 which details the Council Procedure Rules that would otherwise be exempt or differ in their application during the relevant Committee and Sub-Committee. It has been added in one section for ease of reference.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

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

5. LEGAL COMMENTS

- 5.1 Section 9P of the Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution and which is also to contain such information as the Secretary of State may direct. A Constitution Direction (The Local Government Act 2000 (Constitutions) (England) Direction 2000) was issued by the Secretary of State in December 2000 that required a number of matters to be included within Constitutions and which include rules of procedure for Council meetings. The review and adoption of a revised set of Council Procedure Rules is therefore in accordance with the Council’s statutory responsibility.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The proposed revisions to the Constitution are intended to address weaknesses regarding efficiency, transparency, accountability and good governance more broadly. 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 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

- 1 – Track Changed version of the proposed Part 4.1 (Council Procedure Rules)

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

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

- NONE

Officer contact details for documents:

- N/A

Non-Executive Report of the: General Purposes Committee 12 th October 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Constitution Review – Member/ Officer Relations’ Protocol	

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

Summary

General Purposes Committee on 5th July 2017 agreed to review the Member/Officer Relations’ Protocol. This report presents a revised Member/Officer Relations’ Protocol for recommendation to Council and addresses the Best Value Programme Review Board consideration for a Member to Member protocol.

Recommendations:

The General Purposes Committee is asked to:

1. Recommend to Council for approval the revised draft Member/ Officer Relations’ Protocol at Appendix 1; and
2. Note that revised draft Member/ Officer Relations’ Protocol will also be reviewed at the Standards Advisory Committee on 19th October 2017.

1. REASONS FOR THE DECISIONS

- 1.1 The Member/Officer Relations' Protocol is an important Constitutional document as it is part of the Council's ethical framework. The Protocol aims to define what should be considered a proper working relationship between Councillors and officers as well as the expectations that Councillors can expect in their dealings with each other. It also provides a framework within which confidence in Tower Hamlets decision making can be maintained.

2. ALTERNATIVE OPTIONS

- 2.1 Not to approve the revised Member/ Officer Relations Protocol.

3. DETAILS OF REPORT

- 3.1 This Report is a continuation of papers being presented to the General Purposes Committee Party to update on the review of the Constitution.
- 3.2 The revised Member/ Officer Relations Protocol was discussed at a meeting of the Constitutional Working Party on 22nd June 2017 where the 4 Group Leaders were all present. It was then discussed at General Purposes Committee on 5th July 2017 and it was noted that further redrafting was required to avoid duplication with other Codes/ Protocols within the Constitution. The revised draft Member/ Officer Relations' Protocol is at Appendix 1.
- 3.3 One of the core principles of good governance is that Councillors and officers work together to achieve a common purpose with clearly defined functions and roles:
- Advice to political groups must be given in such a way as to avoid compromising an officer's political neutrality.
 - Advice must be confined to Council business, not party business.
 - Relationships with a particular party group should not be such as to create public suspicion that an officer favours that group above others.
 - Information communicated to an officer by a party group in confidence, should not be communicated to other party groups.
- 3.4 The Protocol has been reviewed and redrafted with the aim of define what should be considered a proper working relationship between Councillors and officers in Tower Hamlets as well as between Councillors themselves and to provide a framework within which confidence in Tower Hamlets decision making can be maintained.
- 3.5 Reasons for suggesting changes to the current Protocol fall into 4 categories:
- (i) Changes that bring the Protocol 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 Protocol.

And the table in Appendix 2 identifies which changes fall into group categories (i) and (ii) or (iii) and (iv).

- 3.6 With regard to the changes, the sections in relation to the General Principles of Conduct, the Statutory Framework; Gifts and Hospitality; and Members and Officers and the Media have been removed as these are more appropriately covered elsewhere and are therefore duplication..
- 3.7 A new section 4 of the Protocol is headed “Councillor to Councillor Expectations”. This has been introduced in response to the Best Value and Strategy Action Plan and the Best Value Theme of Organisational Culture. One of the key items that the Council was looking to achieve was “Effective working relationships between elected members and between elected members and senior officers, to enable all to work together to achieve the best outcomes for Tower Hamlets and its residents”. As part of considering that item, SOLACE was commissioned to run an Organisational Culture Support Programme Solace development work with members and senior officers. Coming out of that was creating improved relationships between councillors of different parties and also to bringing about more positive behaviours in meetings held in public, especially the full Council meetings.
- 3.8 When reported back to the Best Value Programme Review Board, the Board considered that there was a need for a Member to Member Protocol. This has been considered and rather than have a Member to Member Protocol that whilst the Member/ Officer Relations’ Protocol is primarily aimed at the interaction between Councillors and Officers, the same basic principles apply to interactions between Councillors. Councillor to Councillor behaviour could therefore be best addressed by having a section in the Member/ Officer Relations’ protocol setting out what they should be entitled to expect from each other.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

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

5. LEGAL COMMENTS

- 5.1 Section 9P of the Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution and which is also to contain such information as the Secretary of State may direct. A Constitution Direction (The Local Government Act 2000 (Constitutions) (England) Direction 2000) was issued by the Secretary of State in December 2000 that required a number of matters to be included within Constitutions and which included protocols for managing member/officer relations. The review and adoption of

a revised Member/ Officer Relations' Protocol is therefore in accordance with the Council's statutory responsibility.

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 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

- 1 - Draft Revised Member/ Officer Relations' Protocol
- 2 – Table categorising changes

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

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

- NONE

Officer contact details for documents:

- N/A

PART 5.2 – MEMBER/ OFFICER RELATIONS’ PROTOCOL

CONTENTS

Section	Subject
1	Introduction
2	Roles of Councillors and officers
3	The Relationship between Councillors and officers
4	Councillor to Councillor Expectations
5	Councillors and Legal Action by or against the Council
6	Reports
7	Officer Advice to Party Groups
8	Members’ Services and the Use of Council Facilities
9	Political Assistants
10	Councillors’ Access to Information
11	When things go wrong
12	Review

1. INTRODUCTION

- 1.1** Councillors and officers are indispensable to one another and mutual respect between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Councillors provide a democratic mandate to the Council, whereas officers contribute the professional expertise needed to deliver the policy framework agreed by Councillors.
- 1.2** The protocol is part of the Council’s ethical framework and should be read in conjunction with the Council’s Constitution, the Code of Conduct for Members, disciplinary codes which regulate the conduct of officers and other relevant codes and guidance.
- 1.3** This Protocol seeks to define what should be considered a proper working relationship between Councillors and officers in Tower Hamlets and to provide a framework within which confidence in the machinery of local government can be maintained. It contains interpretation and guidance on

some of the issues which commonly arise. It cannot cover every matter which will arise in council life but it reflects an approach and sets standards which will serve as a guide to dealing with other issues. It is intended to guide Councillors and officers and explain what they can expect of each other. It also explains what to do when things go wrong.

- 1.4** This protocol also applies to co-opted members of committees and to consultants and agency staff working for the Council, to whom a copy will be supplied.
- 1.5** Councillors appointed to outside bodies or partnership organisations as representatives of Tower Hamlets Council need to be aware that the Code of Conduct for Members applies to these appointments. However, other conduct arrangements of the outside body are likely to exist and, in those circumstances, Councillors should comply with both sets of conduct arrangements, unless the Code of Conduct for Members conflicts with the lawful obligations of the outside body.
- 1.6** A failure to abide by this Protocol by Councillors is likely to be a breach of the Code of Conduct for Members and may result in a complaint being made to the Monitoring Officer. As to officers, a failure to abide by this Protocol may result in a disciplinary action.
- 1.7** Any reference to 'Councillor' or 'Councillors' in this Protocol, or any appendices or related Codes/ Protocols, means the Mayor, elected and co-opted members. This Code applies at all times when Councillors act in their capacity as Councillors (or claim to act or give the impression of acting in their capacity as a Councillor).
- 1.8** 'Officers' and 'staff' mean all persons employed by the Council: whether full or part time; fixed term contract; agency; or consultant.
- 1.9** **A Councillor in need of advice about the application of this Protocol should contact the Monitoring Officer, whereas an officer in need in need of advice about the application of this Protocol should contact their line manager in the first instance.**

2. ROLES OF COUNCILLORS AND OFFICERS

- 2.1** Councillors and officers are indispensable to one another and mutual respect between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation but their responsibilities are distinct.

Councillors

- 2.2 Councillors are democratically accountable to residents of their Wards and serve only so long as their term of office lasts. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 2.3 All Councillors have responsibilities to determine the policy of the Council, monitor its performance, represent the Council externally and act as advocates on behalf of their constituents.

Officers

- 2.4 Officers are employed by and are accountable to the Council as a whole. With the exception of Political Assistants and the Mayor's Assistant, officers work to the instructions of their senior officers, not individual Councillors or Political Groups.
- 2.5 Officers manage and provide the Council's services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
- 2.6 Officers have a duty to keep Councillors of all Political Groups fully informed about developments of significance in relation to council activities

3. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 3.1 Poor relations between Councillors and officers are counter-productive to good governance and therefore the conduct of Councillors and officers should be such as to instil mutual trust and respect. Councillors and officers should understand and respect each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

Obtaining or granting favours

- 3.2 The Code of Conduct for Members emphasises the need for Councillors to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an officer. Councillors must not seek personal favours from officers. Officers must not be tempted to give favours to please a Councillor. An example of favour seeking would be asking whether a Councillor's parking ticket could be withdrawn or whether an application for a service could be expedited. Similarly officers must not seek to circumvent agreed staff consultative procedures by lobbying Councillors on matters which directly concern them as employees

Councillor involvement in officer issues

- 3.3** Issues relating to the appointment, management and dismissal of most officers are reserved by law to the Head of Paid Service and officers appointed by him/her. Councillor involvement in employment issues generally, including where they relate to senior officers, is set out in the Local Authorities (Standing Orders) (England) Regulations 2001.
- 3.4** Occasions may arise where officers try to involve Councillors in day-to-day staff/management issues. Councillors should strongly discourage such approaches. Officers should be advised to pursue matters with their management through the established procedures for resolving grievances etc. Officers must not raise matters concerning their employment with individual Councillors; to do so may result in disciplinary action being taken.

Personal Familiarity

- 3.5** Personal familiarity between Councillors and officers can create the suspicion of improper conduct, however unfounded and can undermine public confidence in the Council. Whilst it is clearly important that there should be a close working relationship between officers and Cabinet members or chairs of Committees, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question, the officer's ability to deal impartially with other Councillors and other party groups.
- 3.6** Informal and collaborative two-way contact between Councillors and officers is encouraged; personal familiarity can damage the relationship, as might a family or business connection. It is accepted that some close relationships will develop, particularly when Councillors and officers work closely together but it is important that close relationships between Councillors and officers are openly declared and if any relationship might be seen as unduly influencing their work in their respective roles then they should inform the Monitoring Officer.
- 3.7** It is not enough to avoid actual impropriety, Councillors and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Councillor should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

Courtesy

- 3.8** Councillors and officers should respect each other's non-working time.
- 3.9** Councillors and officers should be courteous to each other at all times even if they disagree strongly with their respective views. Councillors and officers should not shout or raise their voice in an aggressive or rude manner.

Bullying

- 3.10** Councillors and officers must not bully or harass any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or a person whom the Councillor or officer has some actual or perceived influence over. The legitimate challenges which a Councillor or officer can make in scrutinising policy or performance is acceptable.
- 3.11** Poor relations between Councillors and officers can be destructive to good governance. Councillors may from time to time become frustrated by what they regard as unacceptable or incompetent officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although occasionally there may be a legitimate reason why member expectations cannot be met, e.g. because of a council policy or a legal requirement such as confidentiality.
- 3.12** Where a Councillor has a concern about an officer or Council services then this should be made to the Divisional Director of the service where the Councillor feels the fault lies or to the Corporate Director where it involves a Divisional Director personally or to the Chief Executive where it involves a Corporate Director personally. Indeed, Councillors have a duty to raise any issues where they have reason to think that fraud/ probity, corruption or malpractice of any sort is involved within the Council. Councillors should not criticise officers in public as Councillors should bear in mind that officers are instructed not to “answer back” in public. Attacking an officer’s conduct in public can constitute bullying, as will undue pressure brought by either officers or Councillors in private.

Lines of contact between Councillors and officers

- 3.13** Councillors must remember that officers within Directorates are accountable to their Corporate Director. Corporate Directors, through their senior management, are responsible for the allocation and prioritising of work by their staff. Councillors should not seek to influence such decisions.
- 3.14** A Councillor is free to approach any Council Department to provide him/her with such information, explanation and advice about the Department’s functions as s/he may reasonably need as a Councillor. This can range from a request for general information or documentation about some aspect of the Department’s activities, to a request for specific information on behalf of a constituent.
- 3.15** In making such an approach, the request should be made to the Corporate Director or Divisional Director for the Department concerned. If access is denied or the Corporate Director/Divisional Director is in doubt, the matter must be referred to the Monitoring Officer for determination.

- 3.16** Councillors should raise constituents' queries or concerns through the proper channels and not go direct to junior officers. Further in seeking to deal with constituents' queries or concerns, Councillors should not seek to jump the queue, but should respect the Council's procedures. Officers have many pressures on their time and officers may very well not be able to carry out the work required by Councillors in the requested timescale. Councillors should respect this. The Council does operate a Member's Enquiries system (see section 8.1 for more details).
- 3.17** Where Councillors and officers share an office building particular care needs to be taken to maintain appropriate lines of contact. Councillors and officers are reminded that within an open plan office environment certain standards are expected to be maintained. In particular meetings should not be held at workstations, Councillors and officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment.
- 3.18** Officers within a Directorate are accountable to their Corporate Director and whilst officers should always seek to assist a Councillor, they must not go beyond the bounds of whatever authority they have been given by their Corporate Director.

4. COUNCILLOR TO COUNCILLOR EXPECTATIONS

- 4.1** Whilst this Protocol is primarily aimed at the interaction between Councillors and officers, the same principles apply to interactions between Councillors. Therefore Councillors should be entitled to expect from each other:
- respect, dignity and courtesy;
 - not to be subjected to bullying or personalised attacks;
 - respect for differing political views and values;
 - maintenance of confidentiality;
 - commitment to high standards of debate; and
 - compliance with the Council's Constitution including the Code of Conduct for Members.

5. COUNCILLORS AND LEGAL ACTION BY OR AGAINST THE COUNCIL

- 5.1** There is a whole range of circumstances where the Council as a corporate body may be involved in legal proceedings. This could be against residents or other individuals, organisations and companies, and across the whole range of service areas including housing, planning, highways, etc. Councillors have

a clear role in representing residents' and general public interests. In this representative capacity, Councillors will inevitably become involved in issues where the Council is considering, or is in the process of taking legal action, or where the Council is the defendant to legal actions brought by third parties.

- 5.2** Conflicts of interest may often occur when a Councillor is enquiring on behalf of an individual or body involved in legal action by or against the Council. In such cases, Councillors will be required to balance their representative role with their wider responsibilities in representing the corporate interests of the authority. For this reason, Councillors must be circumspect in any dealing with persons taking action against the Council, or against whom any legal action is being taken. Particularly, Councillors must be extremely cautious about having any dealings with professional representatives, advisers or witnesses in the case. Not only could such intervention prejudice the Council's position but the Councillor could find himself/herself accused of an offence of Misconduct of Public Office or, Perverting the Course of Justice or an attempt or conspiracy to do so.
- 5.3** It is therefore particularly important that Councillors should be sure not only to avoid any actual impropriety, but at all times avoid any occasion for suspicion or any appearance of improper conduct.
- 5.4** In that regard, Councillors must not:
- attempt in any way to exercise improper influence over the legal process in which the Council is involved;
 - attempt to exert improper influence on Council officers involved in the legal process or witnesses in the case;
 - attempt to engage the community to exert improper influence on Council officers involved in the legal process or witnesses in the case.
- 5.5** Whilst Councillors have every right to information on how any such matter is being dealt with and a duty to represent their constituents, Councillors must also realise that the response on behalf of the Council must be limited to comments on process, so as not to prejudice the proceedings.
- 5.6** In respect of any ongoing or contemplated proceedings, all enquiries must be addressed to either the appropriate Divisional Director or Corporate Director. On no account is the Councillor to contact any officers involved in the proceedings to discuss or make any enquiries regarding the proceedings.
- 5.7** If a Councillor believes that the Council's actions or intentions are wrong, s/he should inform the Corporate Director concerned. It must then be for the Corporate Director to determine what action to take. If the Councillor remains unhappy with the action taken, then s/he should refer the matter to the Council's Monitoring Officer or to the Chief Executive.

6. REPORTS

- 6.1** Officers' reports should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to officers on report writing and they should take care to follow it. The report should set out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant.
- 6.2** The relevant Corporate Director will always be fully responsible (and retains ultimate responsibility) for the content of any report submitted in his/her name. Any issues arising between a Councillor and a Corporate Director in this area should be referred to the Monitoring Officer or Chief Executive for resolution.
- 6.3** Councillors have the right to criticise reports or the actions taken by officers, but they should always:-
- seek to avoid personal attacks on officers; and
 - ensure that criticism is constructive and well-founded.
- 6.4** Councillors have the ability to agree or reject proposals placed before them by officers, irrespective of the advice or recommendations made by officers so long as they generally act in good faith and exercise reasonableness in decision-making and specifically:-
- take into account relevant and dismiss irrelevant matters; and
 - do not come to a conclusion that no reasonable authority would come to. Officers must therefore, be able to report to Councillors as they see fit and without any political pressure.
- 6.5** A resolution may be passed at meetings which authorises an officer to take action between meetings after consultation with the Chair/Lead Member/Portfolio Member etc. It is the officer, not the Chair etc., who takes the action and is responsible for it. The Chair etc. does not himself/herself have the power to make decisions between meetings.

7. OFFICER ADVICE TO PARTY GROUPS

- 7.1** It must be recognised by all officers and Councillors that in discharging their duties and responsibilities officers serve the Council as a whole and not exclusively any Political Group, combination of such Groups, or any individual Councillor. Special rules apply to Political Group Assistants and the Mayor's

Assistant and those post holders are made aware of them through separate guidance.

- 7.2** There is statutory recognition for party political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Senior officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Councillors treat them in a fair and even-handed manner.
- 7.3** The support provided by officers can take many forms, ranging from a briefing meeting with the Mayor, a Cabinet Member/Chair/Spokesperson prior to a Council, Cabinet, Committee or Sub-Committee meeting to a presentation to a political group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is in control of the Council at the time, such assistance is available to all political groups.
- 7.4** Certain points, however, must be clearly understood by all those participating in this process, Councillors and officer alike. In particular:
- (i) Requests for officers to attend any political group meeting must be made only to the appropriate member of the Corporate Leadership Team. Normally only that person will attend the meeting, although in exceptional circumstances s/he may be accompanied by one or more Senior officers.
 - (ii) Unless otherwise agreed in advance with the Chief Executive, officers will not attend political group meetings that include persons who are not Councillors. However, where the Chief Executive has authorised such attendance special care needs to be exercised by officers involved in providing information and advice to such political group meetings. Persons who are not elected Councillors will not be bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Councillors only meeting.
 - (iii) Officer support (whether in the form of a written report or otherwise) must not extend beyond providing information and advice in relation to matters of Council business. Officer support will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports or other support will not deal with any political implications of the matter or any option, and officers will not make any recommendations to a political group. Officers (with the exception of Political Group/Mayor's

Assistants) are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.

- (iv) Political group meetings, whilst they form part of the preliminaries to Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- (v) It must not be assumed by any political group or Councillor that any officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- (vi) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Councillor thereof. However, Councillors should be aware that this would not prevent officers from disclosing such information to other officers of the Council so far as is necessary to perform their duties.
- (vii) Where officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the officers have a statutory duty to provide all necessary information and advice to the Mayor or Cabinet or relevant Committee/Sub-Committee when the matter in question is considered.

8. MEMBERS' SERVICES AND THE USE OF COUNCIL FACILITIES

Members' Services and Members' Enquiries

- 8.1** The Council operates a Member's Enquiries system which is for the Mayor and Councillors to use for routine requests for information and advice. The maximum response time expected for such enquiries is 10 working days and officers will chase outstanding enquiries exceeding this period. Matters which are not routine or involve policy should be directed initially to the relevant Corporate Director or Divisional Director or any officer nominated by them.
- 8.2** Both Mayor's Office secretarial staff and the Councillors' Support Team provide assistance to Councillors in their role as Council Members. Staff in these sections may, therefore, be used, as appropriate, to help with work such as casework, meetings and correspondence to do with Council matters. Full details of the service offered are contained in the Members' Services Guide.
- 8.3** The Mayor's Office and Councillor Support Team staff will assist with booking venues for, and publishing details of, Councillors' surgeries. Councillors' surgeries should normally be held within a Councillor's own ward, but Councillors may arrange a surgery in premises outside their ward if this is

necessary to provide suitable surgery facilities for their own constituents. Councillors must not ask Council officers to assist with any personal, business or party political matters; attend surgeries; or decide how case work will be dealt with.

Council Facilities

- 8.4** Councillors must use any Council facilities that are provided in their role as a Councillor strictly for that purpose and no other. For example, Councillors must not use rooms in the Town Hall or other buildings or any of the Council's paper, computers, photocopiers, or printers for any personal, business related or party political matter, nor, for example, on behalf of any community groups of which the Councillor is a member, unless formal approval has been given by the appropriate Corporate Director.
- 8.5** The use of Council facilities and services by Councillors during a pre-election period for election campaigning or political purposes is not allowed. Specific guidance will be issued at that time to both Councillors and officers.
- 8.6** The Council can only provide legal representation to an individual Councillor where the action is taking place in the name of the Council. All such matters should be raised with the Chief Executive in the first instance.

Political Party Workers

- 8.7** Councillors are often assisted by political party workers. There is no objection to this, but no non-elected party worker has any entitlement to:
- information to which a Councillor has access in their role as Mayor or Councillor;
 - use Council facilities provided for the use of Councillors.

The principles which apply to use of facilities provided for Councillors (and the officers employed to assist them) apply equally to all Council property and facilities and all Council employees.

Use of IT

- 8.8** From time to time training and guidelines on the proper and effective use of Council IT resources will be issued.

9. POLITICAL ASSISTANTS

- 9.1** Section 9 of the Local Government and Housing Act, 1989 gives councils a power to appoint political assistants to qualifying political groups. Whilst the Act allows the political affiliation of an individual to be taken into account in the appointment of any Political or Mayor's Assistant, they remain officers of the Council. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council

business and although it may require liaison with political parties, at both local and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.

- 9.2** Political assistants hold politically restricted posts and therefore also face restrictions on their personal political activity.

10. COUNCILLORS' ACCESS TO INFORMATION

General

- 10.1** The following paragraphs identify the rights of Councillors and the procedures that they must comply with when applying for access to Cabinet/Committee/Sub-Committee papers and other documents/information. These paragraphs take into account the following:

- Relevant legislation including the Local Government Act 1972; the Data Protection Act 1998; the Freedom of Information Act 2000; and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)
- Local Government Transparency Code 2015
- Open and accountable local government: plain English guide
- Access to Information Procedure Rules (Part 4.2 of the Constitution)
- Relevant case law

- 10.2** Councillors have the same ordinary rights of access to certain information as is enjoyed by the general public. They also have the right to access any other information (i.e. confidential or exempt) held by the Authority provided that it is reasonably necessary to enable the Councillor to properly perform their duties as a Councillor (see "Need to Know" below). This right of access of additional access may not extend to the publication of or otherwise making public such information as there may be issues of confidentiality.

Access to Committee Papers for Forthcoming Meetings

- 10.3** The rights of Councillors can be summarised as follows:-

- (i) Councillors enjoy the same access rights as members of the public in respect of Part I Cabinet/Committee/Sub-Committee papers.
- (ii) Councillors of the appropriate Cabinet/Committee/Sub-Committee will have a good reason for access to all Part II exempt information on the respective Cabinet/Committee/Sub-Committee agenda under the "Need to Know" principles (see below).

- (iii) Councillors of the Overview and Scrutiny Committee will have a prima facie “Need to Know” where they require access to Part II Cabinet agenda items as part of their scrutiny function provided the subject matter is within the Committee/Sub-Committee’s terms of reference.
- (iv) All other Members who require access to confidential/exempt Cabinet/Committee/Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know” in accordance with the principles set out below.

Access to Other Documents/Information – “The Need to Know”

- 10.4** It is important to note that in some cases access to information to which the public is not entitled only applies where Councillors are clearly carrying out their role as elected representatives. Where a Councillor has a financial or personal interest in a matter the Councillor will only be entitled to the same access as would be the case for a private individual. In these circumstances, the Councillor must make it clear that s/he is acting in his/her private capacity and not as a Councillor.
- 10.5** Under common law principles Councillors have the right to access information held by the Council where it is reasonably necessary to enable the Councillor to properly perform their duties as a Councillor. This is known as the “Need to Know”. This means that information must not be used for party political purposes.
- 10.6** The common law “Need to Know” is the prima facie right of Councillors to inspect documents of the authority which exist as Councillors are under a duty to keep themselves informed of Council business which relate to their role as elected representatives. Thus, this right applies to Councillors who do not have statutory rights to exempt or confidential information and to other documents held by the Council under local government legislation or the Freedom of Information Act 2000.
- 10.7** For example, a Councillor is likely to have a prima facie “Need to Know” where s/he has a legitimate Ward problem and needs access to the documents that are relevant to that specific problem. Also, for example, a Cabinet Member whose Portfolio covers the matter in question and s/he needs to be aware of what is occurring for the purpose of his/her Cabinet position.
- 10.8** Access to information on the basis of a ‘Need to Know’ does not exist where the Councillor is considered to be “fishing” for information or seeks access for an ulterior/improper purpose (e.g. for a private purpose). Case law has established that mere idle curiosity as to what is in the documentation will not be sufficient.

- 10.9** It should be noted that some material (for example if commercially sensitive) may be redacted from information that is disclosed, if this does not affect the ability of a Councillor to exercise his/her role as an elected representative.
- 10.10** There will also be a range of documents which, because of their nature are either not accessible by Councillors (such as the personal records of an individual) or are accessible only by the political group forming the administration and not by the Councillors of other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council's and the public interest.
- 10.11** Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Councillor of one political group will not have a "Need to Know" and therefore, a right to inspect, a document which forms part of the internal workings of another political group.

Use of Council Information – Confidentiality

- 10.12** Procedural Rules and specific local procedures (e.g. on contracts) require Councillors and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Councillor's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, officers will treat the Councillor with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- 10.13** Equally, any Council information provided to a Councillor on the basis of a 'Need to Know' must only be used by the Councillor for the purpose for which it was provided, i.e. in connection with the proper performance of the Councillor's duties as an elected representative of the Council. Confidential or exempt information provided to Councillors may be discussed in Part II Committee meetings or in private meetings of appropriate Councillors and officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to Councillors.
- 10.14** In cases where a Councillor discloses information given to him/her in confidence by anyone, or information acquired by the Councillor which s/he believes, or ought reasonably to be aware, is of a confidential nature then that Councillor may find themselves the subject of a complaint to the

Monitoring Officer that they have contravened the Code of Conduct for Members.

- 10.15** Similarly, the unauthorised disclosure of confidential or exempt information is regarded by the authority as a serious disciplinary offence for officers. This includes an unauthorised disclosure to a Councillor.
- 10.16** Any request from a Councillor for information will be treated in confidence by officers and will not be made known to any other Councillor or political group. Officers are also under a duty not to relate any information disclosed privately by a Councillor(s) (e.g. during Part II discussions at Committee, etc., informal briefings, private conversations or Group meetings) to another Councillor, officer or person not already privy to that information.
- 10.17** The duty of officers to observe a Councillor's confidence however will not apply if the information disclosed relates to something which could severely damage the Council or which is illegal or constitutes maladministration. In this event the matter will be referred to the appropriate Corporate Director and/or Monitoring Officer and Chief Executive for further investigation and action as appropriate.

11. WHEN THINGS GO WRONG

Procedure for officers

- 11.1** If an officer has a complaint about a Councillor it is always preferable to resolve matters informally, through an appropriate senior manager. If the matter cannot be resolved informally or it is not suitable for such then officers can make a complaint to the Monitoring Officer.

Procedure for Councillors

- 11.2** If a Councillor has a concern about the conduct or capability of an officer, s/he should raise the matter privately with the appropriate Divisional Director or Corporate Director. Any concern about a Corporate Director should be raised privately with the Chief Executive. Any concern about the Chief Executive should be raised privately with the Monitoring Officer.


12. REVIEW

- 12.1** The Monitoring Officer will keep this Protocol under review and make recommendations for changes as appropriate. A review will take place annually in any event.

This page is intentionally left blank

Changes to improve quality/clarity of information or explanation		Additional/ Material changes to the Protocol	
Current Version	Proposed New Version	Current Version	Proposed New Version
1. Introduction 6. Officers and Party Political Groups 9. Members' Access to Information 10. Members' Services and the Use of Council Facilities	1. Introduction 7. Officer Advice to Party Groups 10. Councillors' Access to Information 8. Members' Services and the Use of Council Facilities	4. Members' Roles and Responsibilities 5. Officers' Roles and Responsibilities 7. Members' and Officers' Interests 11. Recruitment, Appointments and other Staffing Matters 12. Members and Officers and the media	2. Roles of Councillors and Officers 3. The Relationship between Councillors and officers 4. Councillor to Councillor Expectations 9. Political Assistants 11. When things go wrong 12. Review

This page is intentionally left blank

Non-Executive Report of the: General Purposes Committee 12 th October 2017	
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Whistleblowing – New policy, processes and the work of Grant Thornton	

Originating Officer(s)	Paul Greeno, Senior Corporate and Governance Lawyer & Holly Bell, Trainee Solicitor
Wards affected	All

Summary

In January 2017 Grant Thornton UK LLP was commissioned to undertake a review of the whistleblowing arrangements of the Council. They produced a report outlining their findings and made a number of recommendations that they considered would produce a more effective whistleblowing framework for the Council and suggested an action plan.

Recommendations:

The General Purposes Committee is asked to:

1. Note the revised Whistleblowing Policy and recommend to the Audit Committee for approval at Appendix 1;
2. Note the Whistleblowing Procedure and recommend to the Audit Committee for approval at Appendix 2;
3. Note the Whistleblowing Guidance for Managers at Appendix 3;
4. Note the Whistleblowing Guidance for Investigators at Appendix 4 and
5. Note the Council’s response to the Grant Thornton Action Plan at Appendix 5.

1. REASONS FOR THE DECISIONS

- 1.1 Having an effective Whistleblowing Policy and Procedure is a good first step to encourage employees to report any form of malpractice that is identified or discovered.

2. ALTERNATIVE OPTIONS

- 2.1 To not recommend the revised Whistleblowing Policy and Procedure to the Audit Committee for approval.

3. DETAILS OF REPORT

- 3.1 In June 2016 the Council published an updated Whistleblowing Policy as part of its improvements to its organisational culture. It was agreed with the Commissioners that the Council would arrange for an independent audit of the new procedures to and Grant Thornton was commissioned to undertake the review. The aim of the work was primarily to:

- understand the arrangements and culture in place,
- compare to best practice, available guidance and codes of practice,
- recommend change.

- 3.2 Following consideration of the Grant Thornton findings, a new Policy has been drafted and is attached at Appendix 1. The main changes to this Policy are that:

- The procedure aspects are within a separate Whistleblowing Procedure (see Appendix 2).
- The Policy focuses on employees and where members of the public have a concern then this should be reported through the Council's Corporate Complaints procedure.
- Clarification that employees includes permanent and temporary employees as well as agency workers and employees seconded to the Council.
- Confirmation that the Monitoring Officer is the responsible officer.
- Confirmation that the Monitoring Officer will maintain a confidential and secure register of all concerns raised

- 3.3 As to the Whistleblowing Procedure, this specifies roles and responsibilities of the Monitoring Officer, Corporate and Divisional Directors, Line Managers, Councillors and Employees and other workers. It also outlines how to report a concern; the information that is required; and the procedure for investigating concerns.

- 3.4 In addition to the Policy and Procedure, supporting guidance has also been prepared for Managers and for Investigators. These are at Appendix 3 and 4 respectively.
- 3.5 All these documents have been produced in line with the recommendations from the Grant Thornton report and the Department for Business Innovation and Skills ('BIS') Guidance and Code of Practice for employers in respect of Whistleblowing.
- 3.6 It is intended that the Whistleblowing Policy and supporting documents will be relaunched with the widest possible audience. All political groups will be encouraged to promote the policy within their group membership. A mandatory e-learning module will be prepared and which will be mandatory for all staff to undertake. The Whistleblowing Policy and Procedure will also form part of the induction for Councillors and new employees.
- 3.7 The Council's response to the action plan produced by Grant Thornton is attached at Appendix 5.
- 3.8 As to Councillor oversight, it is recommended that the Audit Committee will be the responsible committee for Whistleblowing. It will be asked to assess the effectiveness of the policy and also monitor the implementation of the policy. The Audit Committee will receive an annual report as well as regular monitoring reports.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 The cost of the Grant Thornton review was £52,000 and was funded through the Council's transformation reserve.
- 4.2 There are no other financial implications arising from the recommendations within this report. However, in the event that additional resources are required to improve existing arrangements, officers will be obliged to identify appropriate budgets and seek financial approval through the Council's agreed procedures.

5. LEGAL COMMENTS

- 5.1 Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). It provides the right for a worker to take a case to an employment tribunal if they have been victimised at work or they have lost their job because they have 'blown the whistle'.
- 5.2 The law does not require employers to have a whistleblowing policy in place but it is accepted good practice for the Council, as an employer, to create an open, transparent and safe working environment where workers feel able to speak up. The existence of a whistleblowing policy shows an employer's commitment to listen to the concerns of workers. Further the BIS Guidance

and Code of Practice provides that it is good practice for employers to have a whistleblowing policy or appropriate written procedures in place.

- 5.3 The revised policy confirms the employee's statutory rights and aims to create an organisational culture where employees feel safe to raise a concern in the knowledge that they will not be victimised in doing so.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The review of whistleblowing 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.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 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 Ensuring a culture whereby persons feel empowered to raise concerns when there is a reasonable belief (and it is in the public interest) that one or more of a criminal offence, a breach of legal obligation, a miscarriage of justice, a danger to the health and safety of an individual, damage to the environment, and/ or a deliberate attempt to conceal one of these, has occurred or is likely to occur is an important part of risk management and should reduce risks.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 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, a miscarriage of justice is likely to occur should assist in reducing crime.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- 1 – Revised Draft Whistleblowing Policy
- 2 – Revised Draft Whistleblowing Procedure
- 3 – Revised Draft Guidance for Managers
- 4 – Revised Draft Guidance for Investigators
- 5 – Response to Grant Thornton Action Plan

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

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

- NONE

Officer contact details for documents:

- N/A

This page is intentionally left blank

Agenda Item 7.1

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank