

CABINET

Wednesday, 5 November 2014 at 5.30 p.m.

TABLED PAPERS

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5 .1 Chair's Advice of Key Issues or Questions in Relation to Unrestricted Business to be Considered	1 - 2
10 .3 Establishment of a joint committee of the Six Growth Boroughs (paper provided in response to Pre-Scrutiny Questions tabled at the meeting)	3 – 16

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

Matthew Mannion, Democratic Services

Tel: 020 7364 4651, E-mail: matthew.mannion@towerhamlets.gov.uk

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LONDON BOROUGH OF TOWER HAMLETS
Pre-Decision Questions - Overview and Scrutiny Committee – 4 November 2014

Cabinet Report	Question / Comments
Agenda Item 6.1 Watts Grove – Selection of Preferred Bidder	Question: O&S Committee have asked for a response on the implications of the Best Value Inspection for schemes such as Watts Grove.

Cabinet Report	Question / Comments
Agenda Item 6.2 New Homes Development Schemes at 4 New Sites	Question: O&S Committee have asked that with regard to these 4 New Developments that a proposal be brought forward whereby local residents are given priority for these new homes. Then the properties that they have vacated are brought up to an agreed standard so that other borough residents may also benefit from these developments.

Cabinet Report	Question / Comments
Agenda Item 8.1 Extension of Substance Misuse Strategy	Question: O&S Committee wish to receive assurances that those providers involved in the programme meet the requirements of the contract.

Cabinet Report	Question / Comments
<p>Agenda Item 10.1</p> <p>Tower Hamlets Fairness Commission: One year on</p>	<p>Comment: At last night's O&S the Chair agreed to receive a petition on the closure of Public Nursery's</p> <p>Question: As a result of discussions on this petition O&S agreed that with regard to Recommendation 11 (Page 101 refers) of the Fairness Commission Report that O&S should receive a short review of the Borough's Nursery Provision.</p>

Cabinet Report	Question / Comments
<p>Agenda Item 10.3</p> <p>Establishment of a Joint Committee of the Six Growth Boroughs</p>	<p>Comment: In Section 10.1 on the Inter Authority Agreement it states that the Chief Executives of the Six Boroughs' shall meet on a regular basis as the Chief Executives Board.</p> <p>Question: The O&S Committee want to know if the Board accepts in the absence of the Chief Executive the HoPS?</p> <p>Comment In Section 5.6 of the covering report it states that the Joint Committee is subject to Overview & Scrutiny requirements under section 9(f) of the Local Government Act 20000 which provides that executive arrangements by a local authority must ensure their overview and scrutiny committee (or their overview and scrutiny committees between them) have power to scrutinise decisions made, or other actions taken, in connection with the discharge of any functions which are the responsibility of the executive.</p> <p>Question: The O&S Committee wanted to know how this takes place and what will be the role of the LBTH O&S Committee?</p>

**JOINT COMMITTEE
OF THE SIX GROWTH BOROUGHES**

PROCEDURE RULES

1. Purpose of the Joint Committee

- 1.1 The London Boroughs of Barking and Dagenham, Hackney, Newham, Tower Hamlets and Waltham Forest and the Royal Borough of Greenwich have established the Joint Committee of the Six Growth Boroughs pursuant to powers under the Local Government Acts 1972 and 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012.
- 1.2 The Joint Committee will discharge executive functions on behalf of the six boroughs insofar as they relate to joint activities or areas of common concern in relation to convergence and legacy as more particularly specified below.
- 1.3 The Joint Committee is not a self-standing legal entity but part of its constituent authorities. Any legal commitment entered into pursuant to a decision of the Joint Committee must be made by one or more of the authorities which will be indemnified appropriately by the others.

2. Functions

- 2.1 The Joint Committee will discharge on behalf of the six boroughs the executive functions listed below insofar as they relate to joint activities or areas of common concern in relation to convergence and legacy:
 - 2.1.1 Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the six boroughs dated [2014];
 - 2.1.2 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;
 - 2.1.3 Approval of an annual business plan;
 - 2.1.4 Joint promotion of the Growth Boroughs area and its unique portfolio of assets including the Olympic afterglow;
 - 2.1.5 Consistent approach to enforcing through planning and procurement requirements the promotion of convergence by developers and contractors;
 - 2.1.6 Collective promotion of transport or other infrastructure investment including its prioritisation over other parts of London;
 - 2.1.7 Joint bidding for growth 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;

- 2.1.8 Convergence and the prioritising of the social and economic needs of the Growth Boroughs area;
 - 2.1.9 Collective action in respect of the National and Regional allocation of local government housing, health, policing and transport resources based on need and population;
 - 2.1.10 Working together to protect Growth Boroughs' interests in respect of National and Regional policy and action;
 - 2.1.11 Collective working with employers on jobs and skills;
 - 2.1.12 Contextual recognition of the varying economic, housing and investment opportunities related to the character and resources of each of the Growth Boroughs;
- 2.2 The Joint Committee will discharge any 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.
- 2.3 The Joint Committee is an executive body and does not have power to exercise non-executive functions on behalf of the six boroughs.
- 2.4 The provisions relating to executive decisions contained in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 do not apply to the operation of this Joint Committee because under Regulation 2 (c) of such Regulations this Joint Committee is not a decision maker or decision making body under Regulation 2(b) to which such Regulations refer.
- 3. Membership**
- 3.1 There will be twelve members, comprising two members nominated by the Executive from each of the six boroughs for a maximum period not extending beyond any member's remaining term of office as a councillor.
- 3.2 As nominees of their respective Councils, members of the Joint Committee are governed by the provisions of their own Council's codes and protocols including the Code of Conduct for members.
- 4. Chair**
- 4.1 The Joint Committee shall elect a Chair who shall if present preside at all meetings of the Joint Committee. If the Chair is absent the Joint Committee shall elect another member who is present to preside for the duration of that meeting.
- 5. Sub-Committees**

5.1 The Joint Committee may establish such sub-committees to discharge any, some or all of its functions and/or for such other purposes as the Joint Committee determines appropriate.

5.2 Any sub-committee so established shall comprise one member from each of the six boroughs, who shall each have one vote and all questions coming or arising before a sub-committee shall be decided by a majority of the members of the sub-committee present and voting.

5.3 The quorum for each sub-committee shall be determined by the Joint Committee.

5.4 For the avoidance of doubt, these procedure rules shall apply to a sub-committee as they do to the Joint Committee unless otherwise stated.

6. Delegation to Officers

6.1 The Joint Committee or any sub-committee established by it may delegate specific functions to an officer of one of the six boroughs. Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of one or more of the other five boroughs or subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee or sub-committee (as appropriate) before exercising their delegated authority.

7. Administration

7.1 The Chief Executive of the London Borough of Hackney is the designated Clerk to the Joint Committee with responsibility for the provision of administrative support, management of and accountability for the discharge of the annual budget (allocated to the Joint Committee by the six boroughs) and employment and management of staff in the Growth Boroughs Partnership Unit.

8. Annual Budget

8.1 The Joint Committee will be responsible for managing the annual budget. As part of this function, the Joint Committee may also make proposals for any revision in the level of contribution made by each of the six boroughs to the annual budget for consideration as part of each of the six boroughs annual budget allocation process.

8.2 Most of the budget will be spent on staffing and accommodation for the Growth Boroughs Partnership Unit. Arrangements for a framework for engaging and managing staff and reporting on revisions to staffing structures and for establishing and controlling a balanced annual budget funded by equal contributions from the six boroughs and grants/contributions secured from other sources are contained in the Inter Authority Agreement.

9. Agenda Management

- 9.1 All prospective items of business for the Joint Committee or any sub-committee established by it shall in the first instance be considered at a meeting of the Chief Executives' Board. An item shall only be included on the agenda for a Joint Committee or sub-committee meeting with the agreement of each of the six boroughs Chief Executives.
- 9.2 Where an item of business has been included in the agenda for a Joint Committee or a sub-committee meeting in accordance with paragraph 9.1 above but it appears to the Chair of the Joint Committee or sub-committee (as appropriate) that unanimity of voting may not be achieved, the Chair may propose that the agenda item be referred back to the Chief Executives' Board for further consideration.
- 9.3 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.
- 9.4 The Joint Committee is not subject to the legal requirement to publish a forward plan. Nevertheless the Joint Committee and any sub-committee established by it will receive a report setting out the work programme for the committee/sub-committee at least annually.

10. Meetings

- 10.1 The Joint Committee will meet as required to fulfil its functions and will determine a programme of meetings at the commencement of each municipal year.
- 10.2 Public meetings of the Joint Committee are subject to the Access to Information requirements contained in these procedure rules.
- 10.3 The quorum for a meeting of the Joint Committee shall be at least one member from each of the six boroughs.

11. Business to be transacted

- 11 At each meeting of the Joint Committee the following business will be conducted:
- 11.1.1 apologies for absence;
 - 11.1.2 declaration of interests, if any;
 - 11.1.3 consideration of the minutes of the last meeting;
 - 11.1.4 consideration of items set out on the agenda

11.2 The Chair may vary the order of business and may take urgent items as specified in the Access to Information requirements at his/her discretion.

12. Notice of Meetings

12.1 The Clerk of the Joint Committee will give notice to the public of the time and place of any meeting in accordance with the Access to Information requirements. At least five clear working days in advance of a meeting the Clerk of the Joint Committee will publish the agenda and send a copy to every member of the Joint Committee. The agenda will also be published on the website of each of the six boroughs.

13. Time and Place of Meetings

13.1 The time and place of meetings will be determined by the Clerk of the Joint Committee after consultation with the Chair and notified in the agenda.

14. Duration of Meetings

14.1 The duration of meetings shall not exceed three hours unless the Joint Committee resolves otherwise.

14.2 Any business not determined at the conclusion of the meeting shall be deferred to the next ordinary meeting of the Joint Committee.

15. Extraordinary Meetings

15.1 The Clerk of the Joint Committee may after consultation with the Chair, call an extraordinary meeting of the Joint Committee.

15.2 The business of an extraordinary meeting shall be only that specified in the agenda.

16. Cancellation of Meeting

16.1 The Clerk of the Joint Committee may after consultation with the Chair, cancel a meeting of the Joint Committee if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation.

17. Partner and Stakeholder Representation

17.1 Partners and stakeholders will be invited to send observers to meetings of the Joint Committee and any sub-committee(s) as appropriate.

18. Public Participation

18.1 A member of the public attending a meeting of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

19. Borough Member Participation

19.1 Any member of one of the six boroughs who is not a member of the Joint Committee may ask a question or address the committee with the consent of the Chair.

20. Request for Determination of Business

20.1 Any member of the Joint Committee may request at any time that:

20.1.1 the Joint Committee move to vote upon the current item of consideration;

20.1.2 the item be deferred to the next meeting;

20.1.3 the item be referred back to the Chief Executives' Board for further consideration;

20.1.4 the meeting be adjourned;

21. Voting

21.1 Each member of the Joint Committee will have one vote and all questions coming or arising before the Joint Committee shall be decided by a majority of the members of the Joint Committee present and voting.

21.2 If there is an equal number of votes for and against any matter, the Chair will have a second or casting vote. There is no restriction on how the Chair chooses to exercise a casting vote.

21.3 Unless a recorded vote is requested, the Chair will take the vote by show of hands, or if there is no dissent, by affirmation of the meeting.

21.4 Any two members present may request that the names for and against the matter or abstaining from voting be taken down in writing and entered into the minutes.

21.5 Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the matter or abstained from voting.

22. Minutes

22.1 At the next suitable meeting the Chair will move that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.

22.2 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

23. Exclusion of Public

- 23.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the Access to Information requirements or in the event of disturbance.
- 23.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded.
- 24. Disturbances**
- 24.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting as long as he/she thinks is necessary.
- 24.2 If a member of the public interrupts proceedings, the Chair will warn the person(s) concerned. If they continue to interrupt the Chair will order their removal from the meeting room.
- 24.3 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.
- 25. Access to Information Requirements**
- 25.1 Rights of press and public to attend meetings**
- 25.1.1 The press and public shall subject to the exceptions contained in these arrangements be entitled to attend all meetings subject to the capacity of the room in which the meeting is held.
- 25.1.2 Except in respect of disturbances and unruly behaviour, the press and public may only be excluded from a meeting in respect of business relating to confidential or exempt information as defined in the relevant legislation and set out below. Any resolution excluding the press and public shall specify the nature of the confidential and/or exempt information relating to the business to be transacted which justifies the exclusion.
- 25.1.3 No animal shall be allowed into any meeting except a guide dog, accompanying a blind or deaf person.
- 25.1.4 Photography and sound recording shall generally not be permitted and the Chair shall have discretion to regulate the behaviour of all media representatives present at a meeting in the interests of the efficient conduct of the meeting.
- 25.2 Notice of Meetings**
- 25.2.1 At least five clear days notice of any meeting will be given except where a meeting is convened at shorter notice in special circumstances.

25.2.2 "Five Clear Days" do not include weekends or national holidays and exclude both the day of the meeting and the day on which the meeting is called.

25.3 Access to Agenda and Reports before the meeting

25.3.1 The Clerk will make copies of the agenda and any reports for a public meeting available for inspection at Hackney Town Hall when these are made available to the Joint Committee and in any event at least five clear working days before the meeting except

- (i) where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened and;
- (ii) where an item is added to an agenda, copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report of the meeting relating to that item shall be open to inspection from the time the item was added to the agenda.

25.4 Items of Business

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

- (i) a copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
- (ii) where the meeting is convened at shorter notice from the time the meeting is convened; or
- (iii) by reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

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

25.5 Supply of copies

25.5.1 The Clerk will supply copies of

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (iii) if the Clerk thinks fit copies of any other documents supplied to members in connection with an item

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

25.6 Access to minutes and papers after the meeting

25.6.1 The Clerk will make available copies of the following for six years after the meeting:

- (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.
- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

25.7 Background Papers

25.7.1 Every report shall contain a list of those documents relating to the subject matter of the report which in the opinion of the author

- (i) disclose any facts or matters on which the report or an important part of it is based;
- (ii) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information and in respect of reports to the Joint Committee, the advice of a political assistant.

25.7.2 Where a copy of a report for a meeting is made available for inspection by the public at the same time the Clerk shall make available for inspection

- (i) a copy of the list of background papers for the report
- (ii) at least one copy of each of the documents included in that list.

25.7.3 The Clerk will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

25.8 Exclusion of access by the public to meetings

25.8.1 Confidential Information – requirement to exclude the public

25.1.2 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

25.9 Meaning of confidential information

25.9.1 "Confidential Information" means

- (i) information provided to a local authority by a Government department upon terms (however expressed) which forbid disclosure of the information to the public; or
- (ii) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court and in either case a reference to the obligation of confidence is to be construed accordingly.

25.10 Exempt information – discretion to exclude public

25.10.1 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

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

25.11 Meaning of exempt information

25.11.1 "Exempt information" means information falling within the seven categories set out in Schedule 12A to the Local Government Act 1972 as more particularly described as follows:

Category	Condition
1. Information relating to an individual	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding the information)	Information falling within this paragraph is not exempt if it must be registered under various statutes, such as the Companies Act, Charities Acts, Friendly Societies Acts, Industrial and Provident Societies Acts or the Building Societies Acts. The public interest condition set

out above also applies.

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| 4. information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 6. information which reveals that the authority proposes <ol style="list-style-type: none">a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; orb) to make an order or direction under any enactment | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |
| 7. information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime | Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information. |

25.11.2 Where the whole or part of any report for a public meeting is not available for inspection by the public, every copy of the report shall be marked "Not for Publication" and it shall be stated on the report

- (i) that it contains confidential information; or
- (ii) the description of exempt information by virtue of which the Joint Committee is likely to exclude the public during the item to which the report relates; or
- (iii) that the report or part of the report contains the advice of a political assistant.

25.12 Record of Decisions

- 25.12.1 As soon as is reasonably practicable after a meeting with the Joint Committee the Clerk shall ensure that a written statement is produced in respect of every decision made at that meeting which includes
- (i) a record of the decision
 - (ii) a record for the reasons for the decision
 - (iii) details of any alternative options considered and rejected at the meeting when the decision was made by the Joint Committee
 - (iv) a record of any conflict of interest declared by any member of the Joint Committee which made the decision
 - (v) in respect of any declared conflict of interest a note of any relevant dispensation granted by our Standards Committee.

26. Overview and Scrutiny

- 26.1 Decisions of the Joint Committee will be subject to scrutiny and 'call -in' by the six boroughs. Each of the six boroughs will apply their existing overview and scrutiny arrangements to decisions of the Joint Committee.
- 26.2 The Clerk of the Joint Committee shall publish a record of the decisions of the Joint Committee within 3 working days of a meeting and will send a copy of the record of the decisions to each of the Chief Executives of the six boroughs.
- 26.3 Each Chief Executive will publish the record of the decisions within his/her authority on the day of notification, at which point the requirements of each of the six boroughs Overview and Scrutiny Procedure Rules shall apply in relation to the call-in of any decision.
- 26.4 If a decision of the Joint Committee is not called-in in any of the six boroughs by the expiration of 5 clear working days from the date on which the Chief Executives were provided with a record of the decision in accordance with paragraph 26.2 above, and the Clerk of the Joint Committee has not been notified of any such call-in then the decision may be implemented forthwith.
- 26.5 If a decision is called-in in one or more of the six boroughs, the Overview and Scrutiny arrangements of each Council which has called-in the decision shall apply as if the decision was one made by that Council's own Executive. When the appropriate Overview and Scrutiny Committee has considered the matter and determined whether or not to agree with the decision of the Joint Committee, the Chief Executive of each Council which has called-in the decision shall notify the Clerk of the Joint Committee of the outcome of such consideration.
- 26.6 If the decision of each relevant Overview and Scrutiny Committee is to agree with the decision of the Joint Committee, the Clerk of the Joint Committee will notify each Chief Executive of the six boroughs and the decision may be implemented forthwith.

- 26.7 If the decision of one or more relevant Overview and Scrutiny Committees is to recommend to the Joint Committee an alternative cause of action, then the decision of the Joint Committee shall be held in abeyance until further consideration is given to the matter at the next appropriate meeting of the Joint Committee.
- 26.8 At the meeting of the Joint Committee at which the matter is considered further, the Chair of the relevant Overview and Scrutiny Committee(s) may attend and address the Joint Committee upon the decision of his/her Overview and Scrutiny Committee and in relation to the alternative course of action recommended.
- 26.9 The Joint Committee will reconsider the proposed decision and may affirm it or amend as it considers appropriate.
- 27. Financial and Procurement Procedures**
- 27.1 The Joint Committee is not a self standing legal entity so that decisions of the Joint Committee are implemented by delegation to an officer or officers of one or more of the six boroughs or through a Lead Borough arrangement under the Inter Authority Agreement.
- 27.2 In discharging any functions on behalf of the Joint Committee the financial and procurement procedure rules applicable to the relevant individual borough must be complied with.