

### **3.3 COUNCIL AND COMMITTEES/ OTHER BODIES**

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

- 3.3.1 Council
- 3.3.2 Overview and Scrutiny
- 3.3.3 Grants Scrutiny Sub-Committee
- 3.3.4 Health Scrutiny Sub-Committee
- 3.3.5 Housing Scrutiny Sub-Committee
- 3.3.6 Audit Committee
- 3.3.7 Development Committee
- 3.3.8 Strategic Development Committee
- 3.3.9 Freedom of the Borough Ad Hoc Panel
- 3.3.10 General Purposes Committee
- 3.3.11 Licensing Committee
- 3.3.12 Pensions Committee
- 3.3.13 Pensions Board
- 3.3.14 Standards Advisory Committee

#### **Other Boards and Panels**

- 3.3.15 Adoption Panel
- 3.3.16 Children's Social Care Complaint Review Panel
- 3.3.17 Private Fostering Panel
- 3.3.18 Safeguarding Adults Board
- 3.3.19 Safeguarding Children Board
- 3.3.20 School Admissions Forum
- 3.3.21 Secure Accommodation Panel
- 3.3.22 Standing Advisory Council on Religious Education (SACRE)
- 3.3.23 Tower Hamlets Health and Wellbeing Board

#### **Joint Committees**

- 3.3.24 London Council's Committee (known as the Leader's Committee)
- 3.3.25 Transport and Environment Committee
- 3.3.26 Grants Committee
- 3.3.27 London Housing Consortium
- 3.3.28 Joint Committee of the Six Growth Boroughs
- 3.3.29 Inner North East London Joint Health Overview and Scrutiny Committee
- 3.3.30 Pensions CIV Sectoral Committee

### 3.3.1 Council

<b>Membership:</b> All elected Members of the Authority and the Executive Mayor	
<b>Functions</b>	<b>Delegation of Functions</b>
<b>1. Constitutional Functions</b> <ul style="list-style-type: none"> <li>(a) All functions set out in Article 4.02 of this Constitution</li> <li>(b) Adopting or amending the Council's Constitution</li> <li>(c) To hold a debate on a matter which is the subject of a petition containing 2,000 or more valid signatures in accordance with the Council's Petition Scheme</li> <li>(d) Budget and Policy Framework Functions</li> <li>(e) All functions relating to the adoption of the budget and policy framework, as set out in Article 4.01</li> <li>(f) Taking decisions in respect of functions which are not in accordance with the policy and budget framework</li> </ul>	<p>Non-material changes to the Constitution delegated to General Purposes Committee; changes to reflect a decision of the Council or a change in legislation; or to correct a matter of fact delegated to the Corporate Director, Governance</p>
<b>2. Committee Functions</b> <ul style="list-style-type: none"> <li>(a) Making arrangements for the discharge of Council functions by a Committee or officer under section 101(5) of the Local Government Act 1972; and</li> <li>(b) making appointments under section 102 (appointment of Committees) of the 1972 Act</li> </ul>	<p>Appointments to committees:</p> <ul style="list-style-type: none"> <li>(a) General Purposes Committee</li> <li>(b) Corporate Director, Governance</li> </ul>
<b>3. Power to promote or oppose local or personal Bills</b> <ul style="list-style-type: none"> <li>(a) Pursuant to Section 239 of the Local Government Act 1972</li> </ul>	None
<b>4. Members' Allowance Scheme</b> <ul style="list-style-type: none"> <li>(a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme</li> </ul>	None

**Quorum:** Twelve (12) voting Members of Council

**NB In the absence of any express statutory prohibition to the contrary, all Council bodies listed below may establish Sub-Committees pursuant to section 101 of the Local Government Act 1972 and/or may make specific delegations to officers.**

Where a Council Committee appoints a Sub-Committee/Panel under the above provision, the Committee shall appoint a Member to serve as Chair of the Sub-Committee/Panel. If the Committee does not do so, the Sub-Committee/Panel may appoint its own Chair from amongst the Members appointed by the Committee to the Sub-Committee/Panel. Each Committee, Sub-Committee or Panel may appoint a Vice-Chair from amongst its membership.

### 3.3.2 Overview and Scrutiny

<b>Membership:</b> Nine (9) Councillors ( <del>each political group may appoint</del> up to three (3) substitutes <del>may be appointed for each Councillor Member</del> ) and six (6) co-opted members: - a Church of England and a Roman Catholic representative; three (3) Parent Governor representatives under paragraph 7 of Schedule A1 to the Local Government Act 2000; and a non-voting Muslim faith representative	
Functions	Delegation of Functions
1. To discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters) in accordance with the arrangements specified for the discharge of the Overview and Scrutiny function and the establishment of an Overview and Scrutiny Committee contained within Part 4 (section 4.5) and Article 6 of the Constitution	None
2. To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime & Disorder Committee	None
3. In accordance with the Council's Petition Scheme: (a) To require a Chief Officer to give evidence to the Committee on a matter that is the subject of a petition including 1,000 or more valid signatures (the Committee will also invite the relevant Executive Member to the meeting); and (b) To undertake a review if a petition organiser feels the authority's response to his/her petition was inadequate	None
4. On behalf of the Council to establish and make appointments to any joint overview and scrutiny committee	None
<b>Quorum:</b> Three (3) voting Members of the Committee	

### **3.3.3 Grants Scrutiny Sub-Committee**

#### **1. Introduction and Aims**

- 1.1 Member input is vital at the development and delivery stage of the grants process by ensuring that the overall objectives of the grant scheme are being met based on identified need, that a fair geographical distribution of funding is being proposed, and that the full range of community needs are being met.
- 1.2 The Grants Sub-Committee will support an objective, fair, transparent and coordinated approach to grant funding across the Council including but not restricted to the following.
  - (a) overseeing the process and arrangements for awarding and administering grants and related procurement processes to ensure a strategic approach;
  - (b) overseeing the processing arrangements for developing grants criteria and assessment methodology;
  - (c) overseeing the monitoring, performance management and evaluation arrangements in relation to funded projects; and
  - (d) ensuring fairness and transparency in the grant awarding process.
- 1.3 The Grants Sub-Committee will be mindful of the Council's objective to create an environment for a thriving Third Sector. In this context, the following are key factors:
  - (a) improve partnership working between local organisations;
  - (b) provide longer-term funding to organisations;
  - (c) ensure that funding is aligned to the Strategic Plan and Community Plan;
  - (d) ensure that the Council achieves value for money from its grants; and
  - (e) ensure that funding supports appropriate services for the benefit of local residents.

#### **2. Responsibilities**

- 2.1 The Overview & Scrutiny Grants Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to grants matters. This will include:
  - (a) Reviewing and/or scrutinise recommendations, decisions made or actions taken in connection with the discharge of the council's grants;
  - (b) Advising the Mayor, DCLG Commissioners or Executive of key issues/questions arising in relation to grants reports due to be considered by the Mayor, DCLG Commissioners or Executive; and

- (c) Making reports and/or recommendations to the full Council and/or the Mayor, DCLG Commissioners or Executive in connection with the discharge of grants functions
- 2.2 The Grants Sub-Committee will have a broad range of responsibilities. This will include scrutinising adherence to grant eligibility, appraisal, and monitoring arrangements.
- 2.3 Other areas of responsibility for the Grants Sub Committee include but are not restricted to the following:
  - (a) monitoring and reviewing all grant programmes across the Council;
  - (b) maintaining an overview of performance and value for money for all London Borough of Tower Hamlets grant funding;
  - (c) support an appropriate, fair and transparent commissioning and appraisal process is followed when allocating any grant funding;
  - (d) ensure that the Service agreements used in relation to the various Council grant regimes are fit for purpose and that appropriate monitoring and assurance systems are implemented and in place; and
  - (e) receive grant programme performance, monitoring reports and agreeing appropriate action to be taken in respect of projects which are under-performing.

### 3. **Chair and Membership**

- 3.1 ~~The membership of the Grants Sub-Committee will consist of the Chair of Overview and Scrutiny (or his nominated Deputy) as Chair of the Grants Sub-Committee, with the composition consisting of three (3) Members of the Overview and Scrutiny Committee from the administration and one (1) each from the opposition parties (five (5) in total).~~ Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Chair of the Overview and Scrutiny Committee (or his/her nominated Deputy). The membership of the Grants Scrutiny Sub-Committee will be selected at the Annual General Meeting.

### 4. **Actions and Responsibilities**

- 4.1 Below are some of the specific actions and responsibilities required to ensure the effective operation of the Grants Sub-Committee.
- 4.2 **Servicing of meetings.** The servicing of meetings will be undertaken by the Council's Democratic Services Team and which work will include:
  - (a) dispatch of reports;

- (b) taking of minutes and recording of actions/decisions;
- (c) dissemination of minutes and decisions; and
- (d) audio recording of meetings.

4.3 **Meeting frequency.** The Grants Sub-Committee will meet as required in order to consider grant awards in a timely manner.

4.4 Officers preparing reports for consideration must liaise with Democratic Services in good time to ensure that meetings are able to be convened as required to consider reports.

4.5 **Preparation and presentation of Reports.** The Lead Manager/Officer of the appropriate grant/funding programme will be responsible for preparing and presenting reports to the Grants Sub-Committee. This will include:

- (a) preparing reports and recommendations;
- (b) obtaining legal and financial clearance of reports;
- (c) sending completed reports to Democratic Services for dispatch;
- (d) presenting reports; and
- (e) implementing actions/decisions agreed.

4.6 **Record of attendance.** All members of the Sub-Committee present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

## 5. Proceedings

5.1 The Grants Sub-Committee will generally meet in public and conduct its proceedings in accordance with the relevant rules of procedure contained in the Council's Constitution such as the:

- (a) Council Procedure Rules;
- (b) Access to Information Procedure Rules, and
- (c) The Overview and Scrutiny Procedure Rules.

5.2 For the purposes of the Grants Sub-Committee, Rule 19 of the Council Procedure Rules (Petitions) applies.

## 6. Declaration of Interests

- 6.1 In accordance with the Council's Code of Conduct for Members, Members are reminded that it is a requirement to declare disclosable pecuniary interests and any other interest that they may have within the published register of interests.

**7. Decision making**

- 7.1 Currently the Council is subject to Direction from the Secretary of State and Commissioners are responsible for decision making on Grants.



### **3.3.4 Health Scrutiny Sub-Committee**

#### **1. Establishment**

- 1.1 The Council's Constitution states that the Annual Council Meeting will establish "such other Committees/ Sub-Committees as it considers appropriate to deal with matters which are neither Executive Functions nor reserved to the Council".
- 1.2 The Constitution refers to the establishment of "a standing Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.
- 1.3 At the Annual General Meeting of the Council, held on 18 May 2016 the nominations were received the Municipal Year 2015/16 with a membership numbering seven (7), and an allocation of places in accordance with overall proportionality requirements as follows: four (4) Majority Group Members (Labour), three (3) Minority Group Member (Independent Group) and zero (0) Minority Group Members (Conservative).

#### **2. Terms of Reference and Quorum**

- 2.1 The Health Scrutiny Sub-Committee will undertake the Council's functions under the National Health Service Act 2006 and associated Regulations and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:
  - (a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
  - (b) To respond to consultation exercises undertaken by an NHS body; and
  - (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.
- 2.2 The quorum will be three (3) voting members.
- 2.3 The Health Scrutiny Sub-Committee will meet at least four (4) times a year.

#### **3. Reports**

- 3.1 The Sub-Committee will report to full Council, Cabinet or the appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Sub-Committees shall first be

considered by the Overview and Scrutiny Committee before being reported to full Council, Cabinet or the appropriate Cabinet member, as appropriate.

#### **4. Proceedings of Scrutiny Sub-Committees**

- 4.1 The Overview and Scrutiny Committee and its Scrutiny Sub-Committees will generally meet in public and conduct their proceedings in accordance with the Procedure Rules in Part 4 of the Constitution.

### **3.3.5 Housing Scrutiny Sub-Committee**

#### **1. Chair and Membership**

- 1.1 Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Lead Scrutiny Member for Place for 2016/17. The membership of the Housing Scrutiny Sub-Committee will be selected at the Annual General Meeting.

#### **2. Frequency of meetings**

- 2.1 The Housing Scrutiny Sub-Committee will meet four (4) times a year.
- 2.2 The Sub-Committee may arrange other meetings as and when necessary to consider any urgent issues as well as arranging meetings for detailed scrutiny reviews and challenge sessions.

#### **3. Responsibilities**

- 3.1 The Housing Scrutiny Sub-Committee will discharge the Council's statutory functions to undertake overview and scrutiny, insofar as these pertain to housing matters. This will include:
- (i) Reviewing and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's housing functions;
  - (ii) Advising the Mayor, DCLG Commissioners or Cabinet of key issues/questions arising in relation to housing reports due to be considered by the Mayor, DCLG Commissioners or Cabinet;
  - (iii) Making reports and/or recommendations to the full Council and/or the Mayor, DCLG Commissioners or Cabinet in connection with the discharge of housing functions;
  - (iv) Delivering (c) by organising an annual work programme, drawing on the knowledge and priorities of the council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;
  - (v) Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;
  - (vi) Considering housing matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public; and
  - (vii) The Sub-Committee will report annually to the Overview and Scrutiny Committee on its work.

#### **4. Support to the Sub-Committee**

- 4.1 The ~~Service Heads~~Divisional Directors for ~~Corporate~~ Strategy, Policy, Equalities and Partnerships and Equality (~~LP~~GGovernance) and ~~Strategy, Regeneration and Sustainability~~Growth and Economic Development (~~D&R~~Place) will be the senior officer leads and champion the work of the Sub-Committee.
- 4.2 The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:
- (a) Meeting room bookings, refreshments
  - (b) Agenda preparation and dispatch
  - (c) Taking minutes and recording of actions/decisions
  - (d) Dissemination of minutes and decisions
  - (e) The Corporate Strategy & Equality Service will provide policy support to the
  - (f) Sub-Committee which will include:
  - (g) Research and analysis
  - (h) Work programme development
  - (i) Support with undertaking reviews and challenge sessions
  - (j) Drafting review reports and challenge sessions

#### **5. Proceedings**

- 5.1 The Housing Scrutiny Sub-Committee will generally meet in public and conduct its proceedings in accordance with the rules and procedure contained in the Council's Constitution such as the:
- (a) Council Procedure Rules;
  - (b) Access to Information Procedure Rules, and
  - (c) The Overview and Scrutiny Procedure Rules.

### 3.3.6 Audit Committee

**Membership:** Seven (7) ~~Members of the Council~~~~Councillors~~. ~~(Up each political group may appoint up to three (3) substitutes may be appointed for each Member)~~. The Audit Committee shall not be chaired by a Member of the Executive.

Functions	Delegation of Functions
1. To consider the Audit Plan and review the performance of Internal Audit against this target	None
2. To review internal audit findings and the annual report from the Head of Audit and seek assurance that action has been taken where necessary	None
3. To act as a forum for the external auditors to bring issues to Members' attention including both specific reports and general items such as the Annual Audit Letter and the Annual Governance Report	None
4. To be satisfied that the authority's assurance statement including the Annual Governance Statement properly reflects the risk environment and any actions required to improve it	None
5. To enable the Council to demonstrate a response to its fiduciary responsibilities in preventing fraud and corruption	None
6. To consider reports of audit activity together with specific investigations	None
7. To monitor the Authority's Risk Management arrangements and seek assurance that action is being taken on risk related issues identified by auditors and inspectorates	None
8. To make arrangements for the proper administration of the Council's financial affairs and for the proper stewardship of public funds except the appointment of the Chief Finance Officer and which shall remain the duty of the Council	None
9. To meet the obligations of the Accounts and Audit (England) Regulations 2011 (where savings provisions apply) and the Accounts and Audit Regulations 2015 and the various statutory requirements in respect of the duty to approve the Authority's Statement of Accounts, income and expenditure and balance sheet	None

or record of payments and receipts (as the case may be)	
<b>10.</b> Pursuant to section 7 of the Local Audit and Accountability Act 2014 to appoint a local auditor to audit the Council's accounts	None
<b>Quorum:</b> Three (3) Members of the Committee	

### 3.3.7 Development Committee

**Membership:** Seven (7) ~~Members of the Council~~Councillors- ~~(Up each political group may appoint up to three (3) substitutes may be appointed for each Member).~~

Functions	Delegation of Functions
<p><b>1. Planning Applications</b></p> <p>(a) To consider and determine recommendations from the Corporate Director, Development and Renewal to grant planning permission for applications made under the Town and Country Planning Act 1990 to grant listed building consent or conservation area consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 and to grant hazardous substances consent for applications made under the Planning (Hazardous Substances) Act 1990, including similar applications delegated to the Council to determine by other bodies (such as the Olympic Delivery Authority under the London Olympic Games and Paralympic Games Act 2006) that meet any one of the following criteria</p> <p>(i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential or live-work units.</p> <p>(ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres</p> <p>(iii) Retail development with a gross floor space exceeding 5,000 square metres</p> <p>(iv) If in response to the publicity of an application the Council receives (in writing or by email) either more than 20 individual representations or a petition (received from residents of the borough whose names appear in the Register of Electors or by a Councillor and containing signatures from at least 20 persons with residential or business addresses in the borough) raising material planning objections to the development, and the Corporate Director, Place considers that these objections cannot be addressed by amending the development, by imposing conditions and/or</p>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <p>(i) these are expressly delegated to her/him; or</p> <p>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</p>

<p>by completing a legal agreement</p> <p><b>(b)</b> To consider and determine recommendations from the Corporate Director, Place to refuse planning permission for applications made under the Acts referred to in (a) above, where in response to the publicity of an application the Council has received (in writing or by email) more than 20 individual representations supporting the development or a petition in the form detailed in (a) (iv) supporting the development</p> <p><b>(c)</b> To consider and determine recommendations from the Corporate Director, Place for listed building or conservation area consent applications made by or on sites/buildings owned by the Council.</p> <p>(Representations either individual letters or petitions received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place)</p>	
<p><b>2. Observations</b></p> <p><b>(a)</b> To respond to requests for observations on planning applications referred to the Council by other local authorities Government departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or raise especially significant borough-wide issues</p>	None
<p><b>3. General</b></p> <p><b>(a)</b> To consider any application or other planning matter referred to the Committee by the Corporate Director, Place where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised)</p>	None
<p><i>It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</i></p>	
<p><b>Quorum:</b> Three (3) Members of the Committee</p>	



### 3.3.8 Strategic Development Committee

**Membership:** Seven (7) ~~Members of the Council~~Councillors- ~~(Up to each political group may appoint up to three (3) substitutes)~~ (Up to each political group may appoint up to three (3) substitutes) ~~may be appointed for each Member.~~

Functions	Delegation of Functions
<p>1. To consider any matter listed within the terms of reference of the Development Committee where any one of the following applies</p> <ul style="list-style-type: none"> <li>(a) Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames)</li> <li>(b) Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area</li> <li>(c) Applications for employment floor space on sites of more than 4 hectares</li> <li>(d) Major infrastructure developments</li> <li>(e) Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres</li> <li>(f) Applications on metropolitan open space involving buildings with a gross floor space exceeding 100 square metres</li> <li>(g) Applications for developments including 200 or more car parking spaces</li> <li>(h) Legal proceedings in relation to the matter are in existence or in contemplation</li> <li>(i) Three or more members of the Development Committee are disqualified in some way from participating in the decision</li> <li>(j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee</li> <li>(k) To consider any application or other planning matter referred to the Committee by the Corporate Director, Place where s/he considers it appropriate to do so (for example, if especially significant strategic issues are raised)</li> </ul>	None
<p><i>It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</i></p>	

**Quorum:** Three (3) Members of the Committee

### 3.3.9 Freedom of the Borough Ad Hoc Panel

**Membership:** Members of the ~~Council Panel~~ to include the Speaker of the Council, the Executive Mayor, any former Civic Mayors or Chairs of Council still serving as Councillors, and at least one (1) representative of each political group on the Council. The Panel may co-opt additional non-voting Members including other former Civic Mayors or Chairs/ Speakers of Council, or independent persons drawn from the business, community or public sectors.

The Panel shall be chaired by the Speaker of the Council

Functions	Delegation of Functions
1. To consider any proposals that may be made in due course relating to the granting of the Freedom of the Borough, including any nominations for that award, and to make recommendations	None

**Quorum:** Three (3) voting Members of the Panel

### 3.3.10 General Purposes

<b>Membership:</b> Nine (9) <del>Members of the Council</del> Councillors (each political group may <u>appoint</u> up to three (3) substitutes <del>may be appointed for each Member</del> )	
Functions	Delegation of Functions
This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution	-
<b>1.</b> To exercise powers in relation to the holding of elections and the maintenance of the electoral register including: <b>(a)</b> the provision of assistance at European Parliamentary elections; <b>(b)</b> power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and <b>(c)</b> the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under Local Government Act 2000).	None
<b>2.</b> Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
<b>3.</b> To recommend to Council the introduction, amendment or revocation of byelaws	None
<b>4.</b> Appointment and revocation of local authority school governors	None

<p><b>5.</b> To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules</p>	<p>The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution</p>
<p><b>6.</b> To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer</p>	<p>None</p>
<p><b>7.</b> To determine major policy on the terms and conditions on which staff hold office within allocated resources</p>	<p>None</p>
<p><b>8.</b> To agree any negotiated settlement, in relation to a senior executive in circumstances which do not amount to a dismissal that may be proposed in accordance with the Council's Pay Policy Statement</p>	<p>None</p>
<p><b>9.</b> To determine the criteria for the appointment of the Head of Paid Service and other statutory and non-statutory chief officers and deputy chief officers and to establish Appointments Sub-Committees to consider such appointments</p>	<p>None</p>
<p><b>10.</b> To make recommendations to Full Council on the appointment of the Head of Paid Service</p>	<p>None</p>
<p><b>11.</b> To establish a Sub-Committee to consider any proposal to discipline and/or dismiss the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution and to appoint a minimum of two (2) 'Independent Persons' to such Sub-Committee</p>	<p>The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution</p>

<p><b>12.</b> To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including:</p> <p>(a) Education awards appeals;</p> <p>(b) Appeals by governing bodies;</p> <p>(c) Appeals by employees under human resources procedures requiring a Member level decision; and</p> <p>(d) Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval</p>	None
<p><b>13.</b> To establish Employee Appeals Sub-Committees and other Appeals Sub-Committees as appropriate to be convened by the Corporate Director, Law, Probity and Governance for determination of the above appeals referred to in paragraph 12 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance</p>	The Corporate Director, Governance is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Part 3.12.2 of this Constitution
<p><b>14.</b></p> <p><b>(a)</b> Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution</p> <p><del>(a)</del><b>(b)</b> <u>In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part 2, Article 12.06(c)(ii) of this Constitution</u></p>	None
<p><b>Quorum:</b> Three (3) Members of the Committee</p>	

### 3.3.11 Licensing Committee

**Membership:** Fifteen (15) Members of the Council. No substitute members may be appointed for this committee

Functions	Delegation of Functions
<p>1. <u>To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act</u><del>To consider and determine applications for the grant or variation of the following:</del></p> <ul style="list-style-type: none"> <li><del>(i) Premises Licenses, Personal Licences, Temporary Events Notices and Club Premises Certificates pursuant to the Licensing Act 2003 where relevant representations have been received.</del></li> <li><del>(ii) Special treatment licenses in respect of premises within the borough where objections have been received.</del></li> <li><del>(iii) Gaming permits, as defined by Schedule 9 (6) of the Gaming Act 1968, where objections have been received.</del></li> <li><del>(iv) Small lotteries registration, where objections have been received.</del></li> <li><del>(v) Competitive bidding licenses, where objections have been received.</del></li> <li><del>(vi) Pools promotion registration, where objections have been received.</del></li> <li><del>(vii) Granting "hypnotism waivers" in accordance with Council policy.</del></li> <li><del>(viii) Any other application which the Corporate Director, Environment and Culture considers should be referred to the Committee for determination</del></li> </ul>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine any applications for licenses not specifically reserved to the Licensing Committee by these terms of reference <del>and all applications for licences where no objections have been received.</del></p>
<p>2. <u>To establish Sub-Committees to consider and determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, objections to temporary event notices and</u></p>	<p><del>None</del>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all</p>

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<p><u>any applications requiring a hearing under the Licensing Act 2003 and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act</u>  <del>To consider and determine applications for revocation and/or review of any licences which fall to be determined by the Committee in accordance with paragraph 1 a) to h) above</del></p>	<p><u>applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</u></p>
<p><b>3.</b> <u>To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005</u>  <del>To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</del></p>	<p>None</p>
<p><b>4.</b> <u>To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</u>  <del>To determine fees and charges for the issue, approval, consent, license, permit or other registration for functions for which the Committee has responsibility</del></p>	<p>None</p>
<p><b>5.</b> <u>To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) regarding the control of sex establishments within the Borough</u>  <del>To determine all aspects of licensing policy/procedure (excluding the determination of the Council's Statement of Licensing Policy) and miscellaneous licensing matters, including the creation of Sub Committees for the purposes of the Licensing Act 2003</del></p>	<p><del>None</del> <u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</u></p>
<p><b>6.</b> <u>To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn</u>  <del>To consider the Council's statement of licensing policy</del></p>	<p><del>None</del> <u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or</u></p>



	<u>the objections have been withdrawn within the appropriate time frame</u>
7. <u>To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution where the Function has been specifically delegated to the Licensing Committee</u>	<u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</u>
8. <u>To determine fees and charges for the issue, approval, consent, license, permit or other registration in respect of Licensing and Registration Functions as set out in Part 3.1.1.2 B; Local Choice, Local Act Functions which are set out in Part 3.1.2; and Other Local Choice Functions which are set out in Part 3.1.3 of the Constitution for which the Committee has responsibility</u>	<u>The Corporate Director, Place (or any officer authorised by her/him) has the authority to determine fees for premises licences in respect of gambling</u>
9.	
<b>Quorum:</b> Three (3) Members of the Committee	

### 3.3.12 Pensions Committee

**Membership:** Seven (7) ~~Members of the Council~~Councillors (each political group may appoint up to three (3) substitutes ~~may be appointed for each Member~~); plus one (1) representative of the Admitted Bodies and one (1) Trade Union representative. The Admitted Body and Trade Union representatives will be non-voting members of the Committee.

Functions	Delegation of Functions
1. To consider pension matters and meet the obligations and the duties of the Council under the Superannuation Act 1972, and the various statutory requirements in respect of investment matters	None

**Quorum:** Three (3) Members of the Committee

### 3.3.13 Pensions Board

#### Introduction

1. This document sets out the terms of reference of the Local Pension Board of the London Borough Of Tower Hamlets (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
4. Except where approval has been granted under regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

#### Interpretation

5. The following terms have the meanings as outlined below:

**'the Act'** The Public Service Pensions Act 2013.

**'the Code'** means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes.

**'the Committee'** means the committee who has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972 (i.e. the Pensions Committee at LBTH).

**'the Fund'** means the Fund managed and administered by the Administering Authority.

**'the Guidance'** means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.

**'the Regulations'** means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014

(as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations ~~2009-2016~~ (as amended from time to time).

**'Relevant legislation'** means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.

**'the Scheme'** means the Local Government Pension Scheme in England and Wales.

### Statement of purpose

6. The purpose of the Board is to assist\* the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
  - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
  - (b) to ensure the effective and efficient governance and administration of the Scheme.

### Duties of the Board

7. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members†.

### Establishment

The Board ~~is was~~ established on ~~{01 APRIL 2014} 01 April 2014; subsequent to approval approved by {FULL COUNCIL} Council on {26 NOVEMBER November 2014}; and by {subject to the agreement of the Pensions Committee on 24 February 2015}.~~

8. As stated above, the Pensions Board is not explicitly bound by the rules governing Committees established under Section 101 of the Local Government Act 1972, however, for consistency and best practice, the Pensions Board will, where practicable and subject to specific rules set out in these Terms of Reference, operate in the same way as the Council's other Committees as set out in the Constitution. This includes:

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

† See paragraphs 7.9 to 7.11 of the Guidance for more information on a Code of Conduct for Boards

- Rules 6 - 10, 17.3, 17.6 and 18 to 25 of the Council Procedure Rules (Part 4 – Rules of Procedures) relating to :
  - Notice and summons to meetings
  - Chair of meeting (except in relation to casting votes)
  - Quorum
  - Duration of meetings
  - Cancellation of meetings
  - Voting (certain rules)
  - Minutes
  - Petitions
  - Record of Attendance
  - Exclusion of the Public
  - Members' Conduct
  - Disturbance by Public
  - Suspension of Amendment of Council Procedure Rules
- Access to Information Procedure Rules (Part 4.2 of the Constitution)
- Code of Conduct for Members (Part 5.1 of the Constitution) – with specific reference to registering and disclosing interests.
- Members' Allowance Scheme (Part 6 of the Constitution) – with particular reference to allowances and expenses payable.

## **Membership**

9. The Board shall consist of six (6) voting members, as follows:
  - Three (3) Member Representatives; and
  - Three (3) Employer Representatives.
10. There shall be an equal number of Member and Employer Representatives.
11. There shall also be one (1) other representatives who is not entitled to vote.

## ***Member representatives***

12. Member representatives shall either be scheme members<sup>‡</sup> or have capacity to represent scheme members of the Fund.
13. Member representatives should be able to demonstrate their capacity<sup>§</sup> to attend and complete the necessary preparation for meetings and participate in training as required.
14. Substitutes ~~shall~~may be appointed. Where appointed, substitutes ~~should~~must be named and must undertake the same training as full members.

<sup>‡</sup> Active, deferred or pensioner members

<sup>§</sup> See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

15. A total of three (3) member representatives shall be appointed<sup>\*\*</sup> from the following sources:

- (a) One (1) member representative shall be appointed by the recognised trade unions representing employees who are scheme members of the Fund.
- (b) One (1) member representative shall be appointed by the Admitted Bodies Forum where that body is independent of the Administering Authority and open to and representative of all scheme members of the Fund.
- (c) One (1) member representative shall be appointed following a transparent recruitment process which should be open to all pensioners and be approved by the Administering Authority.

#### ***Employer representatives***

16. Employer representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.

17. Employer representatives should be able to demonstrate their capacity<sup>††</sup> to attend and complete the necessary preparation for meetings and participate in training as required.

18. Substitutes shall be appointed. Where appointed substitutes should be named and must undertake the same training as full members.

19. A total of three (3) employer representatives shall be appointed<sup>‡‡</sup> to the Board from the following sources:

- (a) One (1) elected member employer representative shall be appointed by Council to and representative of all employers in the Fund.
- (b) One (1) employer representative shall be appointed following a transparent recruitment process which should be open to all employers in the Fund and be approved by the Administering Authority.
- (c) One (1) employer representative shall be appointed by the Administering Authority where all employers will have been asked to submit their interest in undertaking the role of employer representative on the Board.

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<sup>\*\*</sup> See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing member representatives

<sup>††</sup> See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

<sup>‡‡</sup> See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing employer representatives

### **Other members<sup>§§</sup>**

20. One (1) other member shall be appointed to the Board by the agreement of both the Administering Authority and the Board to act as an Independent Chair.
21. Other members do not have voting rights on the Board.

### **Appointment of chair**

22. Subject to the meeting arrangements in paragraphs 35 to 37 below a chair shall be appointed for the Board as set out below:
  - (a) An independent chair to be appointed by the Administering Authority but shall count as an 'other' member under paragraphs 20-21 above. In this respect the term independent means having no pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund or not being a member of the Fund.

### **Duties of chair**

23. The chair of the Board:
  - (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference,
  - (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered, and
  - (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

### **Notification of appointments**

24. When appointments to the Board have been made the Administering Authority shall publish the name of Board members, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

### **Terms of Office<sup>\*\*\*</sup>**

25. The term of office for Board members is four (4) years.

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<sup>§§</sup> When considering whether to have other members on the Board regard should be given to the advice provided in paragraphs 5.21 to 5.24 of the Guidance

<sup>\*\*\*</sup> See paragraphs 5.29 and 5.30 of the Guidance which outlines points to consider when setting out the term of office for Board members. In particular consideration should be given to allowing members to retire on a rolling basis to ensure experience is retained

26. Extensions to terms of office may be made by the Administering Authority with the agreement of the Board.
27. A Board member may be appointed for further terms of office using the methods set out in paragraphs 15 and 19.
28. Board membership may be terminated prior to the end of the term of office due to:
- (a) A member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund<sup>+++</sup>.
  - (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied.
  - (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.
  - (d) A Board member no longer being able to demonstrate to the London Borough Of Tower Hamlets their capacity to attend and prepare for meetings or to participate in required training.
  - (e) The representative being withdrawn by the nominating body and a replacement identified.
  - (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
  - (g) A Board member who is an elected member becomes a member of the Pensions Committee.
  - (h) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

#### **Conflicts of interest<sup>+++</sup>**

29. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.
30. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.
31. On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

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<sup>+++</sup> This includes active, deferred and pensioner members.

<sup>+++</sup> See section 7 of the Guidance for more information on Conflicts of Interest.



### **Knowledge and understanding (including Training)<sup>§§§</sup>**

32. Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined in paragraph 6 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
33. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
34. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

### **Meetings**

35. The Board shall as a minimum meet four (4) times<sup>\*\*\*\*</sup> each year.
36. Meetings shall normally take place between the hours of 9am and 9pm at the Town Hall.
37. The chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

### **Quorum**

38. A meeting is only quorate when at least one person of each member and employer representatives are present including an independent chair or 50% of both member and employer representatives are present.
39. A meeting that becomes inquorate may continue but any decisions will be non-binding.

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<sup>§§§</sup> See section 6 of the Guidance for more information on Knowledge and Understanding.

<sup>\*\*\*\*</sup> See 5.35.11 in Guidance for more advice on the number of meetings to hold each year.

### **Board administration**

40. The Chair shall agree with an officer from Democratic Services (the 'Board Secretary') an agenda prior to each Board meeting.
41. The agenda and supporting papers will be issued at least seven (7) working days (where practicable) in advance of the meeting except in the case of matters of urgency.
42. Draft minutes of each meeting including all actions and agreements will be recorded and published within twenty-one (21) working days of the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes. Where necessary any information considered exempt as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or considered confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998 shall be included in a Part II minute that is not made available to the public.
43. The Board Secretary, in consultation with the Investment & Treasury Manager shall support Board members in maintaining their knowledge and understanding as determined in the Board's Knowledge and Understanding, Policy and Framework, and other guidance or legislation.
44. The Board Secretary shall arrange such advice as is required by the Board subject to such conditions as are listed in these Terms of Reference for the use of the budget set for the Board.
45. The Board Secretary shall ensure an attendance record is maintained along with advising the Administering Authority on allowances and expenses to be paid under these terms.
46. The Board Secretary shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

### **Public access to Board meetings and information**

47. The Board meetings will be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).
48. The following will be entitled to attend Board meetings in an observer capacity:

- (a) Members of the Pensions Committee,
- (b) Any person requested to attend by the Board.

Any attendees will be permitted to speak at the discretion of the Chair.

49. In accordance with the Act the Administering Authority shall publish information about the Board to include:

- (a) The names of Board members and their contact details.
- (b) The representation of employers and members on the Board.
- (c) The role of the Board.
- (d) These Terms of Reference.

50. The Administering Authority shall also publish other information about the Board including:

- (a) Agendas and minutes
- (b) Training and attendance logs
- (c) An annual report on the work of the Board to be included in the Fund's own annual report.

51. All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- (a) On the Fund's website.
- (b) As part of the Fund's Annual Report.
- (c) As part of the Governance Compliance Statement.

52. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

#### **Expenses and allowances<sup>+++</sup>**

53. The Administering Authority [SHALL] meet the expenses of Board members in line with the Administering Authority's policy on expenses as set out in the Members Allowances Scheme

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<sup>+++</sup> Provision for the payment of expenses and allowances is a decision to be made locally by each Administering Authority. Full consideration should be given to information in Guidance -see section 9 and paragraphs 5.18 and 5.35.17 for more information. Administering authorities should aim to ensure that no Board member is either better or worse off as a result of fulfilling their duties as a member of the Board

## Budget

54. The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund and determined by:

- a) *The Board will seek approval from the Corporate Director, Resources for any expenditure it wishes to make.*

## Core functions<sup>\*\*\*\*</sup>

55. The first core function of the Board is to assist<sup>§§§§</sup> the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
- b) Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code.
- c) Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.
- d) Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.
- e) Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.
- f) Monitor complaints and performance on the administration and governance of the scheme.
- g) Assist with the application of the Internal Dispute Resolution Process.
- h) Review the complete and proper exercise of Pensions Ombudsman cases.
- i) Review the implementation of revised policies and procedures following changes to the Scheme.
- j) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
- k) Review the complete and proper exercise of employer and administering authority discretions.
- l) Review the outcome of internal and external audit reports.

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<sup>\*\*\*\*</sup> In determining the role of the Board, further information can be found in paragraphs 3.27 to 3.29 of the Guidance.

<sup>§§§§</sup> Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means.

- m) Review draft accounts and Fund annual report.
  - n) Review the compliance of particular cases, projects or process on request of the Committee.
  - o) Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.
56. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:
- a) Assist with the development of improved customer services.
  - b) Monitor performance of administration, governance and investments against key performance targets and indicators.
  - c) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
  - d) Monitor investment costs including custodian and transaction costs.
  - e) Monitor internal and external audit reports.
  - f) Review the risk register as it relates to the scheme manager function of the authority.
  - g) Assist with the development of improved management, administration and governance structures and policies.
  - h) Review the outcome of actuarial reporting and valuations.
  - i) Assist in the development and monitoring of process improvements on request of Committee.
  - j) Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
  - k) Any other area within the statement of purpose (i.e. ensuring effective and efficient governance of the scheme) the Board deems appropriate.
57. In support of its core functions the Board may make a request for information to the Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.
58. In support of its core functions the Board may make recommendations to the Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

## **Reporting \*\*\*\*\***

59. The Board should in the first instance report its requests, recommendations or concerns to the Committee. In support of this any member of the Board may attend a Committee meeting as an observer.

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\*\*\*\*\* See section 8 of the Guidance for more information on Reporting.

60. Requests and recommendations should be reported under the provisions of paragraphs 59 and 60 above.
61. The Board should report any concerns over a decision made by the Committee to the Committee subject to the agreement of at least 50% of voting Board members provided that all voting members are present. If not all voting members are present then the agreement should be of all voting members who are present, where the meeting remains quorate.
62. On receipt of a report under paragraph 63 above the Committee should, within a reasonable period, consider and respond to the Board.
63. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.
64. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 63 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.
65. The appropriate internal route for escalation is to the Monitoring Officer and/or Acting Corporate Director, Resources, the Section 151 Officer.
66. The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
67. Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's Whistleblowing Policy.

#### **Review of terms of reference**

68. These Terms of Reference shall be reviewed on each material change to those parts of the Regulations covering local pension boards and at least every three (3) years.
69. These Terms of Reference were adopted on 01 April 2015.

### **3.3.14 Standards Advisory Committee**

#### **1. Composition**

- 1.1 The Standards Advisory Committee shall be comprised of seven (7) Members of the Council (not including the Mayor or more than one Cabinet Member) with up to three substitutes may be appointed for each Member, appointed by the Council in accordance with the requirements of political proportionality; and up to seven persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).
- 1.2 The Co-opted member(s) will be entitled to vote at meetings under the provisions of s13 (4) (e) of the Local Government and Housing Act 1989. The Standards Advisory Committee shall be chaired by a Co-opted member.
- 1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference.

#### **2. Appointment of Co-Opted Members**

- 2.1 A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. The term of appointment shall be for four (4) years unless otherwise determined by Full Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

#### **3. Roles and Functions**

- 3.1 The Standards Advisory Committee has the following roles:
  - (a) To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, s/he shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least three (3) different Members of the Standards Advisory Committee (comprising two (2) of the co-opted members and one (1) Councillor) which shall make the final decision on the matter;

- (b) To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;
- (c) To convene a Hearings Sub-Committee of three Members of the Standards Advisory Committee comprising two (2) of the co-opted members and one (1) Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;
- (d) To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;
  - (i) Reporting its findings to Council for information;
  - (ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;
  - (iii) Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;
  - (iv) Recommending the Monitoring Officer arrange training for the member;
  - (v) Recommending removal from outside appointments to which s/he has been appointed or nominated;
  - (vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;
  - (vii) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;
  - (viii) Recommending the Member to contact the Council via specified point(s) of contact;
- (e) To convene a Hearings (Appeal) Sub-Committee of at least three (3) different Members of the Standards Advisory Committee (comprising two (2) of the co-opted members and one (1) Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;
- (f) To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;
- (g) Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there



- may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;
- (h) Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;
  - (i) Advising the Council on the adoption or revision of the Code of Conduct for Members;
  - (j) Monitoring the operation of the Code of Conduct for Members;
  - (k) Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;
  - (l) To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;
  - (m) To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;
  - (n) Advising on local protocols for both Officer and Member governance;
  - (o) To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;
  - (p) To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and
  - (q) As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.

#### **4. Validity of proceedings**

- 4.1 A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three (3) members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor (1) and at least one (1) co-opted member.
- 4.2 Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.

## **5. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee**

- 5.1 Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three (3) Members of the Standards Advisory Committee at least two (2) of whom shall be co-opted members.
- 5.2 The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.
- 5.3 The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.
- 5.4 The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

## **6. Attendance Requirements**

- 6.1 In the event that any Member of the Committee does not attend three (3) or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.
- 6.2 The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

## **7. Procedures**

- 7.1 The Committee shall agree a set of procedures to enable it to discharge the arrangements under its Terms of Reference.

## **8. Confidentiality**

- 8.1 The Committee and any of its Sub-Committees may meet in private in accordance with the relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

### 3.3.15 Adoption Panel

<b>THE ADOPTION PANEL – PROCEDURES AND GUIDANCE</b>
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<b>Legislation</b>	(a) The Adoption and Children Act 2002 (b) The Adoption Agencies Regulations 2005 ( <b>AAR</b> ) (c) Adoption Agencies & Independent Review of Determinations (Amendment) Regulations 2011 (AIR) (d) Care Planning, Placement and Case Review Regulations 2010
<b>Guidance</b>	(e) Statutory Adoption Guidance 2011 (SG)
<b>Standards</b>	(f) Adoption National Minimum Standards 2011 (NMS)
<b>Applies to</b>	The Panel Chairperson and Panel Members to guide their practice and decision-making; Social Workers presenting assessments, reviews and recommendations to the panel; Managers within the Adoption Service; and the agency decision-maker

#### Panel Status

This panel should be considered as an adoption panel under Regulation **4 of the AIR** Paragraph 1 of the Adoption and Children Act 2002. It is a requirement for all adoption agencies to have an adoption panel.

The Adoption Panel is regulated by the Adoption and Children Act 2002.

#### Values

The service operates within the following value framework:

- (a) Children are entitled to grow up as part of a loving family, which can meet their needs during childhood, and beyond.
- (b) Where possible it is best for children to be brought up by their own family.
- (c) The child's welfare, safety and needs will be at the centre of the adoption process.
- (d) The child's wishes and feelings will be actively sought and fully taken into account at all stages.
- (e) Delays in adoption can have a severe impact on the health and development of children and will be avoided wherever possible.
- (f) Children's ethnic origin, cultural background, religion and language will be fully recognised and positively valued and promoted when decisions are made.
- (g) The particular needs of disabled children will be fully recognised and taken into account when decisions are made.
- (h) The role of adoptive parents in offering a permanent family to a child who cannot live with their birth family will be valued and respected.

- (i) Adoption has lifelong implications for all involved and requires lifelong commitment from many different organisations, professions and individuals who have to work together to meet the needs for services of those affected by adoption.
- (j) The adoption agency make quality and appropriate recommendations, and the adoption agency decision maker ensures that appropriate and child-focused decisions are made that positively promote and safeguard the welfare of children up to the age of majority and beyond.

### **Panel Responsibilities**

The panel is responsible for the following in relation to recommendations to the Tower Hamlets Agency Decision Maker:

- (a) To consider each application of adopters for approval and to recommend whether or not a person is suitable to act as an adoptive parent. (Where it recommends the approval of an application **it can advise** on the terms on which the approval is given). The panel has the added responsibility of being able to **recommend the termination** of the approval status of a prospective adopter.
- (b) To make recommendations in relation to a 'match' of an adopter with a child. The adoption panel makes a considered recommendation, taking in to account all of the relevant information sent through to them. The relevant documentation is sent out to the panel members at least ten working days in advance of the actual panel date.
- (c) To make a fresh recommendation if a case is referred back to panel following an applicant being considered unsuitable and where they make representations to the agency.
- (d) To consider a brief report when the assessing social worker is recommending that the applicant's assessment should be terminated.
- (e) To consider the reviews of approved adopters where they may be considered no longer suitable to adopt, and to follow the process set out in AAR 29.4
- (f) Give advice and make recommendations on any other matter or case as appropriate.

In addition the panel has the following duties and functions:

- (a) A quality assurance function reporting back to the agency every six (6) months in relation to the assessment process and the quality of reports being presented to the panel, including checking whether the requirements of the Restrictions on the Preparation of Adoption Reports Regulations 2005 are being met. In particular, monitoring and review of the work carried out by assessors: to provide feedback; to identify problems; and to ensure there is a consistency of approach in assessment across the service, and that assessment is fair to all applicants and has been completed in a thorough and rigorous way.
- (b) Monitoring the range and type of adopters available to Tower Hamlets in comparison with the needs of children requiring adoptive placements and monitoring time scales according to set standards. Where these timescales have not been met, recording accurately the reason for delay.

- (c) Ensuring the written minutes of panel meetings are accurate and informative, and clearly cover the key issues and views expressed by panel members. The minutes should record the panel's recommendation, the reasons for its recommendation and its advice. The panel chair is responsible for checking the accuracy of the minutes, ensuring they are sufficiently full, and give the actual recommendations from the panel meeting.
- (d) Exploring the support offered to adopters and post- and pre-placement children and making recommendations accordingly

### **Time Scales**

Tower Hamlets is committed to minimising delay in all aspects of its adoption service. We are committed to meeting the following time scales:

All necessary information is provided to panel members at least five (5) working days in advance of panel meeting to enable full and proper consideration.

Minutes must be produced promptly, agreed by the panel members and sent to the agency decision maker (ADM) to allow the decision to be made within seven (7) working days of the receipt of the panel's recommendation and final set of panel minutes.

### **The Prospective Adopters:**

- (a) Within two (2) working days written information sent in response to their enquiry. (NMS allows 5 working days)
- (b) Within two (2) months, a home-visit is undertaken / a follow up interview with a social worker takes place and/or an invitation to an information meeting is offered.
- (c) Within six (6) weeks from the completion of their assessment report, the adoption panel should receive all necessary information from the agency.
- (d) Within eight (8) months of the receipt of their formal application the panel should make a considered recommendation on the suitability of a prospective adopter to adopt. A determination about their suitability to adopt should be made by the agency, following the adoption panel's considerations and recommendation.

### **Matching and Placement:**

The following time-scales should be adhered to, taking into account the individual child's needs:

- (a) Within six (6) months of the Agency Decision Maker deciding that the child should be placed for adoption, a match with suitable adoptive parents should be identified and recommended by the panel.
- (b) Within three (3) months of the agency deciding that the child should be placed for adoption, where a parent has requested that a child aged less than six (6) months be placed for adoption, a match with suitable adoptive parents should be identified and approved by the panel

Where Tower Hamlets fails to meet these time scales the panel can explore the reasons with the presenting social workers and record the reasons in the written minutes of the panel.

### **Membership**

The agency "Must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel ".The Central list

It must include:-

- (a) One (1) or more social workers who have at least three years relevant post-qualifying experience.
- (b) The medical adviser to the adoption agency

From the central list the agency must appoint:-

- (a) A person to chair the panel, who is independent of the agency,
- (b) One(1) or two (2) people as vice-chairs, who may act as chair if necessary

Members of the central list must have the appropriate qualifications and/or experience to consider the cases submitted to the adoption panel.

Guidance suggests that the agency decides how many panel members should be present at each panel meeting.

There is no tenure requirement, however within Tower Hamlets membership of the central list will be re-considered after three years (in addition to annual appraisal). The central list will contain a diverse group of people and who reflect the community.

Tower Hamlets has a core group of ten (10) panel members, in addition there is also the Legal Adviser, Panel Adviser, and Panel Administrator.

### **Chair**

This person must have the "Skills and experience" necessary to chair. The most significant qualities being –

- (a) A sound understanding of the adoption process.
- (b) The authority and competence to chair a panel.
- (c) The ability to analyse and explain complex information.
- (d) The ability to identify key issues, problems and solutions.
- (e) Excellent interpersonal, oral and written communication skills.

### **Social Work Members**

Who have at least three (3) years relevant post qualifying experience. This should be in child care work and direct experience of adoption work.

### **Elected Members**

Whilst there is no requirement to have someone in this role, the London Borough of Tower Hamlets has an elected member on its central list. Wherever possible this person should be a member of the Corporate Parenting Group

### **Medical Adviser**

- (a) This is a requirement for the agency to include on its central list, the medical adviser to the adoption agency
- (b) The medical adviser also contributes to the paper work considered by the panel.
- (c) A summary on the child's health which forms part of the child's permanency report. This is sent with the CPR to the Agency Decision Maker as a Medical Report.
- (d) A summary on the prospective adopters' health which forms part of their report for panel
- (e) The medical adviser should also be consulted when the agency prepares the adoption placement report about a match for panel

### **Independent Panel Members**

Suitable members could include specialist in education, child and adolescent mental health, race and culture, and those with personal experience of adoption

### **Vice Chair**

The agency should appoint one or two people from the central list to be vice chairs. There is no requirement for the vice chairs to be independent of the agency

### **Agency Adviser to the Panel**

The agency must appoint a senior member of staff to act as agency adviser. Their role is to:-

- (a) Maintain the central list and constitution of adoption panel.
- (b) Be responsible for training and induction for new members to the central list
- (c) Act as liaison between the agency and the adoption panel, monitor performance of members and the administration of panel.
- (d) To provide advice and guidance on cases presented to panel



The Agency Adviser must be a social worker with at least five (5) years relevant post qualifying experience. The adviser is not a panel member and cannot take part in the decision making process.

### **Legal Adviser**

Whilst it is not a requirement for the agency's legal adviser to be a panel member, this is the case within Tower Hamlets. The role of the legal adviser is -

- (a) To provide legal advice in the form of a Legal Report to the Agency Decision Maker in relation to the case, when the ADM is considering adoption as the plan for a child.
- (b) When considering the suitability of adopters or a match the panel may obtain legal advice as necessary in relation to the case.

### **The Panel Administrator**

The role of the Panel Administrator is to:

- (a) Produce an annual schedule of meetings
- (b) Maintenance of a panel booking system
- (c) Preparation of agendas
- (d) Collate CPR's Medical and Legal Reports for the ADM.
- (e) Collate, copy and send all papers to the panel within the set time scales.
- (f) Liaise with the panel adviser in relation to the practical arrangements for the panel.
- (g) To ensure quorum for Panel
- (h) Take minutes of the discussion within the panel on each topic or case presented.
- (i) Clearly record any decisions as dictated by the Panel Chair.
- (j) To type up and circulate minutes within agreed time scales.
- (k) To record any amendments of panel minutes as directed by the Panel Chair.

The Panel Administrator will be situated and line managed within the adoption service.

### **Appointment of Members**

New members can only be appointed with consent from Divisional Director Children's Social Care.

Prior to appointment they should be interviewed and receive detailed briefing and written guidance from the panel adviser.

### **Performance**

If Tower Hamlets considers that any member of the adoption panel is unsuitable or unable to remain in office we will terminate their period of office in writing. This can only be done with agreement from Divisional Director Children's Social Care.

The panel's professional adviser is responsible for maintaining records and checks of all panel members. Prior to appointment, each prospective member should be inducted and formally interviewed to ensure they understand their role, task and responsibilities. If required the panel adviser should advertise for appropriate members.

Guidance requires each panel member's performance to be reviewed annually, by way of an appraisal. This will be conducted by the Agency Adviser to the panel and the Panel Chair

The Chair's performance will be conducted by the ADM, who may attend some panels as an observer, to enable him/her to do the review.

Evaluation forms are provided to social workers and other attending panel in order to ensure quality assurance.

### **Appointment and Checks for Panel Members**

All prospective panel members must have a completed Disclosure and Barring Service (DBS) check. They should provide photographic identification in the form of a passport or drivers licence.

They should also provide two (2) written references of people who have known them for more than five years.

Induction for those joining the central list should be completed within ten (10) weeks of joining the list, not within ten (10) weeks of attending their first panel meeting.

All those on the central list need to be given the opportunity to attend a training day with agency's adoption staff annually. The expectation of attending this should be included in their written undertaking.

In addition to the annual training all those on the central list need access to appropriate training.

### **Reaching a Recommendation**

The Adoption Panel cannot sit unless they are quorate. To be quorate the following must meet as a panel:-

- (a) The Chair or Vice Chair.
- (b) The panel must also have a social worker, (with three (3) years post-qualification experience),
- (c) Three other members. If the chair is not present and the Vice Chair who is chairing the meeting is not independent of the agency, at least one of these members must be an independent person.

During meetings the Chair should ensure that each panel member has an opportunity to raise any appropriate matter, comment and to participate fully. Following discussion each member should

be asked in turn whether or not he/she supports a proposed recommendation. An attempt should be made by the chairperson to facilitate the panel reaching a consensus. This will not always be possible.

It is the Panel Chair's role to ensure that panel members take a consistent approach. Often, an evenly divided panel will suggest that there is sufficient doubt to prevent the panel making a confident recommendation. In a matching recommendation the balance of the panel's recommendation should always favour the best interest of the child. If the panel cannot reach a consensus the panel chair has a casting vote.

Where there is a serious difference of opinion amongst members, the chairperson may ask for more information to be made available to the panel before a recommendation is made. The panel chair should ensure a record of significant reservations expressed by individual panel members is made within the minutes.

In the event of the majority of the panel not supporting a recommendation then the recommendation should not be made and the reasons clearly recorded.

#### **The Agency Decision-Maker (*For further reference see SG3 67-69*)**

No panel member may take part in the agency decision.

In Tower Hamlets the agency decision-maker is the Divisional Director Children's Social Care. In the absence of the Divisional Director Children's Social Care the Service Manager, Child Protection & Reviewing will act as their deputy.

The Divisional Director Children's Social Care (the Agency Decision Maker) should receive the panel papers prior to the panel considering them. In the case of CPR's these should be provided by the panel clerk with the Medical and Legal reports, plus other documentation as agreed by the Panel Adviser within the same timetable for other panel papers. The agency's decision maker must make the decision within seven (7) working days of receipt of the panel's recommendation and final set of panel minutes. (The same time frame exists for decisions relating to CPR's.) These must have been produced promptly and a hard copy be given to the ADM by the panel clerk. Prior to making a decision the agency decision-maker may meet/ seek clarification on any of the panel processes or recommendations from either the Panel Chair or Adviser.

The agency decision must be communicated to the birth family member and prospective adopters orally within two (2) working days of the agency decision and in writing within five (5) working days. The oral notification should be given to the birth family by the child's social worker and by a PAST social worker in the case of prospective adopters.

If the agency decision-maker considers that a person is not suitable to act as an adopter s/he shall:

- (a) Write to them giving notice that s/he proposes not to approve him/her, together with full and detailed reasons for the determination.
- (b) Invite him/her to make any written representations within forty (40) working days of the decision.

In the event of receiving no written representations then the decision will be confirmed.

In the event of written representations being made, the ADM may invite the prospective adopter to meet to discuss their case.

The ADM may instead refer the case to the next possible Adoption Panel for consideration with the original panel papers. The prospective adopter must be invited to this panel. The panel should then make a further recommendation to the agency decision-maker. The agency decision-maker will then write to the adopter either a) giving approval or b) giving written reasons for the decision not to approve.

In the event of a decision not to approve then the person it concerns should be further advised of the Complaints procedure and given information about the Independent Review Mechanism. The panel cannot make any in principle recommendations.

### **Panel Minutes**

These must be taken by the Panel Clerk and meet the following stipulations:

- (a) Be a full and accurate summary of any discussion within the panel.
- (b) Be agreed and signed off by the Panel Chair as accurate.
- (c) Clearly record any differences of opinion in relation to a panel recommendation.
- (d) Record recommendations and advice accurately as dictated by the Panel Chair.

Training should be available to the panel clerk to assist them in taking accurate minutes. In their absence another suitable experienced administrator will be required to cover.

### **Expenses**

Those independent members who are not employed by a partner organisation should receive an expense payment of £100 plus travel per panel. This is paid by the London Borough of Tower Hamlets payroll.

### **Frequency and Venue**

The Adoption Panel will meet twelve times a year usually for a period of not more than four hours. It will be held at a suitable venue with an appropriate waiting area for Social Workers and applicants.

### **Emergency Panels**

An emergency Permanency Panel can be set up at any time providing it is quorate and is chaired by either the Panel Chair or the Vice Chair.

### **Feedback on Quality**

Any member of the panel has two (2) ways in which they can give feedback on the quality of assessments and work.

- (a) Informally: Before, during or after panel the professional advisor who will take back the panel members' feedback and use it to inform management practice.
- (b) Formally: This can be put in writing to the Service Manager Children's Resources via the panel chair or to the Divisional Director Children's Social Care.

### **Social Workers and Adopters Attending Panel**

The Social Worker that has completed the assessment and/or their line manager must attend Panel. Adopters have the opportunity to attend Panel when their assessment is considered. The purpose of this is to:

- (a) Demystify the Panel process and membership.
- (b) Provide an opportunity for carers to make representations and ask questions.
- (c) Questions should come only from the Panel Chair and should be designed only to seek clarification in areas not clear. They should not replace the written assessment as a way of gathering information.
- (d) Their strengths should be highlighted where possible.

Adopters may also attend Panel if they are being recommended for a match with a particular child or children. Carers who wish to be matched to a child but have been turned down by Tower Hamlets may not attend

The Social Worker who has completed the assessment should answer questions that relate to the assessment. They should consequently come prepared to verbally support their assessment. A leaflet explaining the process to the carers attending the panel is available from PAST.

### **Training**

Training for Panel members should come in three (3) forms:

- (1) A briefing/training session prior to starting as a panel representative.
- (2) Attendance at an annual training day. When appropriate additional training days should be provided to panel members.
- (3) Regular facilitated sessions/presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective.

The content of training should be defined by the panel itself and facilitated by the Panel Adviser.

## **Appeals**

If the Applicants are not satisfied by the recommendation or are not in agreement, in addition to the information in the letter from the agency (SG3.65) they should be given a full explanation by their social worker and given information on what action they can take

- (a) Follow the Tower Hamlets Complaints Procedure.
- (b) Make representations to the agency in writing within forty (40) working days of the receipt of the letter outlining the qualifying determination.
- (c) Make an application to the Independent Review Mechanism (see link in letter from ADM and IRM leaflet). The applicant's link worker may provide this leaflet.

## **Referral to the Adoption Register**

The primary objective of PAST is to provide a service to the children who need permanent families within the borough. In accordance with the adoption standards we aim to reduce the delay in matching children with the adoptive families approved by the team.

After a family has been approved at the panel the assessing social worker will actively search for a suitable match. The assessing social worker must advise the adopters about the National Adoption Register and refer the adopters to the register if no match is found within three months of the adopters' approval

The referral form must be completed and sent to the National Adoption Register.

The adopters can now make a referral to the register and must be advised to do so.

## **Referral to the Consortium**

The principal of no delay for children can only be achieved when resources are shared. This is the aim of the North East London Adoption Group. The PAST administration should send out a list of all adopters who have been approved to the consortium members on a monthly basis. It is the responsibility of the supporting social worker to ensure that the family's details are given to the administration team to be made a part of the circulation as soon as they have been approved.

### 3.3.15 Children's Social Care Complaint Review Panel

**Membership:** The Panel consists of three (3) independent people and independent means a person who is neither a member nor an officer of the Council, nor the spouse or civil partner of such a person. The Independent Person appointed to Stage 2 may not be a member of the Panel.

Functions	Delegation of Functions
<p>The Children Act 1989 Representations Procedure (England) Regulations 2006 ('the 2006 Regulations') provides that local authorities are required to put in place systems for complaints to be made verbally to a member of staff or in writing about the actions, decisions or apparent failings of a local authority's children's social services provision. Complaints can be made by the child or young person and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right. Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, s/he will be eligible to request further consideration of the complaint by the Review Panel and the Review Panel should:</p> <ul style="list-style-type: none"><li>(a) listen to all parties;</li><li>(b) consider the adequacy of the Stage 2 investigation;</li><li>(c) obtain any further information and advice that may help resolve the complaint to all parties' satisfaction;</li><li>(d) focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes;</li><li>(e) reach findings on each of the complaints being reviewed;</li><li>(f) make recommendations that provide practical remedies and creative solutions to complex situations;</li><li>(g) support local solutions where the opportunity for resolution between the complainant and the local authority exists;</li><li>(h) to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and</li><li>(i) recommend any service improvements for action by the authority.</li></ul>	None

**Quorum:** All three (3) independent members of the panel



### 3.3.17 The Private Fostering Panel Procedure

Legislation:	The Children Act 1989, Part IX, (Sections 66-70), as amended by Section 44 of The Children Act 2004. The National Minimum Standards for Private Fostering, July 2005. The Children (Private Arrangements for Fostering) Regulations 2005.
Applies to:	Panel members, private foster carers, social workers and managers
Applies from:	July 2005 and is updated annually

#### 1. This guidance and procedure should be used by:

- (a) The panel chairperson and panel members to guide their practice and decision-making;
- (b) Social workers presenting private fostering assessments and recommendations to panel;
- (c) Managers within the private fostering service;
- (d) The agency decision maker.

#### 2. Panel status

- (a) To consider and be satisfied of the suitability of each private fostering arrangement and to recommend whether or not a person is suitable to act as a private foster carer. Where the suitability of a private fostering arrangement is agreed, to recommend the terms on which the agreement is given;
- (b) To make decisions to impose requirements or prohibitions and whether to refuse to consent to allow a person who is disqualified to privately foster a child/young person;
- (c) To give advice and make recommendations on any other matter or case that Tower Hamlets Private Fostering Service feels appropriate to recommend to it.

In addition, the panel should provide a quality assurance function, as set out in the National Minimum Standards for Private Fostering:

The private fostering panel will provide a quality assurance function in relation to the assessment process – in particular:

- (a) To monitor and review the work of the assessor;
- (b) To provide feedback;
- (c) To identify problems and concerns;
- (d) To ensure there is a consistency of approach in assessment processes across the service which is fair to all parties and has been completed in a thorough and rigorous way, (as indicated in The Children Act 1989 Guidance on Private Fostering and Tower Hamlets Protocol on Private Fostering Arrangements),

### **3. Membership**

The panel can have up to ten (10) members and will include:

#### **3.1 Member 1 – The panel chair**

This will usually be a person employed by the London Borough of Tower Hamlets who is independent of the direct line management of Tower Hamlets' Private Fostering Service. This person should be someone with suitable skills and experience in order to chair a private fostering panel and make judgements concerning children and carers. They should also have a recognised social work qualification.

In Tower Hamlets, the panel chair will be the Service Manager for Child Protection & Reviewing Service. The chair will have particular responsibilities for:

- (a) Deciding who will attend the panel, in addition to the panel members;
- (b) Ensuring that all panel members participate fully and, where possible, a consensus is reached on decision making;
- (c) Considering the status of panel members who appear to be unfit, unwilling or unable to continue;
- (d) Deciding on panel member's Involvement when a panel member declares an interest in a case;
- (e) Deciding when a matter is urgent and when an additional panel meeting needs to be convened;
- (f) Ensuring that the panel is clear about the reasons for its recommendations and that these are accurately recorded;
- (g) Monitoring the attendance of panel members and ensuring that all panel members maintain an attendance level of at least 75% at all panel meetings;
- (h) Ensuring an annual report summarising the work of the panel is written and presented to the LSCB and CSMT;
- (i) Drawing to the attention of the Private Fostering Team Manager and where appropriate The Head of Children's Social Care any issue of concern in relation the private fostering service;
- (j) Ensuring that the panel works within all relevant Tower Hamlets' policies and procedures.

### **3.2    *Member 2 – The vice chair***

This will be the Service Manager, Family Support and Protection and Private Fostering. The vice chair is to deputise for the panel chair in his/her absence.

### **3.3    *Member 3 – A medical representative***

This will be a Safeguarding Professional from the Primary Care Trust.

### **3.4    *Member 4 - An education representative.***

This will be a direct representative from education or someone who is involved in promoting the educational needs of children/young people.

### **3.5    *Member 5 – An independent member***

This will be an independent member who is registered with the GSCC and has the necessary skills and experience in private fostering to fulfil this role.

### **3.6    *Member 6 – An Agency Member***

This will be a person who has extensive experience of private fostering within an appropriately determined community.

## **4. Advisers**

### **4.1        *Adviser 1 – Legal adviser***

The purpose of this post is to provide legal and regulatory advice to the panel and Tower Hamlets' Private Fostering Service. In reaching a decision, the legal adviser's view should be noted.

### **4.2        *The Panel Administrator***

The role of the panel administrator:

- (a) Collate, copy and send all papers to the panel members within the set timescales;

- (b) Liaise with the panel chair in relation to the practical arrangements for convening the panel and the time tabling of the panel agenda;
- (c) Take minutes of the discussion within the panel on each topic or case presented;
- (d) Clearly record any decisions as dictated by the panel chair;
- (e) To word process and circulate any minutes within agreed timescales;
- (f) To record any amendments of panel minutes as directed by the panel chair.

## **5. Appointment of members**

New members can only be appointed with the agreement of the chair of the private fostering panel and could include professionals with expertise and experience in safeguarding children being cared for by alternative carers, housing law and policy, law enforcement, cultural, diversity and equality issues.

Prior to appointment, they should be inducted and receive a detailed briefing and written guidance from the panel chair or vice chair.

## **6. Tenure of office**

Panel membership will be reviewed on an ongoing basis to reflect governmental policies, initiatives and the needs of the community. A private fostering panel member shall hold office for a term not exceeding three years, and will be reviewed by the panel chair after two consecutive terms to ensure their continued suitability to fulfil their panel membership role.

## **7. Checks for panel members**

All panel members must have a completed Enhanced Criminal Records Bureau check and, where they are not employed by a partnership agency, they should also provide photographic identification in the form of a passport or driver's licence.

## **8. Reaching a recommendation**

The private fostering panel cannot sit unless it is quorate. To be quorate, there must be at least three voting members including a panel member not employed by the Children's Directorate and also including either the chair or vice chair.

During meetings, the panel chair should ensure that each panel member has an opportunity to raise any appropriate matter, comment and to participate fully. Following discussion, each panel member should be asked in turn whether or not he/she is satisfied as to agreeing the suitability of the private fostering arrangement.

An attempt should be made by the chairperson to facilitate the panel reaching a consensus. This will not always be possible.

An evenly divided panel will suggest that there is sufficient doubt about the suitability of a private fostering arrangement and at such times the panel's decision will always favour the best interests of the child.

Where there is a serious difference of opinion amongst members, the chairperson may ask for more information to be made available to the panel before a decision can be made. The chairperson should ensure that a record is made in the panel minutes of any significant reservations expressed by individual panel members about a particular decision.

In the event of the majority of the panel not supporting a decision then the decision should not be made and the reasons for this clearly recorded.

## **9. The Agency Decision Maker**

The panel chairperson will act as Agency Decision Maker and has the ultimate decision as to whether a private fostering arrangement is agreed as suitable or not. To facilitate this, the Agency Decision Maker may meet or seek clarification on any issue or process from any panel member or adviser.

The Agency Decision Maker will write to the private foster carer concerned within ten working days of the panel sitting detailing his/her decision.

If the Agency Decision Maker considers that a person is not suitable at that time to act as a private foster carer, he/she shall:

Write to them to let them know the reasons for this decision and detailing any actions(Requirements) they need to take before the arrangement can be agreed;

Invite them to make any written representations within twenty-eight (28) days of the decision.

In the event of written representations being made, then these should be referred to the next possible private fostering panel for consideration with the original panel papers. The panel will then make a further decision. The agency decision maker will then write to the private foster carer either a) giving agreement to the arrangement or b) giving reasons for the decision not to agree.

In the event of a decision not to agree, then the person concerned should be further advised of the complaints procedure and their right to appeal to the Family Proceedings Court.

## **10. Panel minutes**

These must be taken by the panel administrator and meet the following stipulations:

- (a) Be a concise and accurate summary of any discussion within the panel;
- (b) Be agreed and signed off by the panel chair as accurate;
- (c) Clearly record any differences of opinion in relation to a panel recommendation;
- (d) Record recommendations accurately as dictated by the panel chair.

The panel clerk will be based in the Private Fostering Service.

Training should be available to the panel clerk to assist them in taking accurate minutes (if appropriate).

## **11. Expenses**

Those independent members who are not employed by a partner organisation should receive an expenses payment.

## **12. Frequency and venue**

The private fostering panel will meet monthly.

## **13. Emergency panels**

An emergency private fostering panel can be set up at any time providing it is quorate and is chaired by either the panel chairperson or the vice chair. Where this is not possible, the Agency Decision Maker can make an emergency decision on any matter within the remit of the Private Fostering panel.

## **14. Training**

Training for panel members should come in two forms:

1. A briefing/ training session prior to starting as a panel representative.
2. Regular facilitated sessions/presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective as the legislation and guidance changes.

## **15. Confidentiality**

A confidentiality agreement is signed by all panel members.

### **3.3.18 Safeguarding Adults Board**

#### **1. Introduction**

- 1.1 The Care Act 2014 states that the Local Authority must take the leading role in establishing a Safeguarding Adults Board (SAB). Each local authority must set up a Safeguarding Adults Board (SAB). The main objective of a SAB is to assure itself that local arrangements are in place to safeguard any adult who:
- (a) has needs for care and support (whether or not the local authority is meeting any of those needs); and
  - (b) is experiencing, or at risk of, abuse or neglect; and
  - (c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

#### **2. Purpose**

- 2.1 The role of the SAB is to oversee and lead adult safeguarding across the locality with the aim of preventing abuse and neglect. This includes the safety of patients in its local health services, quality of local care and support services, effectiveness of prisons and approved premises in safeguarding offenders and awareness and responsiveness of further education services.
- 2.2 The SAB will be a source of advice and assistance in matters relating to adult safeguarding. It will therefore have effective links with other key partnerships in the locality and share relevant information and work plans.

#### **3. Duties**

- 3.1 The SAB has 3 core duties under the Care Act 2014:
- (a) It must publish a strategic plan for each financial year that sets how it will meet its main objective and what the members will do to achieve this.
  - (b) It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any Safeguarding Adults Reviews and subsequent action.
  - (c) It must conduct any Safeguarding Adults Review in accordance with Section 44 of the Act.



#### **4. Membership and Administration**

4.1 To comply with The Care Act 2014, there **must** be representation from the following:

- (a) The Local Authority
- (b) The Local Clinical Commissioning Group (CCG)
- (c) The Police

4.2 The Board will comprise of:

##### **An Independent Chair**

##### **Representatives from London Borough of Tower Hamlets**

A Councillor  
Corporate Director, Health, Adults and Community  
Service Manager for Policy, Programmes and Community Insight  
Safeguarding Adults Board Manager  
Divisional Director, Disability & Health  
Adult Safeguarding Team  
Commissioning  
Joint Team Manager, CLDT  
Community Safety  
Children's Social Care

##### **NHS**

Bart's Health NHS Trust  
East London NHS Foundation Trust  
Tower Hamlets CCG

##### **Metropolitan Police**

Community Safety Unit

##### **Probation Service**

##### **London Fire Service**

##### **London Ambulance Service**

##### **Care Providers / Service Users**

Excelcare Holdings

Toynbee Hall  
Mencap  
Age UK  
Tower Hamlets Council for Voluntary Services  
PohWER  
Toynbee Hall  
Real  
Healthwatch Tower Hamlets

### **Housing**

Tower Hamlets Homes  
Providence Row Housing Association  
Tower Hamlets Housing Forum

### **Quality Assurance**

Care Quality Commission

### **Other possibilities representatives (as suggested by the Care Act Statutory Guidance Notes)**

Department for Work and Pensions;  
General Practitioners;  
Representatives of further education colleges;  
Members of user, advocacy and carer groups;  
Representatives of children's safeguarding boards; and  
Trading Standards.

- 4.3 Representatives from other agencies / organisations may be invited to attend meetings for specific agenda items or may be co-opted for pre-determined periods.
- 4.4 The SAB shall be chaired by an independent Chairperson, recruited externally and appointed after interview by senior representatives from the Tower Hamlets Partnership (THP).
- 4.5 The quorum shall be based not on numbers but on an adequate balance of representation. To be quorate a meeting must be compliant with the Care Act and must therefore include members from the following "core" membership – the Chair, The Police, Local Authority Social Care Representatives, Local Clinical Commissioning Group representatives. In addition, it is locally agreed that to be quorate The Safeguarding Adults

Board/LD Strategy Manager and The Adult Safeguarding/ MCA Manager must also be in attendance.

- 4.6 The SAB shall be programmed to meet bi-monthly and as required (e.g. in case of urgent Serious Case Reviews).

## **5. Authority**

- 5.1 The SAB is accountable to the THP through Corporate Director, Health, Adults and Community.

## **6. Responsibilities**

- 6.1 In accordance with the Care Act 2014, the SAB should:

- (a) identify the role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults;
- (b) establish ways of analysing and interrogating data on safeguarding notifications that increase the SAB's understanding of prevalence of abuse and neglect locally that builds up a picture over time;
- (c) establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- (d) determine its arrangements for peer review and self-audit;
- (e) establish mechanisms for developing policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;
- (f) develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
- (g) identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry;
- (h) formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
- (i) develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
- (j) balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
- (k) identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
- (l) carry out safeguarding adult reviews;

- (m) produce a Strategic Plan and an Annual Report;
- (n) evidence how SAB members have challenged one another and held other boards to account; and
- (o) promote multi-agency training and consider any specialist training that may be required; and
- (p) Consider any scope to jointly commission some training with other partnerships, such as the Community Safety Partnership.

### **3.3.19 Tower Hamlets Safeguarding Children Board**

#### **1. Overall purpose**

- 1.1 The Local Safeguarding Children Board (LSCB) established through the Children Act 2004 Section 14.1, is a statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children, and for ensuring the effectiveness of what they do.
- 1.2 *Working Together to Safeguard Children*, Chapter 3 (DfE 2013), sets out in detail guidance for LSCBs and their member organisations to follow regarding their role, functions, governance and operational arrangements. The LSCB should coordinate what is done by each person or body represented on the Board and ensure the effectiveness of work undertaken by member organisations through a variety of mechanisms including peer review, self-evaluation, performance indicators and joint audit.
- 1.3 The broad scope of the LSCB is to address:
  - (a) Activity that affects all children and aims to identify and prevent maltreatment or impairment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care
  - (b) Proactive work that aims to target particular groups
  - (c) Responsive work to protect children who are suffering, or likely to suffer, significant harm

#### **2. Budgets responsible for**

- 2.1 To function effectively, the LSCB needs to be supported by its member organisations with adequate and reliable resources. The LSCB budget is funded by contributions made by the Police, Health Agencies (Community, Acute and Mental Health), Probation, CAFCASS, Children's Social Care and Local Authority other. It is the expectation that the majority of funds will be provided by these core partners. The LSCB budget and the statutory contribution\* (£15, CA04) made by each member organisation should be reviewed and agreed on an annual basis at the end of the financial year by the Independent LSCB Chair and the LSCB Partners Group.

*\* Contribution is considered to be financial payments towards expenditure incurred or in kind through the provision of staff, goods or services.*

### **3. Legal Agreements**

- 3.1 The LSCB may request personal or other information subject to the Data Protection Act. Currently, Tower Hamlets' LSCB adheres to the scope outlined in the *Information Sharing Guidance for Practitioners and Managers* (DCSF 2008) and the North East London Information Sharing Protocols.
- 3.2 Information sharing with the LSCB will be strengthened with the passage of the Children and Families Bill, which makes provisions for compliance with LSCB requests for 'appropriate' information to be disclosed in order to assist it in the exercise of its functions. The current local Information Sharing Agreement will need to be reviewed against the Children & Families Bill.

### **4. Accountable to**

- 4.1 Tower Hamlets' LSCB is accountable for its work to
- (a) The local community
  - (b) Constituent agencies
  - (c) Overview and Scrutiny Committee
  - (d) Secretary of State

### **5. Who is accountable to the LSCB?**

- 5.1 The following are accountable to the LSCB in relation to the discharge of responsibilities in safeguarding children:
- (a) Children and Families Partnership (in relation to safeguarding activity)
  - (b) Health and Wellbeing Board
  - (c) MARAC
  - (d) MAPPA
  - (e) LSCB Partners Group
  - (f) LSCB Subgroups:
    - Child Death Overview Panel
    - Case Review / Serious Case Review
    - Quality Assurance & Performance
    - Policy & Information
    - Learning & Development
    - Awareness Raising & Engagement

## **6. LSCB Core Functions:**

6.1 The core functions of an LSCB are set out in regulations and are:

- (a) Developing policies and procedures including those on:
  - (i) action taken where there are concerns about the safety and welfare of a child, including thresholds for intervention;
  - (ii) training of people who work with children or in services affecting the safety and welfare of children;
  - (iii) recruitment and supervision of people who work with children;
  - (iv) investigation of allegations concerning people who work with children;
  - (v) safety and welfare of children who are privately fostered;
  - (vi) co-operation with neighbouring children's services authorities (i.e. local authorities) and their LSCB partners;
- (b) Communicating and raising awareness;
- (c) Monitoring and evaluation;
- (d) Participating in planning and commissioning;
- (e) Reviewing the deaths of all children in their areas; and
- (f) Undertaking Serious Case Reviews.

## **7. Additional LSCB Tasks:**

- 7.1 To audit and evaluate the effectiveness of local services in protecting and promoting the welfare of children.
- 7.2 To establish standards and performance indicators for the protection of children as required by DfE and within the framework set out in the Children and Young People's Plan (CYPP 2009-2012).
- 7.3 To encourage and support the development of cooperative working relationships and mutual understanding between agencies and professionals with responsibilities for the welfare and protection of children as identified with the London Child Protection Procedures and the THIS Child.
- 7.4 Participate in the local planning and commissioning of children's services to ensure that they take safeguarding and promoting the welfare of children into account.
- 7.5 To use knowledge gained from research and national and local experience to develop and improve practice and service delivery and to ensure that lessons learned are shared, understood and acted on.

- 7.6 To raise awareness within the wider community of the need to safeguard children prevent harm and explain how the community can contribute to these objectives.
- 7.7 To ensure that single agency and multi-agency training on safeguarding and promoting welfare is provided in order to meet local needs. This covers both training provided by single agency to their staff and multi-agency training where staff from more than one agency train together.

## **8. Decision-Making Powers**

- 8.1 The LSCB Main Board, consisting of its entire member organisation holds the final mandating authority and will be sought to make key local decisions relating to safeguarding and protection of children.

## **9. Outputs**

- 9.1 There may be some exceptions, but outputs should include:

- (a) LSCB Annual Review
- (b) Multi-agency case and thematic audits
- (c) Section 11 audits
- (d) Bi-annual conference
- (e) Annual Budget
- (f) Annual Awareness Raising Campaign

## **10. Membership**

- 10.1 The LSCB Membership is reviewed on an annual basis and will be published separately.

## **11. Expectation of Chair and Members**

- 11.1 The Chair is responsible for providing effective leadership of the Board. S/he has a crucial role in securing an independent voice for the LSCB and should have the confidence of all partners.
- 11.2 The Chair and members of the Board are expected to:
  - (a) Read papers in advance of meetings, respond to emails and other communications in relation to the work of the LSCB;



- (b) Attend meetings, or provide a suitable delegate by notifying the Chair in advance and obtaining agreement to the deputy or alternative representative;
- (c) Participate in meetings and vote on decisions as a representative of their organisation or stakeholder group;
- (d) Feedback relevant information to their group or organisation;
- (e) Represent and promote the work of the LSCB;
- (f) Ensure knowledge of national and local safeguarding developments are kept up to date, including their child protection/safeguarding training

## **12. Meeting Frequency**

- 12.1 Quarterly – January, April, July, September, November
- 12.2 An extraordinary meeting may be added during the year, if necessary

## **13. Support**

- 13.1 The LBTH Strategy, Policy and Performance team provide business and policy support for the Board including:
  - (a) Arranging meetings
  - (b) Planning and writing papers
  - (c) Coordinating Board papers
  - (d) Writing and circulating minutes
  - (e) Advising on key policy developments

## **14. Relationships and links with other Strategic Bodies**

Children and Families Partnership\*  
 Community Safety Partnership\*  
 Health and Wellbeing Board\*  
 London Safeguarding Children Board

*\* Memorandum of understanding/ Protocol developed between the LSCB Main Board and these Forums*

### 3.3.20 School Admissions Forum

#### 1. Purpose

- 1.1 The Local Authority School Admission Forum is community led advisory group representative of key stakeholders in the school admission process, including parents, schools, diocesan authorities, the Council of Mosques and local community representatives.
- 1.2 The forum's primary purpose is to consider and promote a fair and effective schools admission system, which advances social equity and inclusion, ensuring that the interests of local parents and children come first. It will discuss and **give advice** to the Local Authority and other admission authorities on a range of school admissions issues including:
- (a) Considering existing and proposed admissions arrangements;
  - (b) Promoting local agreement on admission issues;
  - (c) Considering improvements to admissions processes;
  - (d) Reviewing admissions guidance for parents;
  - (e) Promoting agreement on arrangements for dealing with in-year admissions including arrangements for vulnerable and looked after children;
  - (f) Publishing advice representing the agreed views of the Forum, this is distributed to the governors of all schools which are their own admission authorities;
  - (g) Having regard to guidance published from time to time by the Secretary of State, particularly the revised Codes of Practice on School Admissions, School Admission Appeals and 'Hard to Place' Pupils.

1.3 The forum does not have a remit with individual admissions cases.

#### 2. Obligations and Responsibilities

- 2.1 The Forum shall:
- (a) promulgate its advice and recommendations to all admission authorities, maintained schools and Academies within the area of the LA, and
  - (b) make available such advice and recommendations to any other persons with an interest.
- 2.2 **The LA and Admission Authorities** within the area of the LA shall have regard in carrying out their functions, to any relevant advice given to them by the Forum.

### **3. Core Membership**

- 3.1 The Forum comprises a core membership of twenty (20) representatives, nominated by the following groups and appointed by the LA:
- (a) Four (4) parent representatives, (two (2) from the Tower Hamlets Parent Council, one (1) from the Collective of Bangladeshi Governors and one (1) parent governor)
  - (b) One (1) Local Authority (LA) Education Appeal Panel Member
  - (c) One (1) community representative from the Parents' Advice Centre (Inclusion/ SEN)
  - (d) One (1) community representative from the Early Years/ Childcare Partnership
  - (e) One (1) representative from a local voluntary/ community organisation
  - (f) One (1) representative from the Council of Mosques
  - (g) One (1) representative from the Church of England Diocese
  - (h) One (1) representative from the Roman Catholic Diocese
  - (i) One (1) headteacher representing community primary schools
  - (j) One (1) headteacher representing community secondary schools
  - (k) One (1) headteacher representing voluntary aided primary schools
  - (l) One (1) headteacher representing voluntary aided secondary schools
  - (m) One (1) headteacher representing nursery schools
  - (n) One (1) headteacher/representative from primary free school/academy sector
  - (o) One (1) headteacher/ representative from secondary free school/ academy sector
  - (p) The Headteacher of Tower Hamlets PRU
  - (q) One (1) Local Authority Officer

### **4. Alternate Members**

- 4.1 If a member is unable to attend they should nominate an alternate member who should be fully briefed before attending the meeting of the forum in their absence with the following provisos:
- (a) LA members may only nominate an alternate member who is a member of the LA.
  - (b) A Parent member may only nominate an alternate member who is also a Parent with a child(ren) between the ages of 2 – 16 years.
  - (c) A school member may only nominate an alternate member who is a headteacher or from the same sector and phase as the school of which the Member in question is a headteacher.
  - (d) Diocesan and Council of Mosque members may only nominate an alternate member with the consent of the appropriate Diocese/Council.

- 4.2 Written notice of the attendance of an alternate member must be provided to the LA's nominated officer at least two (2) days prior to any meeting.

**5. Term of Office**

- 5.1 The term of office for members of the Admission Forum shall be four (4) years subject to them remaining eligible. A member may resign at any time and is required to leave if he or she ceases to be eligible in the capacity in which he or she has been appointed.
- 5.2 There is no limit to the number of terms of office to which a member may be nominated or re-nominated if still eligible. Where a member is replaced, the new member serves for the remainder of the term of office.
- 5.3 Diocesan and Council of Mosque representatives must stand down if the body that nominated them decides they should do so and notifies the Clerk to the Forum.
- 5.4 Schools Members and the LA nominated local community member must stand down if, following a recommendation from the Core Members, the LA decides that the member should no longer be a member of the Forum.
- 5.5 Core Members will become ineligible for membership in the following circumstances:
- (a) Community members – if they cease to be a member of the organisation they represent;
  - (b) LA Education Appeal Panel Members - if they cease to be an Education Appeal Panel Member.
  - (c) School Members – if they cease to be a Headteacher of a school in the schools group;
  - (d) Parent member – if he/she ceases to be a qualifying parent.
- 5.6 Any member may resign at any time by giving written notice to the Clerk to the Forum.
- 5.7 It will be a condition of appointment for all members that a member will cease to be a member of the Forum if they do not attend three consecutive meetings unless they have sought their apologies and those apologies have been accepted by the majority of the Forum members present at the meeting.

## **6. Conduct**

- 6.1 In carrying out their functions, members of the Admission Forum are expected to act in accordance with the seven principles of public life set out in the first report of the Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership [www.public-standards.gov.uk](http://www.public-standards.gov.uk).
- 6.2 Members of the Admission Forum are required to declare an interest in any individual proposal or matter which directly affects the school at which they are a governor, member of staff or which their children attend, or in which they might have a direct pecuniary interest.

## **7. Clerk of the Forum**

- 7.1 The Admission Forum will be clerked by a representative of the Local Authority's Pupil Admissions Team.

## **8. Election of Chair and Vice Chair**

- 8.1 Core members must elect a Chairman and Vice-Chairman at the first annual meeting of the Admissions Forum by a majority of votes cast by core members. Where possible, the chair and vice chair should not be drawn from the same membership group unless this is unavoidable. The term of office for the Chair and Vice Chair is one year. However, in keeping with the principle of representation and influence from the widest possible category of members, it is anticipated that the chair and vice-chair will be drawn from a different representative group each year.
- 8.2 When electing a Chairman and Vice-Chairman, those members nominated for office will be asked to withdraw and a secret ballot taken where appropriate. In the event of there being the same number of votes for two or more candidates a second ballot will be taken. If the voting remains the same a coin will be tossed.
- 8.3 A chair or vice chair will cease to hold office if they resign by giving notice to the Clerk of the Admission Forum, or if they cease to be a member of the Forum. Where a casual vacancy arises there will be a vote at the next meeting of the Forum.
- 8.4 The Officer representing the Local Authority on the forum is not permitted to stand for election as chair/vice chair, or vote in the elections.

## **9. Role of the Chair**

- 9.1 The Chair or, in his/her absence, the Vice-Chair, will have the following role:-
- (a) to preside over meetings of the Admission Forum so that its business can be carried out efficiently and with regard to the rights of members and the interests of parents, schools, admission authorities and the community;
  - (b) to ensure that meetings provide an opportunity for the debate of matters of concern to parents, schools, admission authorities and the community;
  - (c) overseeing preparations of the record of the meeting, liaising with the LA Officers and the Clerk on the agenda for forthcoming meetings.

## **10. Quorum**

- 10.1 The quorum for the Admissions Forum is seven (7) core members.

## **11. Meetings and Proceedings**

- 11.1 The Forum normally meets between four (4) and five (5) times a year during term-time. Members decide the time and location of meetings, but meetings take place during the day. Meetings of the Forum are held in private.
- 11.2 The Clerk will ensure that meetings of the Forum are convened by giving a minimum of five (5) working days' notice in advance of the meetings, with a full agenda. Forum members will need to avail themselves of the time to read the agenda and accompanying papers and can expect each meeting to last for up to two (2) hours.
- 11.3 Forum members are required to declare any pecuniary or other interest they might have that is greater than the interests of other members of the Forum in any matter on the agenda for discussion.

## **12. Publication and Circulation of Meeting Minutes**

- 12.1 The minutes of Forum meetings will be published on the Tower Hamlets website. Members of the Forum are free to circulate copies within the bodies they represent. The Forum's Agendas and Minutes are included on the LA's Publication List required under the Freedom of Information Act 2000.

### 3.3.21 Secure Accommodation Panel

**Membership:** At least three (3) persons, at least one (1) of whom is neither a member nor an officer of the Council by or on behalf of which the child is being looked after

Functions	Delegation of Functions
1. To discharge the functions as set out in the Children (Secure Accommodation) Regulations 1991	None

**Quorum:** All voting Members of the Panel

### 3.3.22 Standing Advisory Council on Religious Education (SACRE)

**Membership:** Representatives from Groups A to D

**Group A:** Sixteen (16) representatives from such Christian and other religious denominations as in the opinion of the Authority will appropriately reflect the principal religious traditions in the area.

[African Caribbean Pentecostal Churches (x1); Buddhist (x1) Free Church (x1); Hindu (x1); Jewish (x1); Muslim (x6); Roman Catholic (x3); Sikh (x1); and Society of Friends (x1)]

Group B: Six (6) representatives from The Church of England

Group C: Seven (7) representatives from associations representing teachers as, in the opinion of the Authority, ought to be represented having regard to the circumstances of the area.

Group D: Five (5) representatives from the Local Authority

[Three (3) elected Members; and two (2) officers]

One (1) co-opted representative of the British Humanist Association (non-voting)

Functions	Delegation of Functions
Education Reform Act 1988 places a duty on every Local Authority to constitute a Standing Advisory Council on Religious Education (SACRE). Religious Education is part of the basic curriculum which is made up of the National Curriculum and Religious Education. Unlike any other subject in the statutory curriculum, RE is local determined, monitored and controlled in a partnership with the local communities of religion and belief.	-
1. To provide advice to the Council as local education authority (LEA) on all aspects of its provision for religious education in its schools, excluding voluntary aided schools	None
2. To decide whether the LEA's agreed syllabus for religious education needs to be reviewed and to require the LEA to do so	None
3. To provide advice to the LEA on collective worship in its schools	None
4. To consider any requests from head teachers to lift the requirement to provide collective worship that is not of a broadly Christian nature	None



5. To advise on matters relating to training for teachers in religious education and collective worship	None
<p><b>Quorum:</b> A total of eight (8) persons from groups A to D as follows:-</p> <ol style="list-style-type: none"> <li>1. Two (2) representatives from Group A – representing two (2) different denominations</li> <li>2. One (1) person from Group B</li> <li>3. Two (2) representatives from Group C – representing different associations</li> <li>4. One (1) person from Group D together with any other two (2) members</li> </ol>	

### 3.3.23 Tower Hamlets Health and Wellbeing Board

The Health and Wellbeing Board will lead, steer and advise on strategies to improve the health and wellbeing of the population of Tower Hamlets. It will seek to do this through joint work across services in the Borough and the greater integration of health and social care as well as with those accessing services that can help to address the wider determinants of Health. The Board continues to support the ambitions of the Tower Hamlets Partnership outlined within the Tower Hamlets Community Plan.

The Health and Wellbeing Board has the following functions:

1. To have oversight of assurance systems in operation
2. To encourage integrated working between persons who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.
3. To provide advice, assistance or other support in order to encourage partnership arrangements under Section 75 of the NHS Act 2006.
4. To encourage those who arrange for the provision of any health-related services in Tower Hamlets (e.g. services related to wider determinants of health, such as housing) to work closely with the HWB.
5. To encourage persons who arrange for the provision of any health or social care functions in Tower Hamlets and those who arrange for the provision of health-related services in Tower Hamlets to work closely together.
6. To identify needs and priorities across Tower Hamlets and publish and refresh the Tower Hamlets Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions are based on evidence.
7. To prepare the Joint Health and Wellbeing Strategy.
8. To develop, prepare, update and publish the local pharmaceutical needs assessments.
9. To be involved in the development of any CCG Commissioning Plan that applies to Tower Hamlets and to give its opinion to the CCG on any such proposed plan.
10. To communicate and engage with local people on how they could achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. This will involve working with Local HealthWatch to make sure there's a continuous dialogue with the public to ensure services are meeting need.
11. Consider and promote engagement from wider stakeholders.
12. To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus on integration across outcomes spanning health care, social care and public health. Areas of focus to be agreed from time to time by members of the Board as part of work planning for the Board.
13. Such other functions delegated to it by the Local Authority.

14. Such other functions as are conferred on Health and Wellbeing Boards by enactment

**Quorum:** The quorum of the Board in the Terms of Reference is a quarter of the membership including at least one Elected Member of the Council and one representative from the NHS Tower Hamlets Clinical Commissioning Group.

**Membership:** The membership of the Board is as follows:

Chair

- Cabinet Member for Health and Adult Services (LBTH)

Vice Chair

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

Elected Representatives of LBTH

- Cabinet Member for Education & Children's Services
- Cabinet Member for Housing Management and Performance
- Cabinet Member for Resources
- Non-executive majority group councillor nominated by Council

Local Authority Officers- LBTH

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

Local HealthWatch

- Chair of local Healthwatch

NHS (Commissioners)

- Chair - NHS Tower Hamlets Clinical Commissioning Group
- Chief Officer – NHS Tower Hamlets Clinical Commissioning Group (CCG)

Co-opted Members (Non-Voting)

- Council
  - Corporate Director, Communities of Place
- Health Providers
  - Chief Operating Officer - Barts Health
  - Chair of Tower Hamlets - Council for Voluntary Services
  - Regional Managing Director - East London and the Foundation Trust
- Other Partners
  - Borough Commander for Metropolitan Police

- Representative from the Tower Hamlets Housing Forum.
- Chair of the Tower Hamlets Integrated Care Board
- The Young Mayor (LBTH)

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

- Councillor nominated by Council from the largest opposition group as a stakeholder
- Representative of NHS England
- Chairs of Tower Hamlets Safeguarding Boards (Adults and Children's)
- Chair of the LBTH Health Scrutiny Sub-Committee
- Local Liaison Officer for National Commissioning Group

### 3.3.24 London Council's Committee (known as the Leader's Committee)

**Membership:** The Leaders' Committee is comprised of the Leader / Mayor of each of the 33 London Local Authorities

**Terms of Reference:** The terms of reference of the Committee are set out in full in the Agreement dated 1<sup>st</sup> April 2000 and are summarised below:

1. To consult on the common interests of the London Local Authorities and to discuss matters relating to Local Government.
2. To represent the interests of the London Local Authorities to national and Local Government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.
3. To formulate policies for the development of democratic and effectively management Local Government.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.
5. To appoint representatives or staff to serve on any other body.
6. To represent the interests of the London Local Authorities as employers.
7. To provide services to the London Local Authorities including the dissemination of information on Local Government and on other relevant issues.
8. To provide information to the public, individuals and other organisations on the policies of London Councils and Local Government issues relevant to London.
9. To act as the regional body of the Local Government Association.
10. To act for, and on behalf of London Local Authorities in their role as employers, through the provision and development of a range of services.

**Rules of Procedure:** The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the London Councils' website. London Councils is also required to comply with Financial Regulations contained in the ALG Agreement. These Standing Orders and Financial Regulations also apply to the other London Councils joint committees detailed below.

### 3.3.25 Transport and Environment Committee

**Membership:** This Committee was established under an Agreement dated 15 January 1998, which was varied by Agreements dated 13 December 2001 and 1 May 2003. The Committee is comprised of one councillor from each of the London Local Authorities and Transport for London

**Terms of Reference:** The terms of reference of the Committee are set out in full in the Agreements dated 13<sup>th</sup> December 2001 and 1<sup>st</sup> May 2003 and are summarised below:

1. Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.
2. Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.
3. Determine the rate of discount for early payment of penalty charge notices.
4. Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.
5. The publication and updating as necessary of the Code of Practice for Parking in London.
6. The co-ordination and maintenance of vehicle removal and clamping operations.
7. The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.
8. Ticket processing, general data collection and service monitoring.
9. The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.
10. The establishment of London-wide parking schemes.
11. Implementation and enforcement of the London Lorry Ban.
12. Managing the Concessionary Fares Scheme.
13. Managing the London Taxicard Scheme.

**Rules of Procedure:** See for the London Council's Committee above

### 3.3.26 Grants Committee

**Membership:** This Committee was established to take decisions in relation to the London Councils Grants Scheme which was established under section 48 of the Local Government Act 1985. The members of the Grants Committee are from the 33 London Boroughs (this includes the City of London).

**Terms of Reference:** The terms of reference of the Committee are:

1. To ensure the proper operation of the London Boroughs Grants Scheme;
2. To make recommendations to the Leaders' Committee on overall policies, strategies and priorities;
3. To make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;
4. To consider grant applications and make grants to eligible voluntary organisations; and
5. To make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

**Rules of Procedure:** See for the London Council's Committee above

### 3.3.27 London Housing Consortium

**Membership:** The London Housing Consortium (LHC) is a joint committee pursuant to section 101(5) of the Local Government Act 1972 and is a building procurement consortium for housing, schools and corporate buildings. The LHC is governed by a Board of Elected Members which comprises one voting Councillor representative from each of the local authority members. The constituent authorities are: Buckinghamshire County Council and the London Boroughs of Brent, Ealing, Hackney, Haringey, Hillingdon, Islington, Lambeth, and Tower Hamlets

**Terms of Reference:** The terms of reference of the Committee are:

1. To provide specialist technical and procurement services related to building programmes undertaken by London Housing Consortium constituent authorities and other public sector bodies.
2. To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.



### 3.3.28 Joint Committee of the Six Growth Boroughs

**Membership:** The Joint Committee of the Six Growth Boroughs is a joint committee pursuant to section 101(5) of the Local Government Act 1972. It consists of twelve Members, comprising two Members nominated by the Executive from each of the six boroughs, namely the London Boroughs of Barking and Dagenham, Hackney, Newham, Tower Hamlets, and Waltham Forest, and the Royal Borough of Greenwich, for a maximum period not exceeding beyond and Member's remaining terms of office as a councillor

**Terms of Reference:** To act as a joint committee of the London Boroughs of Hackney, Newham, Tower Hamlets, Waltham Forest, and Barking and Dagenham, and the Royal Borough of Greenwich (the six boroughs) for joint collaboration in relation to convergence and legacy and to discharge on behalf of the boroughs the executive functions listed below in so far as they relate to joint activities or areas of common concern in relation to convergence and legacy, as agreed in the business plan:

1. Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the six boroughs dated [.....]
2. Management and expenditure of external funding and all other financial resources allocated to the joint committee, including any funding allocated to the joint committee by any or all of the six boroughs in addition to the annual budget.
3. Approval of an annual business plan.
4. Joint promotion of the Growth Boroughs area and its unique portfolio of assets including the Olympic afterglow.
5. Consistent approach to enforcing through planning and procurement requirements the promotion of convergence by developers and contractors.
6. Collective promotion of transport and other infrastructure investment including its prioritisation over other parts of London.
7. Joint bidding for funding, training and employment programmes, e.g. funding from the European Union and Regional Growth Fund (RGF) where bids from one Borough will not be entertained.
8. Convergence and the prioritising of the social and economic needs of the Growth Boroughs area.
9. Collective action in respect of the National and Regional allocation of local government housing, health, policing and transport resources based on need and population.
10. Working together to protect Growth Boroughs' interests in respect of National and Regional policy and action.
11. Collective working with employers on jobs and skills.

12. Contextual recognition of the varying economic, housing and investment opportunities related to the character and resources of each of the Growth Boroughs.

Any other executive functions relating to joint activities or areas of common concern in relation to convergence and legacy in relation to which funding is allocated through the annual budget or in respect of which external funding or any other financial resources are allocated to the joint committee.

The governance arrangements provide flexibility so that one or more but less than six boroughs can opt out of certain projects insofar as they relate to joint activities or areas of concern. It is within the capacity of the Joint Committee to agree that one or more but less than six boroughs may participate in work with other authorities outside the growth borough arrangements. The Joint Committee will agree any particular project will be undertaken by one or more boroughs outside the responsibilities of the Joint Committee.

**Quorum:** At least one Member from each of the six boroughs

### 3.3.29 Inner North East London Joint Health Overview and Scrutiny Committee

**Membership:** Pursuant to section 245 of the National Health Service Act 2006 and the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 (and which have now been repealed and replaced by the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013) the Council has agreed the establishment of an Inner North East London Joint Health Overview and Scrutiny Committee ('the INEL JHOSC'), comprising the London Boroughs of Tower Hamlets, Newham, Hackney and the City of London.

London Borough of Hackney, London Borough of Newham and London Borough of Tower Hamlets will each nominate up to 3 members of the INEL JHOSC. The City of London Corporation will nominate up to two members. Appointments will be until further notice. Individual boroughs may change appointees at any time (providing they have acted in accordance with their own procedure rules) but should inform the supporting officers of any such changes.

Political proportionality rules apply to this Committee and each participating Borough's nomination should represent the political proportionality of their Borough

**Terms of Reference:** The terms of reference of the Inner North East London Joint Health Overview and Scrutiny Committee are:-

1. To consider and respond to any health matter which:
  - Impacts on two or more participating authorities or on the sub region as a whole, and for which a response has been requested by NHS organisations under Section 244 of the National Health Service Act 2006, and
  - All 4 participating authorities agree to consider as an INEL JHOSC
2. To constitute and meet as a Committee as and when participant Boroughs agree to do so subject to the statutory public meeting notice period.

**Rules of Procedure:** The Council on 21<sup>st</sup> September 2011 agreed Procedure Rules to govern the proceedings of the INEL JHOSC.

### **3.3.30 Pensions CIV Sectoral Committee**

#### **Constitution**

- 1.a.1 The Pensions CIV Joint Committee is a sectoral joint committee operating under the London Councils governance arrangements. (The London Councils' Governing Agreement dated 13 December 2001 (as amended), London Councils' Standing Orders, Financial Regulations and other policies and procedures as relevant.)
- 1.a.2 Each London local authority participating in the arrangements shall appoint a representative to the Pensions CIV Joint Committee being either the Leader of the local authority or the elected mayor as applicable or a deputy appointed for these purposes. (Clause 4.5 of the London Councils' Governing Agreement dated 13 December 2001 (as amended).)
- 1.a.3 The Pensions CIV Joint Committee shall appoint a Chair and Vice-Chair.
- 1.a.4 The Pensions CIV Joint Committee shall meet at least once each year to act as a forum for the participating authorities to consider and provide guidance on the direction and performance of the CIV, In addition, members of the Pensions CIV Joint Committee shall meet at least once each year at an Annual General Meeting of the ACS Operator in their capacity as representing shareholders of the ACS Operator.
- 1.a.5 Subject to Clause 1.a.4 above, meetings of the Pensions CIV Joint Committee shall be called in accordance with London Councils' Standing Orders and the procedure to be adopted at such meetings shall be determined in accordance with those Standing Orders.
- 1.a.6 If the Pensions CIV Joint Committee is required to make decisions on specialist matters in which the members of the Pensions CIV Joint Committee do not have expertise the Pensions CIV Joint Committee shall arrange for an adviser(s) to attend the relevant meeting to provide specialist advice to members of the Pensions CIV Joint Committee.

#### **Quorum**

- 1.a.7 The requirements of the Standing Orders of London Councils regarding quorum and voting shall apply to meetings of the Pensions CIV Joint Committee.

#### **Terms of Reference**

- 1.a.8 To act as a representative body for those London local authorities that have chosen to take a shareholding in the Authorised Contractual Scheme (ACS) Operator

company established for the purposes of a London Pensions Common Investment Vehicle (CIV).

- 1.a.9 To exercise functions of the participating London local authorities involving the exercise of sections 1 and 4 of the Localism Act 2011 where that relates to the actions of the participating London local authorities as shareholders of the ACS Operator company.

To act as a forum for the participating authorities to consider and provide guidance on the direction and performance of the CIV and, in particular, to receive and consider reports and information from the ACS Operator particularly performance information and to provide comment and guidance in response (in so far as required and permitted by Companies Act 2006 requirements and FCA regulations).

- 1.a.10 In addition, members of the Pensions CIV Joint Committee will meet at least once each year at an Annual General Meeting of the ACS Operator to take decisions on behalf of the participating London local authorities in their capacity as shareholders exercising the shareholder rights in relation to the Pensions CIV Authorised Contractual Scheme operator (as provided in the Companies Act 2006 and the Articles of Association of the ACS Operator company) and to communicate these decisions to the Board of the ACS Operator company. These include:

- 1.a.10.1 the appointment of directors to the ACS Operator board of directors;
- 1.a.10.2 the appointment and removal of auditors of the company;
- 1.a.10.3 agreeing the Articles of Association of the company and consenting to any amendments to these;
- 1.a.10.4 receiving the Accounts and Annual Report of the company;
- 1.a.10.5 exercising rights to require the directors of the ACS Operator company to call a general meeting of the company.

## **Guidance note on the dual role of the Pensions CIV Sectoral Committee**

### **1. Overview**

The Pensions CIV Joint Committee will in practice be fulfilling two roles:

- a) To consider and provide guidance on the direction and performance of the CIV ("**Joint Committee Meetings**"). Decisions can be taken at the committee relating to the operation and business of the ACS Operator but they will not be formal decisions of the ACS Operator unless either a general meeting of the ACS Operator (and not the committee) has been formally convened or a Board meeting of the ACS operator adopts the recommendations of the Joint Committee.

- b) The formal shareholder meetings of the ACS Operator to take decisions on behalf of the participating London local authorities in their capacity as shareholders exercising the shareholder rights in relation to the ACS Operator (**"Shareholder Meetings"**).

There are various differences between the Committee meetings and the Shareholder Meetings, both in terms of how they are convened and who can attend. These differences are summarised below. In practice, the best way to conduct business is for a meeting of shareholders to be convened at the rising of the Joint Committee so that shareholders business can be transacted including any necessary formalising of any business of the joint committee:

## **2. Committee Meetings**

The conduct of London Councils committee meetings are governed by London Councils' Standing Orders which are contained in Schedule 6 of the Leaders' Committee Governing Agreement.

## **3. Shareholder Meetings**

The Shareholder Meetings are private meetings of the shareholders of the ACS Operator and only shareholders or their appointed representative may attend.

The conduct of the shareholder meetings will also be governed by London Councils' Standing Orders as far as these are compatible with company law, or by company law where the requirements are different e.g. notice periods are longer under company law and there are rules around proxies which must be followed.