



Meeting of the

TOWER HAMLETS COUNCIL

Wednesday, 17 July 2019 at 7.00 p.m.

A G E N D A

VENUE

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

Democratic Services Contact:

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Directorate of Governance

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

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at **7.00 p.m.** on **WEDNESDAY, 17 JULY 2019**

Will Tuckley
Chief Executive

Public Information

Attendance at meetings.

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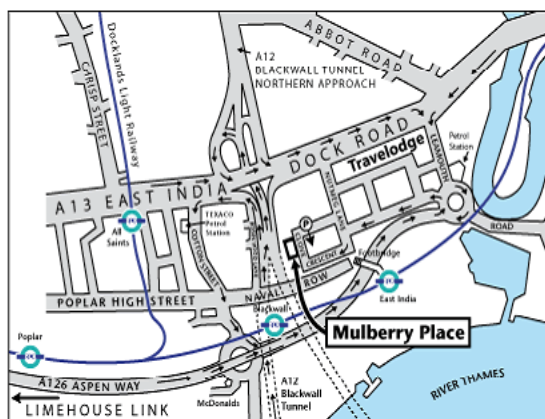
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LONDON BOROUGH OF TOWER HAMLETS

COUNCIL

WEDNESDAY, 17 JULY 2019

7.00 p.m.

**PAGE
NUMBER**

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

7 - 10

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

3. MINUTES

11 - 28

To confirm as a correct record of the proceedings the unrestricted minutes of the Annual General Meeting of the Council held on 15 May 2019.

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

5. TO RECEIVE PETITIONS

29 - 36

The attached reports presents the petitions received for this Council meeting.

6. MAYOR'S REPORT

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

A maximum of six minutes is allowed for the Elected Mayor's report, following which the Speaker of the Council will invite the leader of the opposition group to respond for up to two minutes should he so wish.

7.	ADMINISTRATION MOTION DEBATE	37 - 40
	To debate a Motion submitted by the Administration in accordance with Rules 11 and 13 of the Council's Constitution. The debate will last for a maximum of 30 minutes.	
8.	OPPOSITION MOTION DEBATE	41 - 44
	To debate a Motion submitted by the Opposition Group in accordance with Rules 11 and 13 of the Council's Constitution. The debate will last for a maximum of 30 minutes.	
9.	TO RECEIVE WRITTEN QUESTIONS FROM MEMBERS OF THE COUNCIL	45 - 48
	The questions which have been received from Councillors to be put at this Council meeting are set out in the attached report. A maximum period of 30 minutes is allocated to this agenda item.	
10.	REPORTS FROM THE EXECUTIVE AND THE COUNCIL'S COMMITTEES	
10 .1	Report of the General Purposes Committee: Revised Constitution	49 - 534
	To consider the report of the General Purposes Committee setting out a proposed revised Constitution.	
10 .2	Report of the Standards Advisory Committee: Annual Report	535 - 554
	To consider the report of the Standards Advisory Committee setting out its Annual Report for 2018/19.	
10 .3	Report of the Overview and Scrutiny Committee: Scrutiny Annual Report	555 - 596
	To consider the report of the Overview and Scrutiny Committee setting out their Annual Report for 2018/19 and their proposed work plan for 2019/20.	
10 .4	Report of the Overview and Scrutiny Committee: Scrutiny Work programme 2019/20	597 - 610
	To consider a report of the Overview and Scrutiny Committee setting out their planned areas of work for the 2019/20 municipal year.	

11. OTHER BUSINESS

11 .1 Spitalfields and Banglatown Community Governance Review - Final Recommendations 611 - 798

To consider the report of the Chief Executive setting out proposed Final Recommendations in respect of the Spitalfields and Banglatown Community Governance Review.

12. TO CONSIDER MOTIONS SUBMITTED BY MEMBERS OF THE COUNCIL

Nil items.

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE COUNCIL

HELD AT 6.30 P.M. ON WEDNESDAY, 15 MAY 2019

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

Members Present:

Mayor John Biggs	Councillor Denise Jones
Councillor Rajib Ahmed	Councillor Tarik Khan
Councillor Sabina Akhtar	Councillor James King
Councillor Sufia Alam	Councillor Eve McQuillan
Councillor Amina Ali	Councillor Ayas Miah
Councillor Shah Ameen	Councillor Harun Miah
Councillor Asma Begum	Councillor Abdul Mukit MBE
Councillor Rachel Blake	Councillor Victoria Obaze
Councillor Kevin Brady	Councillor Mohammed Pappu
Councillor Mufeedah Bustin	Councillor Kyrsten Perry
Councillor Kahar Chowdhury	Councillor John Pierce
Councillor Shad Chowdhury	Councillor Leema Qureshi
Councillor Dipa Das	Councillor Zenith Rahman
Councillor David Edgar	Councillor Candida Ronald
Councillor Marc Francis	Councillor Dan Tomlinson
Councillor Peter Golds	Councillor Helal Uddin
Councillor Ehtasham Haque	Councillor Abdal Ullah
Councillor Danny Hassell	Councillor Motin Uz-Zaman
Councillor Mohammed Ahabab Hossain	Councillor Val Whitehead
Councillor Asma Islam	Councillor Bex White
Councillor Sirajul Islam	Councillor Andrew Wood

The Speaker of the Council, Councillor Ayas Miah in the Chair

The Speaker stated that everyone was shocked and saddened by the appalling events in Sri Lanka in April. On behalf of the Council, he stated that they stood together in solidarity with those affected by the events and expressed condemnation to those who carried out such acts. The Council's thoughts and prayers were with all those affected by the tragic events.

The Council then rose to observe a minutes silence to remember those affected

1. ELECTION OF SPEAKER

The Speaker of the Council, Councillor Ayas Miah addressed the meeting about his year of office. He thanked Mayor John Biggs and Councillors for giving him this opportunity.

He had the honour of attending and supporting a range of events and activities providing opportunities to promote the Borough and bring the community together. Some of the highlights included:

- Cultural events including the local Mela and an Arts and Music Education concert at Queen Mary College.
- A commemorative event marking the Victory Day of Bangladesh.
- A visit to Bangladesh to meet many dignitaries including the Prime Minister.
- Visits by high profile guests including: the new Bangladesh High Commissioner, the King of the Ashanti, and several members of the Royal Family.
- A British – Irish Assembly meeting held in Canary Wharf for discussions on a number of important issues.
- Becoming a Dementia Friend.
- The LBTH Civic Awards to pay tribute to the hard work of residents.

He was pleased to say that he held a very successful Charity Ball in December in Canary Wharf and a charity curry night. He thanked all of the people and organisations who supported these events especially the sponsors for each.

The Speaker was pleased to announce that he had raised in the region of £50,000 for his Charities:

- St. Hilda's East Community Centre
- Sporting Foundation
- Dorset Community Association
- Limehouse Project

He stated that he had been very proud to Chair the Full Council meetings and it was an honour to represent this Borough. He thanked Officers especially Patricia Attawia (Personal Assistant to the Speaker) and Danny Bodle (Speaker's Attendant) for all their help and support.

Following the Speaker's address, Mayor John Biggs addressed the meeting. He thanked Councillor Miah for his service, as Speaker of the Council, over the year. He reported that Councillor Miah had performed his duties with great dignity, loyalty and perseverance and had provided leadership to the community. He had worked hard to serve everyone in the borough and support community cohesion.

Councillors Mohammed Ahabab Hossain, Abdal Ullah and Denise Jones echoed the above points. They thanked Councillor Miah for acting as such a positive ambassador for the Borough and for all that he had achieved over the

year, particularly his work with young people and schools and successful fund raising activities. They stated that his fundraising work would make a huge difference to his charities.

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

It was **moved** by Mayor John Biggs, **seconded** by Councillor Asma Islam, and unanimously:

RESOLVED

1. That Councillor Victoria Obaze be elected to serve as Speaker of the London Borough of Tower Hamlets Council until the Annual Council Meeting in May 2020.

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

The meeting was adjourned at 7.00pm and reconvened at 7.10pm.

The Speaker of the Council, Councillor Victoria Obaze in the Chair

The incoming Speaker, Councillor Victoria Obaze thanked the Council for electing her as Speaker. She congratulated Councillor Ayas Miah for a successful year in office and his hard work over the last year on behalf of the Council and the borough. She stated that being elected as the first Black female Speaker of the Borough was a great honour. She thanked the Mayor and Councillors for giving her the opportunity and also thanked the residents of Whitechapel ward. She advised that she would strive to maintain community cohesion and serve the people of the Borough, drawing on the experiences she had gained through her extensive community work.

She had chosen the following charities to support:

- Alzheimer's Society
- Providence Row that provide support for the homeless
- Bangladeshi Parents and Careers Association that helped people with disabilities

She would be accompanied by her consorts: Charles Obaze, David Obaze and Faruk Ahmed.

The Mayor and Councillors then congratulated Councillor Obaze on her appointment

The Mayor stated that he was delighted to support Councillor's Obaze's nomination as Speaker. He praised her many qualities and her tireless support for good causes over many years. She would make an excellent

Speaker of the Council. Councillors Asma Islam and Councillor Andrew Wood also spoke in favour of Councillor Obaze's election.

Vote on Election of Councillor Victoria Obaze as Speaker of the Council 2019/20	
Councillor Sabina Akhtar	For
Councillor Sufia Alam	For
Councillor Amina Ali	For
Councillor Shah Ameen	For
Councillor Asma Begum	For
Mayor John Biggs	For
Councillor Rachel Blake	For
Councillor Kevin Brady	For
Councillor Mufeedah Bustin	For
Councillor Kahar Chowdhury	For
Councillor Shad Chowdhury	For
Councillor Dipa Das	For
Councillor David Edgar	For
Councillor Marc Francis	For
Councillor Peter Golds	For
Councillor Ehtasham Haque	For
Councillor Danny Hassell	For
Councillor Mohammed Ahbab Hossain	For
Councillor Asma Islam	For
Councillor Sirajul Islam	For
Councillor Denise Jones	For
Councillor Tarik Khan	For
Councillor James King	For
Councillor Eve McQuillan	For
Councillor Ayas Miah	For
Councillor Harun Miah	For
Councillor Abdul Mukit MBE	For
Councillor Victoria Obaze	For
Councillor Mohammed Pappu	For
Councillor Kyrsten Perry	For
Councillor John Pierce	For
Councillor Leema Qureshi	For
Councillor Zenith Rahman	For
Councillor Candida Ronald	For
Councillor Dan Tomlinson	For
Councillor Helal Uddin	For
Councillor Abdal Ullah	For
Councillor Motin Uz-Zaman	For
Councillor Val Whitehead	For
Councillor Bex White	For
Councillor Andrew Wood	For
Carried	

2. ELECTION OF DEPUTY SPEAKER

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

RESOLVED

1. That Councillor Mohammed Ahab Hossain be elected to serve as Deputy Speaker of the London Borough of Tower Hamlets Council until the Annual Council meeting in May 2020.

Vote on Election of Councillor Mohammed Ahab Hossain as Deputy Speaker of the Council 2019/20	
Councillor Rajib Ahmed	For
Councillor Sabina Akhtar	For
Councillor Sufia Alam	For
Councillor Amina Ali	For
Councillor Shah Ameen	For
Councillor Asma Begum	For
Mayor John Biggs	For
Councillor Rachel Blake	For
Councillor Kevin Brady	For
Councillor Mufeedah Bustin	For
Councillor Kahar Chowdhury	For
Councillor Shad Chowdhury	For
Councillor Dipa Das	For
Councillor David Edgar	For
Councillor Marc Francis	For
Councillor Peter Golds	For
Councillor Ehtasham Haque	For
Councillor Danny Hassell	For
Councillor Mohammed Ahab Hossain	For
Councillor Asma Islam	For
Councillor Sirajul Islam	For
Councillor Denise Jones	For
Councillor Tarik Khan	For
Councillor James King	For
Councillor Eve McQuillan	For
Councillor Ayas Miah	For
Councillor Harun Miah	For
Councillor Abdul Mukit MBE	For
Councillor Victoria Obaze	For
Councillor Mohammed Pappu	For
Councillor Kyrsten Perry	For
Councillor John Pierce	For
Councillor Leema Qureshi	For
Councillor Zenith Rahman	For
Councillor Candida Ronald	For

Councillor Dan Tomlinson	For
Councillor Helal Uddin	For
Councillor Abdal Ullah	For
Councillor Motin Uz-Zaman	For
Councillor Val Whitehead	For
Councillor Bex White	For
Councillor Andrew Wood	For
Carried	

3. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of:

- Councillor Faroque Ahmed
- Councillor Rabina Khan
- Councillor Gabriela Salva-Macallan
- Councillor Puru Miah

4. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of Disclosable Pecuniary Interests.

5. MINUTES

RESOLVED:

1. That the unrestricted minutes of the ordinary Council Meeting held on 20 March 2019 be confirmed as a correct record and the Speaker be authorised to sign them accordingly.

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

The Chief Executive addressed the meeting.

He thanked the outgoing Speaker, Councillor Ayas Miah and congratulated the new Speaker Councillor Victoria Obaze.

He also congratulated Tower Hamlets Homes on winning landlord of the year and gaining other accolades at the UK Housing Awards. Poplar HARCA and Swan Housing were also recognised. He also reported that Ofsted were due to commence their Inspection of Children's social care services in June.

He also advised of the progress that had been made with recruitment to the posts of:

- Divisional Director, Housing.
- Divisional Director, Planning and Building Control.
- Divisional Director, Finance, Audit and Procurement.

Turning to the European Elections, he provided a brief update in respect of the preparation work underway.

7. MAYOR'S CABINET AND EXECUTIVE ARRANGEMENTS

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

The recommendation was put to the vote and was **agreed**.

RESOLVED

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

8. PROPORTIONALITY AND ALLOCATION OF PLACES ON COMMITTEES OF THE COUNCIL 2019/20

The Council considered the report of the Corporate Director, Governance proposing the establishment of the Council's committees for 2019/20 and setting out the review of proportionality and the allocation of places on those Committees.

The list of nominations were circulated in a supplementary agenda.

Councillor Kevin Brady **moved** and Mayor John Biggs **seconded** the following amendment to the report as tabled:

'The Labour Group proposes to amend the report to decrease the total number of places on the Overview and Scrutiny Committee by two places, thereby reducing the total membership to nine members.

This is in line with recommendations made by the O&S Committee on 23rd April 2019 as part of their structure review, and will see the number of Labour members on the committee reduce by two.

An updated table detailing overall proportionality and committee places is below:

GROUP	SEATS (on Council)	PROPORTION ON COUNCIL	ENTITLEMENT (to seats on Committees)
Labour	41	91.11%	63.78 (64)
Conservative	2	4.44%	3.11 (3)
Ungrouped	2	0	3 (remainder)
	45		70

Committee	Total	Labour	Conservative	Ungrouped
Overview and Scrutiny Committee (plus 6 co-optees)	9	8	1	
Audit Committee	8	7	1	
Development Committee	7	6		1
Strategic Development Committee	8	7		1
General Purposes Committee	9	8	1	
Licensing Committee	15	14	1	
Pensions Committee	7	6	1	
Standards (Advisory) Committee (plus 5 Co-optees)	7	6		1
TOTALS	70	62	5	3

The recommendations as amended were put to the vote and were **agreed**.

RESOLVED:

1. That the review of proportionality as at section 3 of the report and the allocation of seats on Committees and Panels for the Municipal Year 2019/20 as set out at paragraph 3.6 be agreed subject to the following amendment:
 - To decrease the total number of places on the Overview and Scrutiny Committee by two places, thereby reducing the total membership to nine members.
2. That the Committees set out for the municipal year 2019/20 be established and places to be allocated on those Committees, as set out at paragraph 3.6 of the report.

9. APPOINTMENTS TO COMMITTEES AND SUB-COMMITTEES OF THE COUNCIL

The Council considered the report of the Corporate Director, Governance regarding the appointment of members to the Council's Committees, and Chairs where appropriate, (including those established under item 8 above). The list of nominations were circulated in a supplementary agenda.

Councillor Kevin Brady reported the following amendments to the Labour Group's list of nominations:

Audit Committee: Councillor Kyrsten Perry to replace Councillor Asma Islam

Overview and Scrutiny Committee: Councillor Eve McQuillan to replace Councillor Kyrsten Perry

Following the receipt of two nominations for the position of Chair of the Overview and Scrutiny Committee and Chair of the Audit Committee, the nominations were put to the vote and Councillor James King was elected to the position of Chair of the Overview and Scrutiny Committee and Councillor Kyrsten Perry was elected to the position of Chair of the Pensions Committee.

The recommendations were put to the vote and were **agreed**.

RESOLVED

1. That the members and substitute members to the committees of the Council and other bodies for the municipal year 2019/20 be appointed as set out in the list of tabled nominations as amended at the meeting.
2. That the Chairs of Committees for 2019/20 be appointed from amongst the list of tabled nominations subject to the appointment of Councillor James King to the position of Chair of the Overview and Scrutiny Committee and Councillor Kyrsten Perry to the position of Chair of the Pensions Committee.
3. That in relation to any unfilled places within the seats allocated to a particular political group, the Council note that the Corporate Director, Governance has delegated authority subsequently to agree the appointments to those places in accordance with nominations from the relevant political group.

Vote on Election of Councillor Andrew Wood as Chair of the Pensions Committee	
Councillor Rajib Ahmed	Against
Councillor Sabina Akhtar	Against
Councillor Sufia Alam	Against
Councillor Amina Ali	Against
Councillor Shah Ameen	Against
Councillor Asma Begum	Against
Mayor John Biggs	Against
Councillor Rachel Blake	Against
Councillor Kevin Brady	Against
Councillor Mufeedah Bustin	Against
Councillor Kahar Chowdhury	Against
Councillor Dipa Das	Against
Councillor David Edgar	Against
Councillor Marc Francis	Against
Councillor Peter Golds	For
Councillor Ehtasham Haque	Against
Councillor Danny Hassell	Against
Councillor Mohammed Ahbab Hossain	Against
Councillor Asma Islam	Against
Councillor Sirajul Islam	Against
Councillor Denise Jones	Against
Councillor Tarik Khan	Against
Councillor James King	Against
Councillor Eve McQuillan	Against
Councillor Ayas Miah	Against
Councillor Harun Miah	Against
Councillor Abdul Mukit MBE	Against
Councillor Victoria Obaze	Against
Councillor Mohammed Pappu	Against
Councillor Kyrsten Perry	Against
Councillor John Pierce	Against
Councillor Leema Qureshi	Against
Councillor Zenith Rahman	Against
Councillor Candida Ronald	Against
Councillor Dan Tomlinson	Against
Councillor Helal Uddin	Against
Councillor Motin Uz-Zaman	Against
Councillor Val Whitehead	Against
Councillor Bex White	Against
Councillor Andrew Wood	For
Rejected	

Vote on Election of Councillor Kyrsten Perry as Chair of the Pensions Committee	
Councillor Rajib Ahmed	For
Councillor Sabina Akhtar	For
Councillor Sufia Alam	For
Councillor Amina Ali	For
Councillor Shah Ameen	For
Councillor Asma Begum	For
Mayor John Biggs	For
Councillor Rachel Blake	For
Councillor Kevin Brady	For
Councillor Mufeedah Bustin	For
Councillor Kahar Chowdhury	For
Councillor Shad Chowdhury	For
Councillor David Edgar	For
Councillor Marc Francis	For
Councillor Ehtasham Haque	For
Councillor Danny Hassell	For
Councillor Mohammed Ahbab Hossain	For
Councillor Asma Islam	For
Councillor Sirajul Islam	For
Councillor Denise Jones	For
Councillor Tarik Khan	For
Councillor James King	For
Councillor Eve McQuillan	For
Councillor Ayas Miah	For
Councillor Harun Miah	Against
Councillor Abdul Mukit MBE	For
Councillor Victoria Obaze	For
Councillor Mohammed Pappu	For
Councillor Kyrsten Perry	For
Councillor John Pierce	For
Councillor Zenith Rahman	For
Councillor Candida Ronald	For
Councillor Dan Tomlinson	For
Councillor Helal Uddin	For
Councillor Abdal Ullah	For
Councillor Motin Uz-Zaman	For
Councillor Val Whitehead	For
Councillor Bex White	For
Councillor Andrew Wood	Abstain
Carried	

Vote on Election of Councillor Andrew Wood as Chair of the Overview and Scrutiny Committee	
Councillor Rajib Ahmed	Against
Councillor Sabina Akhtar	Against
Councillor Sufia Alam	Against
Councillor Amina Ali	Against
Councillor Shah Ameen	Against
Councillor Asma Begum	Against
Mayor John Biggs	Against
Councillor Kevin Brady	Against
Councillor Mufeedah Bustin	Against
Councillor Kahar Chowdhury	Against
Councillor Shad Chowdhury	Against
Councillor Dipa Das	Against
Councillor David Edgar	Against
Councillor Marc Francis	Against
Councillor Peter Golds	For
Councillor Ehtasham Haque	Against
Councillor Danny Hassell	Against
Councillor Mohammed Ahbab Hossain	Against
Councillor Asma Islam	Against
Councillor Sirajul Islam	Against
Councillor Denise Jones	Against
Councillor Tarik Khan	Against
Councillor James King	Against
Councillor Eve McQuillan	Against
Councillor Ayas Miah	Against
Councillor Harun Miah	Against
Councillor Abdul Mukit MBE	Against
Councillor Victoria Obaze	Against
Councillor Mohammed Pappu	Against
Councillor Kyrsten Perry	Against
Councillor John Pierce	Against
Councillor Leema Qureshi	Against
Councillor Zenith Rahman	Against
Councillor Candida Ronald	Against
Councillor Dan Tomlinson	Against
Councillor Helal Uddin	Against
Councillor Abdal Ullah	Against
Councillor Motin Uz-Zaman	Against
Councillor Val Whitehead	Against
Councillor Bex White	Against
Councillor Andrew Wood	For
Rejected	

Vote on Election of Councillor James King as Chair of the Overview and Scrutiny Committee	
Councillor Rajib Ahmed	For
Councillor Sabina Akhtar	For
Councillor Sufia Alam	For
Councillor Amina Ali	For
Councillor Shah Ameen	For
Councillor Asma Begum	For
Mayor John Biggs	For
Councillor Rachel Blake	For
Councillor Kevin Brady	For
Councillor Mufeedah Bustin	For
Councillor Kahar Chowdhury	For
Councillor Shad Chowdhury	For
Councillor Dipa Das	For
Councillor David Edgar	For
Councillor Marc Francis	For
Councillor Peter Golds	Abstain
Councillor Ehtasham Haque	For
Councillor Danny Hassell	For
Councillor Mohammed Ahbab Hossain	For
Councillor Asma Islam	For
Councillor Sirajul Islam	For
Councillor Denise Jones	For
Councillor Tarik Khan	For
Councillor James King	For
Councillor Eve McQuillan	For
Councillor Ayas Miah	For
Councillor Harun Miah	Against
Councillor Abdul Mukit MBE	For
Councillor Victoria Obaze	For
Councillor Mohammed Pappu	For
Councillor Kyrsten Perry	For
Councillor John Pierce	For
Councillor Leema Qureshi	For
Councillor Zenith Rahman	For
Councillor Candida Ronald	For
Councillor Dan Tomlinson	For
Councillor Helal Uddin	For
Councillor Abdal Ullah	For
Councillor Motin Uz-Zaman	For
Councillor Val Whitehead	For
Councillor Bex White	For
Councillor Andrew Wood	Abstain
Carried	

10. USE OF SPECIAL URGENCY PROCEDURES

The Council considered the report setting out when Special Urgency provisions have been applied to Executive Key Decisions.

The recommendation was put to the vote and were **agreed**.

RESOLVED:

1. That the report on the use of special urgency provisions in relation to Executive Key Decisions be noted

11. COMMITTEE CALENDAR 2019/20

The Council considered the report of the Corporate Director, Governance setting out a revised calendar of meetings for the Council, Committees and other meetings for the municipal year 2019/20.

The recommendations were put to the vote and were **agreed**.

RESOLVED

1. That the proposed amended calendar of meetings for the municipal year 2019/20 be approved as set out in Appendix A of the report including amended standard start times where appropriate.
2. That the Corporate Director Governance be delegated the authority to agree meeting dates for any new Committees or Panels that are set up subsequent to this report being presented to Council, subject to appropriate consultation with Members.
3. To note that the Constitution provides for the Monitoring Officer to agree to cancel, amend a meeting or arrange new meetings where required.

12. STANDARDS (ADVISORY) COMMITTEE - RE-APPOINTMENT OF INDEPENDENT CO-OPTED MEMBERS

The Council considered a report proposing the re - appointment of a number of Co-Optees to the Standards (Advisory) Committee.

RESOLVED

1. That the re-appointment of Mr John Pulford MBE, Ms Nafisa Adam, Mr Michael James Houston and Ms Fiona Browne as Independent Co-opted Members of the Standards (Advisory) Committee until 30 September 2021 be approved.
2. To note that the Standards (Advisory) Committee will be undertaking a review to ensure the Council takes into account the best practice guidance from the Committee on Standards in Public Life.

13. CROSS-AUTHORITY ENFORCEMENT OF ILLEGAL STREET TRADING ON TOWER BRIDGE

The Council considered a report on the cross-authority enforcement of illegal street trading on Tower Bridge.

RESOLVED

1. That the City Of London Corporation be delegated the function of enforcement of offences relating to unlicensed street trading in the area shown at Appendix 2 of the report.
2. Authorise the execution of the agreement between the City of London Corporation and the Council relating to the enforcement referred to above.

Vote on Cross-Authority Enforcement of Illegal Street Trading on Tower Bridge	
Councillor Rajib Ahmed	For
Councillor Sabina Akhtar	For
Councillor Sufia Alam	For
Councillor Amina Ali	For
Councillor Shah Ameen	For
Councillor Asma Begum	For
Mayor John Biggs	For
Councillor Rachel Blake	For
Councillor Kevin Brady	For
Councillor Mufeedah Bustin	For
Councillor Kahar Chowdhury	For
Councillor Shad Chowdhury	For
Councillor Dipa Das	For
Councillor Marc Francis	For
Councillor Peter Golds	For
Councillor Ehtasham Haque	For
Councillor Danny Hassell	For
Councillor Mohammed Ahbab Hossain	For
Councillor Asma Islam	For
Councillor Sirajul Islam	For
Councillor Denise Jones	For
Councillor Tarik Khan	For
Councillor James King	For
Councillor Eve McQuillan	For
Councillor Ayas Miah	For
Councillor Harun Miah	For
Councillor Abdul Mukit MBE	For
Councillor Victoria Obaze	For
Councillor Mohammed Pappu	For
Councillor Kyrsten Perry	For
Councillor John Pierce	For

Councillor Leema Qureshi	For
Councillor Zenith Rahman	For
Councillor Candida Ronald	For
Councillor Dan Tomlinson	For
Councillor Helal Uddin	For
Councillor Abdal Ullah	For
Councillor Motin Uz-Zaman	For
Councillor Val Whitehead	For
Councillor Bex White	For
Councillor Andrew Wood	For
Carried	

14. STATE OF THE BOROUGH DEBATE

The Mayor gave his state of the Borough address, providing a summary of the Administration's achievements over the last 12 months and their continuing priorities around the following:

- The environment.
- Crime reduction and ASB.
- Delivery of temporary and permanent affordable housing and raising housing standards.
- Infrastructure improvements.
- Education, training and employment.
- Standard of living and protecting services.
- Children's and young people's services.
- Waste services.

Councillor Andrew Wood, Leader of the Conservative Opposition Group responded to the Mayor's report. Whilst he considered that progress had been made in a number of areas, he felt that the pace of change was too slow. He listed a number of areas where he considered, there was a need for improvements particularly with regard to: transparency in decision making, meeting recycling targets, performance at planning appeals, progress with delivering infrastructure, the recruitment of Senior staff at the Council, and management of aspects of the Council finances.

The following Councillors also responded to the Mayor report.

- Councillor Sirajul Islam
- Councillor Peter Golds
- Councillor Abdal Ullah
- Councillor Danny Hassell
- Councillor Ehtasham Haque
- Councillor Candida Ronald
- Councillor Rachel Blake
- Councillor David Edgar
- Councillor Amina Ali

- Councillor Mufeedah Bustin
- Councillor John Pierce
- Councillor Motin – Uz –Zaman
- Councillor Marc Francis


In closing the debate, the Mayor welcomed the challenges set by Councillors especially around the role for effective scrutiny and consultation in respect of important issues. Regarding the future of Raine's Foundation School he outlined the consultation process and that no decision on the future of the school had been made.

The meeting ended at 8.40 p.m.

Speaker of the Council

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Agenda Item 5

Non-Executive Report of the: Council 17 July 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Petitions to Council for presentation.	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services Zoe Folley, Democratic Services
Wards affected	All wards

SUMMARY

1. This report sets out details of the valid petitions submitted for presentation at the Council meeting on Wednesday 17 July 2019.
2. The Council's Constitution provides for up to four petitions to be heard at each ordinary Council meeting. These are taken in order of receipt, except that petitions for debate (those in excess of 2,000 signatures) will take precedence. Should more than four petitions be received, all remaining petitions will be listed to be formally noted by Council.
3. One petition for debate has been received and is the subject of the next report.
4. Two petitions have been received for presentation at the meeting and the following process applies to these petitions:
 - a. Petitioners may address the meeting for no more than 3 minutes.
 - b. Members may then question the petitioners for a further 4 minutes.
 - c. Finally, the speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the petition for up to 2 minutes. The petition will then be referred to the relevant Corporate Director for attention who will provide a written response within 28 days of the date of the meeting.
5. Members, other than a Cabinet Member or Committee Chair responding at the end of the item, should confine their contributions to questions and not make statements or attempt to debate.

6. For Petitions listed as to be noted, petitioners may not address the meeting. The Speaker will state where they will go for a full response.
7. Responses to all petitions will be sent to the lead petitioner and displayed on the Council's website.

PETITIONS TO BE HEARD

5.1 Petition regarding CCTV in Tower Hamlets submitted by Jodie Brown and others.

We want more CCTV cameras installed in Tower Hamlets and a review of where they are currently located, many areas in Tower Hamlets have few or no CCTV cameras especially areas that have seen lots of change in the last few years. But we see reports from Tower Hamlets Council and Tower Hamlets Police almost every day about arrests they make with the help of the Councils CCTV network. We want our local Police teams to have the same assistance.

We ask the Council to build new permanent cameras using the money they have from developments locally and buy more temporary cameras which can be moved around to cover hot spots.

In the Safer Neighbourhood ward panel meeting in April 2018 at the Docklands Sailing centre Robin Payne, then employed by Tower Hamlets Council promised a review of CCTV cameras in the summer of 2018 and we ask that work be completed as promised.

We know that Virgin Media and Hyperoptic have been installing new fibre optic cables across Tower Hamlets dramatically

5.2 Petition regarding Stop the closure of Raines Foundation Secondary School submitted by Laura Gibson and others

Raines Foundation a Church of England Secondary school is facing closure by Tower Hamlets council we are trying to get as many people to sign this petition to stop this from happening.

Raines is one of the only two Church of England secondary schools in Tower Hamlets it has a long history and has just celebrated its 300th year.

This proposed closure had not been discussed with parents or some members of staff we was all in the dark until the application was discovered online and shared by many on social media.

The school has been making significant improvements since September of last year when and Mr Woods became the first executive headmaster however it was known by the council that there was issues for many years and it was not acted on until after the council was already in talks to apply for the closure. The way this has been handled by the local authority is


disgraceful. It has caused a huge amount of stress and worry for the students some of whom are in the process of preparing for their GCSEs. The students that had accepted a place in year 7 for this coming September now have to find a new school or join Oaklands Secondary school and the existing students are in limbo until the decision is made on if the closure is to go ahead.

Raines Foundation has been a part of the community for 300 years and now faces closure please sign to show your support for the school, students and staff so we can try and prevent this from happening.

PETITIONS TO BE NOTED

None.

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<p style="text-align: center;">Non-Executive Report of the:</p> <p style="text-align: center;">Council</p> <p style="text-align: center;">17 July 2019</p>	
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p style="text-align: center;">Petition Debate - Stop Stepney Green Boy's School becoming a mixed school</p>	

1. INTRODUCTION

- 1.1 The Council's Petition Scheme provides that where a petition includes the names, addresses and signatures of at least 2,000 persons who live, work or study in the borough, the petitioners may request that a debate be held about the petition at the full Council meeting. This is additional to and distinct from the provision in the Council's Constitution that a petition with at least 30 signatures may be presented to (but not debated by) the Council. The relevant extract from the Petition Scheme is attached at Appendix A.

2. PROCEDURE FOR CONSIDERING PETITIONS FOR DEBATE

- 2.1 The standard format for a Petition Debate for debate is as follows.
- The petitioners to present their petition for a maximum of three minutes.
 - Questions and answers for four minutes.
 - Debate for 15 minutes. All speeches are limited to a maximum of three minutes
 - The Speaker will invite the Mayor or (at the Mayor's discretion) a Cabinet Member to respond to the matters raised
 - If no motion is moved during the debate, the petition will stand referred to the relevant Corporate Director for a written response.

3. MOTIONS ON THE PETITION

- 3.1 During his or her speech any Member may move a motion for the Council's consideration relevant to matters in the petition (this does not require the suspension of standing orders). It is requested that Motions relating to the petition be submitted to Asmat Hussain, Corporate Director,

Governance and Monitoring Officer in advance of the meeting to allow full circulation.

- 3.2 Following the petition debate, any motions moved will be put to the vote.
- 3.3 In relation to executive functions, the Council does not have powers to override any executive decision of the Mayor or substitute its own decision. The Council may however pass a motion expressing a view on the matter or referring the matter to the Mayor, calling on him to take some action, or consider or reconsider a decision, with recommendations to inform that consideration. Officers will advise on the constitutional validity of any motion that may be moved

4. CONTENT OF THE PETITION

- 4.1 A petition containing over 2,000 signatures has been received for consideration at the Council meeting on the subject of Stop Stepney Green Boy's School becoming a mixed school

The text of the petition is below:

We, the undersigned existing/potential parents and the local and wider community of Stepney Green Boys' School, would like to object to the proposal of converting the single gender boys' school into a mixed school. The undeniable fact, that many parents have chosen this school for their child/ren purely on the basis that it is a single gender school.

Thus the demand of parents' and students' right of choice is respected by keeping the school as a single gender school. An effective consultation should be open to all parents, prospective parents and the wider community, and must be unanimously conducted. Similarly, the report on the consultations should be available to the parents, prospective parents and interested stakeholders.


The rationale for our demand is as follows:

- Parental choice has to be given. It is our choice that our sons continue to attend a boys' school. Parents have chosen to place their children here as it is a boys' school.
- Converting the school takes away the right of children to attend a boys' school in the Borough.
- There are no other secular and non-religious boys' school left in the Borough.
- Educational standard and financial stability are not impacted whether the school is single sex or mixed. It depends on many other relevant factors.
- The school has had good results for many years. The school has not been held back due to it being a boys' school.
- The school should consult and respect the views of the parents, other stakeholders and the local community.

- Single gender faith schools in Tower Hamlets are achieving well. Single gender boys' schools are also achieving well in the
- UK.
- It will adversely affect gender balance in Tower Hamlets Schools.
- Currently, the school attracts children from diverse cultural groups in Tower Hamlets and neighbouring Boroughs, which will be impacted if the school is converted to a mixed school.
- Evidence dictate, performance and discipline in single sex schools are higher.
- Teacher retention and recruitment is not dependent on whether it is a single sex school. Other factors play an important role.

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Agenda Item 7

Non-Executive Report of the: COUNCIL 17 July 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Motion for debate submitted by the Administration	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	All wards

SUMMARY

1. Council Procedure Rule 11 allows for time at each Ordinary Council meeting for the discussion of one specific Motion submitted by the Administration. The debate will follow the rules of debate at Council Procedure Rule 13 and will last no more than 30 minutes.
2. The motion submitted is listed overleaf. The Administration Motion is submitted by the Labour Group.
3. Motions must be about matters for which the Council or its partners has a direct responsibility. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. Notice of any proposed amendments to the Motions must be given to the Monitoring Officer by Noon the day before the meeting.

MOTION

Set out overleaf is the motion that has been submitted.

7 – Administration Motion Regarding Air Quality and Climate Change

Proposer: Councillor Rachel Blake

Secunder: Councillor Amina Ali

This Council notes:

1. 40% of residents in Tower Hamlets live in areas that breach EU and government guidance on safe levels of air pollution and it's the fifth worst borough in London for air pollution;
2. A recent scientific study showed that children in Tower Hamlets have up to 10% less lung capacity than normal;
3. As highlighted in the 2010 Marmot Review, individuals in deprived areas experience more adverse health effects at the same level of exposure compared to those from less deprived areas. This is, in part, because of a higher prevalence of underlying cardio-respiratory and other diseases, as well as greater exposure to air pollution as a result of homes being situated nearer to busy congested roads and with fewer green spaces;
4. That Mayor John Biggs declared a climate emergency in March 2019 on behalf of the council, and announced the aim of becoming a zero-carbon council by 2025;
5. That the Mayor has written to the Prime Minister calling on the Government to bring forward the ban on diesel cars and invest in a national scrappage scheme;
6. That nationally the Labour Party has announced that climate change would be a core part of the school curriculum under a Labour government;
7. A recent poll showed that around 75% of UK adults believe climate change to be the biggest crisis facing humanity today.

This Council further notes the council's ongoing work to tackle poor air quality, including:

1. The Breathe Clean campaign, launched in 2018, to tackle air pollution across Tower Hamlets and raise awareness about what can be done locally to improve air quality and reduce risk to residents' health;
2. The anti-idling campaign, with a particular focus on drivers who idle outside schools;
3. 50 planned 'school streets' and 'play streets', with some roads closed off to improve air quality around schools;
4. Significant investment in a Liveable Streets fund to make it easier to get about by foot, on a bike and on public transport;
5. The aim to install 300 electric vehicle charging points across the borough;
6. Continuing to review the council's investment decisions;
7. An Air Quality Fund, providing a total of £200,000 funding to innovative groups in the community who want to do their bit to tackle air pollution;
8. Investment in new waste fleet, reducing emissions.

This Council believes:

1. We face a climate emergency and need to take immediate action at a local, national and international level;
2. That air quality is not only a health issue but also a social justice issue. Deprived areas in the London region have a higher concentration of Nitrogen Dioxide (NO₂) than in any other deprived region in England, levels are 40% higher in deprived wards than non-deprived wards;
3. That the ban on diesel cars planned for 2040 should be brought forward to 2030;
4. That the council should work with companies and individuals, including ice cream van owners, to encourage the switch to cleaner forms of transport;
5. That the council should review its own vehicle fleet;


6. That the Government must support those who rely on cars for family or employment reasons by providing financial help to make the switch from more polluting cars to cleaner vehicles and other forms of transport, as well as investing in a national diesel scrappage scheme.

This Council resolves:

1. To support the declaration of a climate emergency through a formal resolution of the council;
2. To support calls for the ban on diesel cars to be brought forward to 2030 and the introduction of a national scrappage scheme;
3. To deliver our Air Quality Action Plan;
4. To work with the community to reduce air pollution through small changes to travel plans;
5. To campaign for targeted measures to reduce air pollution in our worst affected areas such as Blackwall Tunnel, Bow Roundabout, Aldgate and Whitechapel;
6. To work with neighbouring authorities through our successful Zero Emissions Network to expand support to small businesses to reduce their emissions;
7. To investigate zero emissions ice cream vans in our parks and work with neighbouring authorities on regulations to restrict emissions from fossil fuel ice cream vans.

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Agenda Item 8

Non-Executive Report of the: COUNCIL 17 July 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer	Classification: Unrestricted
Motion for debate submitted by an Opposition Group	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	All wards

SUMMARY

1. Council Procedure Rule 11 allows for time at each Ordinary Council meeting for the discussion of one Motion submitted by an Opposition Group. The debate will follow the rules of debate at Council Procedure Rule 13 and will last no more than 30 minutes.
2. The motion submitted is listed overleaf. In accordance with Council Procedure Rule 11, submission of the Opposition Motion for Debate will alternate in sequence between the opposition groups. This Opposition Motion is submitted by the Conservative Group.
3. Motions must be about matters for which the Council or its partners has a direct responsibility. A motion may not be moved which is substantially the same as a motion which has been put at a meeting of the Council in the previous six months; or which proposes that a decision of the Council taken in the previous six months be rescinded; unless notice of the motion is given signed by at least twenty Members.
4. Notice of any proposed amendments to the Motions must be given to the Monitoring Officer by Noon the day before the meeting.

MOTION

Set out overleaf is the motion that has been submitted.

9 – Opposition Motion by the Conservative Group – regarding Climate Change.

Proposer: Councillor Peter Golds
Seconder: Councillor Andrew Wood

This Council notes:

- that the impacts of climate breakdown are already causing serious damage around the world;
- that the 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector;
- that all governments (national, regional and local) have a duty to act, and local governments that recognise this should not wait for their national governments to change their policies;
- that strong policies to cut emissions also have associated health, wellbeing and economic benefits;
- that in recognising this, a growing number of UK local authorities have already passed 'Climate Emergency' motions including our own on 20th March 2019;
- that Tower Hamlets is the 3rd worst borough in London for Carbon Emissions;
- that Tower Hamlets was named as the joint 3rd worst borough in London in the London Cleaning System's 'How Green is your Borough?' in 2018;
- that continued poor Air Quality will mean more of our children growing up with stunted lung growth and will contribute towards worse breathing health for all;
- that annual recycling rates in 2018/19 were 24.3% against a London borough average of 33%;
- And that, Tower Hamlets Council has to play catch up with other London Boroughs on Green Issues because of previous inaction.

In Tower Hamlets:

- The consequences of continued failure to tackle environmental Issues will include:
- Health problems, particularly for children, disabled people and older people
- Higher Energy and food costs
- Increases in social injustice and inequality

This Council resolves:

- Pledge to make Tower Hamlets Council carbon neutral by 2030 – or earlier if possible – and to make sure that in meeting this pledge the Council takes steps to avoid any adverse impacts on vulnerable residents.
- Pledge to develop a Tower Hamlets Carbon Neutral Plan, detailing how the Council's pledge to become carbon neutral by 2030 will be achieved – and requests that this Tower Hamlets Carbon Neutral Plan is brought to Full Council for approval by January 2020 at the latest.
- Pledge to produce, in January of each year between now and 2030, a Tower Hamlets Climate Emergency Annual Report, detailing the Council's progress against the Tower Hamlets Carbon Neutral Plan – which will enable members, residents and other local stakeholders to hold the Council to account for delivery of this pledge.
- Pledge to create the first Tower Hamlets Partnership to focus on climate change and ask our partner organisations to make clear commitments to dealing with this crisis.
- Use our lobbying power as a local authority to campaign at the local, London-wide and national level to draw attention to issue and bring about changes at all levels of government.
- Pledge that the Core Strategy will be reviewed to help ensure we deliver our Carbon Neutral target.
- Pledge to explore all opportunities to divest our pension fund investments, while discharging the relevant fiduciary responsibilities to members of the pension fund, and work to ensure that wherever possible any future investments are assessed against these principles.
- Pledge to ensure that sustainability is central to our Procurement strategy.
- Pledge to make this council free of single-use plastics by 2020 and work towards reducing the use of 175,000 single-use plastics across all council buildings.
- Pledge to install Air Quality Monitors in every Primary and Secondary School in our borough.
- Pledge never to build schools next to main roads again.
- Pledge never to build housing over an area of biodiversity again.
- Pledge to write to the Royal Borough of Greenwich and the Mayor of London to express our opposition to cruise ship moorings without the use of on-shore power supply next to the Isle of Dogs. Cruise ship engines cause significant emission of cancer causing carcinogenic.
- Pledge to replace the remaining 50% of street lighting that are not energy saving LED lanterns but inefficient old street lighting.
- Pledge to replace the council stock of some 200 vehicles (many are diesel) with electric or hybrid vehicles.

- Pledge to install 350 electric vehicle charging points by the end of 2020. Currently there are just 42 borough wide).
- Pledge to lobby TFL for the creation of more hybrid and electric busses.
- Pledge to return to the old home delivery of recycle bags.
- Pledge to enforce the law on fly tipping and to prosecute and fine those who commit this offence.
- Pledge to install more CCTV across our borough to help track those who illegally dump and to take legal actions against perpetrators. Our 350 CCTV cameras are dwarfed in number to that of our neighbouring boroughs.
- Pledge to enforce the law on abandoned vehicles and remove them ASAP.
- Pledge to employ more full time litter pickers, we currently have just 13.
- Pledge to appoint a Street Czar to work with local people to make our streets cleaner and more attractive.
- Pledge to plant significantly more trees rather than wait for the Mayor of London to carry out his 2 million new tree promise by 2020, which he will fail to meet by a considerable margin.
- Pledge to install new bicycle parking spots across the borough including at our new Town Hall site in Whitechapel.
- Pledge to install Solar Panels on all council buildings. The only council building that does have a solar panel is Watney Market Ideas store.
- Pledge to trial 'living wall' moss technology on schools and council buildings which has the capability to remove air pollutants including nitrogen dioxide and particulate matter from the air.

Non-Executive Report of the: Council 17 July 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Questions submitted by Members of the Council	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services
Wards affected	All wards

SUMMARY

1. Set out overleaf are the questions that were submitted by Members of the Council for response by the Mayor, the Speaker or the Chair of a Committee or Sub-Committee at the Council meeting on Wednesday 17 July 2019.
2. In accordance with Council Procedure Rule 9.4, questions relating to Executive functions and decisions taken by the Mayor are put to the Mayor unless he delegates such a decision to another Member, who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.
3. Questions are limited to one per Member per meeting, plus one supplementary question unless the Member has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. Oral responses are time limited to one minute. Supplementary questions and responses are also time limited to one minute each.
4. Council Procedure Rule 10.7 provides for an answer to take the form of a written answer circulated to the questioner, a reference to a published work or a direct oral answer.
5. There is a time limit of thirty minutes at the Council meeting for consideration of Members' questions with no extension of time allowed and any questions not put within this time are dealt with by way of written responses.
6. Members must confine their contributions to questions and answers and not make statements or attempt to debate.

MEMBERS' QUESTIONS

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

9.1 Question from Councillor Asma Islam

After the fatal stabbing on St Paul's Way and other violent incidents across the Borough and London, would the Cabinet Member please inform us about ongoing work to improve community safety?

9.2 Question from Councillor Andrew Wood

How much money has been spent since 2010 by the Council, Diocese and the Department of Education on re-fitting or upgrading the two Raines Foundation secondary school sites?

9.3 Question from Councillor James King

How has the council been part of consultation with Cyril Jackson Primary school about their movement towards becoming an academy?

9.4 Question from Councillor Peter Golds

With the need to reduce emissions from vehicles which pollute the air in this borough, what steps is the Mayor taking reduce emissions from vehicles owned or leased by the Council.

9.5 Question from Councillor Val Whitehead

Can the Cabinet Member please provide an update on the numbers of two year old children accessing early learning in the borough

9.6 Question from Councillor Shad Chowdhury

With the Veolia contract coming to an end, what measures is the Council taking to maintain and improve the level of service with regards to rubbish collection and recycling, especially in areas like Spitalfields and Banglatown, due to the night time economy, have extra demand in terms of cleaning and waste

9.7 Question from Councillor Mufeedah Bustin

With the Co-operative Party's new campaign on food justice highlighting that over 500,000 people used food banks last year, can the cabinet member update members on what measures Tower Hamlets Council is taking to tackle poverty?

9.8 Question from Councillor Kevin Brady:

Following reports that primary school classes in my ward had been discouraged from visiting Bethnal Green library, what measures are being taken to ensure our Idea Stores and Libraries are supporting children into becoming life-long readers?

9.9 Question from Councillor Shah Ameen

With both a Faith School and a Mosque in Cavell Street, Whitechapel, it is a very busy street. Does the Mayor and Cabinet member agree that the street would benefit from a zebra crossing to ensure residents safety, both old and young?

9.10 Question from Councillor Kyrsten Perry

Can the Cabinet Member update members about the good work happening around Liveable Streets, particularly on the work around School Streets and Play Streets?

9.11 Question from Councillor Marc Francis

Will the Lead Member for Housing set out the number of assessments that have been carried out by the Housing Occupational Therapy Team in each of the past four years, and what the average waiting time for an assessment was in each of those years?

9.12 Question from Councillor Rajib Ahmed

Can the Cabinet Member please update the council on the work being done to strengthen the voice of young people in decision making?

9.13 Question from Councillor Bex White

Can the Cabinet Member please provide an update on the Social Work Academy and the impact that it is having on recruitment and retention of social workers?

9.14 Question from Councillor Puru Miah

Does, the Mayor agree with the hundreds of complaints/demand for rerun, made by residents in Mile End Ward, that it was discriminatory practice to hold a consultation on the proposed north south cycle route (Hackney to Canary Wharf) in the middle Ramadan?

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<p>Non-Executive Report of the:</p> <p>Council</p> <p>Wednesday, 17 July 2019</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Asmat Hussain, Corporate Director, Governance and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Report of the General Purposes Committee: Updated Constitution</p>	

Originating Officer(s)	<p>Mark Norman – Deputy Monitoring Officer Matthew Mannion, Head of Democratic Services Holly Bell, Lawyer – Civil Litigation</p>
Wards affected	(All Wards);

Executive Summary

For the past nine months the General Purposes Committee has been overseeing a review of the Constitution. The main goals of the review have been to:

- Revise the ‘look and feel’ and navigation of the document to make it easier to access for the public, officers and Members.
- Improve the pace and delivery of decision making by ensuring decisions are taken at the appropriate levels within the organisation and that delegations are clear.
- Improving the ability of Committees and officers to innovate by ensuring supporting documents to the main constitution can be updated without requiring full Constitutional reviews.

Following completion of the review the General Purposes Committee have agreed that the Draft Constitution be presented to Council for consideration and agreement.

Following agreement by Council to Constitution will be prepared for publication on the Council’s website and briefing guidance will be prepared for Members and officers..

Recommendations:

The Council is recommended to:

1. Agree the revised Constitution as set out in Appendices 1 – 4 to this report.
2. To note that following agreement the Constitution will be prepared for publication in consultation with the Communications team and therefore to agree to delegate authority to the Corporate Director, Governance and

Monitoring Officer to make non-material changes to the Constitution during this process subject that any changes be subsequently reported to the General Purposes Committee for noting.

3. To confirm the refreshed delegations for revising the constitution including as set out in Sections 15, 19 and 42 of the Constitution, for such that:
 - The Monitoring Officer can approve all non-material changes to the Constitution including those that reflect decisions taken by the Council or changes in legislation or to correct matters of fact;
 - The Monitoring Officer can recommend to Council or General Purposes Committee for approval any material changes to Parts A to C of the Constitution with the exception of the Executive Scheme of Delegation (Section 30) which will be amended by the Monitoring Officer should the Mayor amend his Executive Scheme of Delegation.
 - The introduction to Part D of the Constitution sets out the delegated authority to amend each Part D Section. Unless indicated otherwise, the Monitoring Officer has delegated authority to amend Part D documents in consultation with the Chief Executive.
 - All Sections of the Constitution remain in place unless explicitly revised or removed.
4. To note the updated Corporate Scheme of Delegation within the Constitution and to note that Corporate Directors have delegated authority to create their own Directorate Schemes of Delegation. Any such schemes will be published in Part D of the Constitution.

1. REASONS FOR THE DECISIONS

- 1.1 It is good practise to regularly review the Council's governance arrangements to ensure they are effective in supporting decision making at the Council. This report is presented as the conclusion of the latest review by the General Purposes Committee and proposes a number of improvements to the constitution as set out in Section 3 of the report.
- 1.2 The intention of the review is to make the Constitution easier to navigate, quicker to update where appropriate and to provide clearer decision-making procedures for use by Members and officers. This review is working to support the increase in pace and delivery of decision making at the authority.
- 1.3 This work is also in line with a key recommendation of the Corporate Peer Challenge reported to the Best Value Improvement Board on 17 September 2018 which stated that the Council should 'remove bad bureaucracy whilst retaining good governance'.

2. ALTERNATIVE OPTIONS

- 2.1 It is for Council to review the document and it may propose amendments at the meeting.
- 2.2 Council may also determine not to accept the proposed revised constitution. This is not recommended as the revisions are important in improving the efficiency and effectiveness of the Council's decision making processes and procedures.

3. DETAILS OF THE REPORT

- 3.1 The Local Government Act 2000 requires the Council to prepare and keep up to date a Constitution. Guidance was also issued which requires the Constitution to contain a number of specific items such as Council meeting procedure rules, the role of Councillors and the elected Mayor, and rules relating to finance, contracts and procurement amongst others.
- 3.2 The Constitution was last revised, in stages, through 2017 with a number of reports taken to General Purposes Committee and Council for agreement.
- 3.3 This latest review, overseen by the General Purposes Committee had a number of key goals including:
 - Improving ease of use and navigation of the Constitution
 - Revising decision making rules to ensure decisions can be taken at the appropriate level within the authority and looking to speed up decision making where appropriate.
 - Allowing easier updating of supporting documentation and procedures to allow the Council to adapt more quickly to changing circumstances without requiring full Constitution reviews.

Navigation and Ease of Use

- 3.4 The review considered that the existing constitution was split into a lot of 'Parts' and that it did not flow very well as a document, for example, the Articles at the start followed no obvious pattern and some sections later on were interrupted with tables of data, dozens of pages long. Key changes proposed therefore included:
 - Reducing the number of 'Parts' (from 8 down to 4) and now numbering Sections sequentially throughout the Constitution so simply knowing the number of the Section will allow users to navigate to the right place.
 - Merging the current 'Introduction' and 'Articles' Parts to create one new Part A - Introduction and Explanations and look to order the Sections within in a sensible way.

- Look to simplify the Sections in Part A and reduce the occasions where they have to be read in conjunction with later procedures for simple queries.
- Move many of the large tables and detailed procedures to the new Part D to reduce the size of the main part of the document.
- Improve the ability to maintain up to date content within supporting procedures and data within Part D by delegating authority to change specific Sections is given to Committees and/or Senior Officers as appropriate.

3.5 To that end, the proposed new constitution is set out as follows:

- Part A – Summary and Explanation
- Part B – Responsibility for Functions and Decision-Making Procedures
- Part C – Codes and Protocols
- Part D – Supplementary Documents

Revised Decision Making

3.6 Effective decision making requires that decisions are taken efficiently and at the appropriate level within the organisation. The Council's Peer Review last year highlighted that the Council should look for improvements in this area when undertaking a constitutional review.

3.7 A number of specific issues were noted:

- Lack of clarity over whether executive decisions were 'Key Decisions' and thus requiring a Member level decision.
- Confusion over Corporate Delegations and the extent to which Corporate Directors had authority over decision-making within their areas.
- Out of date Directorate Schemes of Delegation.
- The Council was not publishing enough significant officer level decisions.

3.8 Changes have been proposed to address these issues:

- The Key Decisions threshold has been clarified with a new financial threshold introduced (see the paragraph later in this report). Additional guidance has also been provided around the sorts of decisions which would normally be considered Key.
- The Corporate Delegations sections of the constitution have been simplified and Corporate Director powers have been clarified.
- All Directorates are working on revised schemes of delegation to publish alongside the rest of the updated Constitution.
- A new financial threshold has been established for the publication of significant officer decisions (following consultation with the relevant Lead Member) – see paragraph later in this report.

Easier updating of supporting documentation and procedures

- 3.9 The Constitution contains a large amount of detailed information relating to specific functions/committees and decision processes. For example, it contains procedure notes for many committees including Strategic Development, Licensing, Scrutiny Committees and many Boards and Panels.
- 3.10 This ensures transparency of the processes which is an important function of the Constitution. However, it does mean that Committee's face a requirement to take any changes through a constitution review to have them agreed. This was slowing down innovation and discouraging committees from trying new arrangements. For example, the Development Committee has been looking to re-organise how different parties contribute to the discussion on each committee report. However, to have this change agreed it would require it to be added to a constitution review processed through to Council for agreement.
- 3.11 Therefore, documents such as the procedure rules for these Committees have been placed in Part D with specific delegated authorities to make amendments given to relevant officers/committees. In the above example, the Committee would now be authorised to agree the changes which would then be updated straight into the Constitution. Reports on these changes made would be presented to General Purposes Committee to allow it to maintain oversight.

Key Decisions

- 3.12 The Key Decision threshold set out in the current constitution is as follows:
- (i) A "key decision" is an executive decision which is likely-
 - a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
 - b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.
- 3.13 The definition is taken from the original Model Code of Constitution from nearly twenty years ago. Most authorities have since looked to increase the guidance in their constitutions around Key Decisions, in particular with reference to the financial thresholds. The lack of a definition beyond 'significant' makes it very difficult to determine whether particular reports are Key Decisions or not so there is concern that in some cases appropriate procedures may not be followed. Officers have also asked for more definition

in respect of threshold (b) on the impact on communities living within two or more wards.

3.14 Having discussed this issue at a number of meetings, the General Purposes Committee are propose the following new Key Decision thresholds and guidance:

A “key decision” is an executive decision which is likely to:

A. result in the local authority incurring expenditure or the making of savings of:

Savings	Where the proposal is expected to result in savings of above £1 Million
Revenue expenditure	Where the proposal involves revenue expenditure of above £1 Million
Capital expenditure	Where the proposal involves capital expenditure of above £1 Million

OR

B. be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions.

- i. In considering whether a decision is likely to have a significant impact, the decision maker is to consider the strategic nature of the decision and whether the outcome will have a significant material impact, for better or worse, on the local amenity or wellbeing (including social and environmental impact) of the community or the quality of service provided to a significant number of people living or working in the locality affected.
- ii. When officers consider the impact on the Community they will, for example, consider the effect on specific groups within that Ward (defined by other characteristics such as ‘age’, ‘culture’ etc) where those groups make up a significant proportion of that Ward’s population.
- iii. In determining the meaning of “significant” for the purposes of these paragraphs, regard must be had to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000.

In addition to the above, officers will also consider the following guidance when determining if an issue should be treated as a Key Decision:

1. A decision to approve, update or amend a policy, strategy, plan, scheme (or similar) will only be a key decision if criteria (A) or (B) above would apply to the implementation of the document once approved, updated or amended.

2. Documents listed in Section 7 under the Budget and Policy Framework, are non-executive decisions reserved to Full Council and therefore cannot be key decisions. However, they are required to be prepared and developed by Cabinet in accordance with the Budget and Policy Framework Procedure Rules at Part B Section 29 of the Constitution.
 3. A decision or report in relation to preparation and development of an issue, for example to begin a public consultation exercise, will not normally be a key decision unless criterions (A) or (B) above would also apply to that specific action. Even if the final determination of that issue would result in a Key Decision.
 4. A decision not fulfilling the criteria at (A) or (B) above may follow the same process as a key decision if, in the professional opinion of the Chief Executive or the appropriate Corporate Director, it is a matter of particular political sensitivity.
 5. A decision which is the same or similar to one taken in the past (for example, the approval of a previous iteration of a plan or strategy), and does not fulfil criterions (A) or (B) above, is not a Key Decision even if the comparable previous decision was identified as a Key Decision.
- 3.15 The Council's constitution states that all Key Decisions must be taken by the Mayor (in Cabinet or as an Individual Mayoral Decision). Therefore, all decisions which meet the above criteria must be presented for Member-level decision.

Publication of Officer Decisions

- 3.16 The Openness of Local Government Bodies Regulations require that certain officer decisions should be published after they have been taken. Therefore Section 3 of the new Constitution will also set out new thresholds for the publication of decisions taken by officers. This states that officers must publish details of any decision (executive or non-executive) that they take over a threshold of £250,000.
- 3.17 Where officers are taking executive decisions, these decisions can only be taken following consultation with the relevant Lead Member.
- 3.18 The combination of the new, clearer Key Decision threshold and the new officer decision publication threshold should ensure that Lead Members are engaged with all significant executive decision making at the Council.

Overview and Scrutiny Committee

- 3.19 The Overview and Scrutiny Committee (OSC) has reviewed the structure of its sub-committees and these changes are covered in the new Constitution. In addition the Scrutiny procedure information in the Constitution has also been reviewed to bring it into line with the new style. Note that the new OSC membership should be reviewing how their procedures operate and any consequential amendments from any such review will be dealt with at a later date.

Selected other changes to the Constitution

- 3.20 **Council Procedure Rules** – General Purposes Committee are proposing a number of minor amendments to the Council Procedure Rules, including:
- Allowing the Mayor 2 minutes to respond to opposition comments on his report to Council.
 - Providing a minimum of 5 minutes for opposition group contributions to the State of the Borough debate.
 - Allowing scope to the Young Mayor to address Council if required.
 - Making the rules around accepting Motions clearer including where the Monitoring Officer may reject a motion.
 - In line with recent case law, allowing ungrouped Councillors to submit motions without a seconder.
 - Clarity on allowing Members to withdraw a motion or amendment at any time.
 - Updating the petition scheme with notes highlighting that young people may submit petitions and giving the Chair of the meeting scope to vary the usual procedures if necessary in order to allow those attending time to properly express their views.
- 3.21 **Corporate Scheme of Delegation** – the Corporate Scheme of Delegation, as set out in Part 3 of the current constitution has been updated and simplified (the content is in Part B of the new Constitution). In particular, it is now clearer on delegated authority to Corporate Directors for matters within their service area. The new Corporate Scheme is significantly shorter than the previous version.
- 3.22 **Directorate Schemes of Delegation** – all Corporate Directors have delegated authority to produce a Directorate Scheme of Delegation. All Corporate Directors are looking to revise their schemes and these will be published in Part D of the new constitution to ensure transparency.
- 3.23 **Council Financial Regulations** – the Corporate Director, Resources has undertaken a review of the Council's Financial Regulations (currently in Part 6 – Officer Procedure Rules). This review will bring the procedures up to date and increase their effectiveness. It also proposes a new Corporate Scheme of Financial Delegations which sits in Part D of the new Constitution.

Next Steps

- 3.24 Following agreement by Council, the revised document will be prepared for publication on the Council's website and to Members and officers. This work may involve making minor non-material changes to ensure the best look and feel for the document, in particular in line with new accessibility rules for local authority websites which are being implemented.

4. EQUALITIES IMPLICATIONS

- 4.1 The Constitution sets out a Citizen's Rights and Responsibilities in respect of their dealings with the Council.
- 4.2 An effective Constitution ensures the Council maintains the necessary transparency and public engagement procedures to allow proper engagement with the Council's decision making.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

- 5.2 An ineffective Constitution would be a significant risk to the Council in many areas leaving the Council open to challenge in its decision making and in its provision of services.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report asks Council to agree the revised Constitution as set out in Appendices 1 – 4 to this report. There are no direct financial implications arising.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 9P of the Local Government Act 2000 (as amended) requires the Council to prepare and keep up to date a constitution.

- 7.2 The constitution must contain the elements identified specified by the Secretary of State in the Constitution Direction issued in December 2000.
- 7.3 The constitution must be published and be available for inspection by members of the public.
-

Linked Reports, Appendices and Background Documents

Linked Report

- Reports presented to the General Purposes Committee meetings on 29 October 2018, 11 December 2018, 26 February 2019, 3 April 2019 and 25 June 2019.

Appendices

- Appendices 1 – 4 – proposed new Parts A – D of the revised Constitution.

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

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

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

- None

Officer contact details for documents:

N/A

Part A – Summary and Explanation

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Version Control for Part A

Dated: 17 July 2019

Version No. July 2019 V 1.0

Document Owner: Matthew Mannion

Post Holder: Head of Democratic Services

1 Introducing the Council's Constitution

1. This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to determine.
2. The Constitution is divided into four parts:
 - Part A – Introduction and Explanations
 - Part B – Responsibility for Functions and Decision-Making Procedures
 - Part C – Codes and Protocols
 - Part D – Supplementary Documents
3. The purpose of the Constitution is to ensure that:
 - The Mayor and Council provide clear and accountable leadership to the community in partnership with citizens, businesses and other organisations;
 - The roles and responsibilities of the executive, non-executive, scrutiny and officer functions are clearly defined and documented, with clear delegation arrangements;
 - Citizens, businesses and other organisations are actively involved in decision making;
 - Citizens are effectively represented by their Mayor and Councillors;
 - The delivery of services to the community is improved;
 - Decisions are taken efficiently, effectively and transparently;
 - Decision-makers are clearly identifiable, that they explain the reasons for their decisions and can be held to public account.
 - The highest standards of conduct of Members and officers of the authority is maintained and that no one will review or scrutinise a decision in which they were directly involved;
 - It provides a comprehensive document explaining how the Council operates, who is responsible for taking decisions and how they will be taken.
4. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

2 How the Council Operates

1. The Council operates the directly elected Mayoral form of Executive. The Council is composed of a Mayor and forty-five Councillors. The Mayor is directly elected by the electors of the Borough, normally for a four-year term of office. The Mayoral election will be held on the same day as the ordinary Council elections, at which Councillors are elected to represent each of the Wards within the Borough every four years. Councillors are democratically accountable to residents of their Ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
2. The Council may also appoint additional 'Co-opted' Members to certain Committees and Sub-Committees. Co-optees are people who are chosen to represent a specific area of interest or issue of consideration. These representatives are not elected members of the Council and are appointed because of their level of knowledge and experience. These co-opted members make a very useful contribution to discussions and help make the correct decisions in relation to important matters.
3. The Mayor, Councillors and Co-optees are together known as 'Members' of the Authority. Members have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Council's Standards Advisory Committee is responsible for advising Members on the Code of Conduct and ensuring that they receive training on the requirements of the Code, which they are required to observe in carrying out their duties and responsibilities as Members.
4. The Mayor and all Councillors meet together at Council. Meetings of Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. Council appoints annually an Overview and Scrutiny Committee, Regulatory Committees, a Standards Advisory Committee, and other statutory, advisory and consultative bodies.
5. The Mayor appoints a Deputy Mayor and (up to nine) Cabinet Members who form the Council's Executive, they are responsible for most day to day decisions. The Mayor and other Executive Members meet together as the 'Cabinet'. The Mayor is responsible for the Council's main executive decision-making powers and the overall delivery of Council services.
6. The other executive decision-making bodies are:
 - the King George's Field Charity Board to administer the affairs of the King George's Field, Mile End charity of which the Council is the sole trustee; and
 - the Grants Determination Sub-Committee.

7. The Executive Scheme of Delegation sets out more detail on the Mayor and Executive functions.
8. The Overview and Scrutiny Committee is established to review or scrutinise decisions of the Executive and conduct reviews into functions which are the responsibility of the Executive. Section 9 of the Constitution sets out an introduction to role of Overview and Scrutiny and links to more detailed sections later in the Constitution.
9. The Overview and Scrutiny procedure rules (Part B, Section 30) set out in more detail how the Committee and its sub-committees operate.

3 How Decisions are Made

Principles of Decision-Making

1. All decisions of the Council will be made in accordance with the following principles:
 - a) proportionality (i.e. the action must be proportionate to the desired outcome);
 - b) due consultation and the taking of professional advice from officers;
 - c) respect for human rights;
 - d) a presumption in favour of openness;
 - e) clarity of aims and desired outcomes;
 - f) take account of all relevant matters;
 - g) discount irrelevant matters; and
 - h) explaining what options were considered and giving the reasons for the decision.

Responsibility for Decision-Making

2. The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part B of this Constitution.
3. The form of the Council's Executive Arrangements is a 'Mayor and Cabinet' model as defined in section 9C of the Local Government Act 2000 (as amended). Therefore, decision-making at the Council is split into the following types:
 - 'Executive'
 - Including 'Executive Key Decisions'
 - 'Non-Executive' functions.

Executive Decision Making

4. The Mayor is responsible for Executive decision-making and is therefore responsible for most day to day decisions. The Mayor can take these decisions at Cabinet, in a Cabinet Sub-Committee or the decisions can be delegated to officers.

5. These decisions must be in line with the Council’s Budget and Policy Framework. If any of these decisions change the Framework then these must be referred to Council.

Executive Key Decisions

6. A “key decision” is an executive decision which is likely to:
- A. result in the local authority incurring expenditure or the making of savings of:

Savings	Where the proposal is expected to result in savings of above £1 Million
Revenue expenditure	Where the proposal involves revenue expenditure of above £1 Million
Capital expenditure	Where the proposal involves capital expenditure of above £1 Million

OR

- B. be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions.
- i. In considering whether a decision is likely to have a significant impact, the decision maker is to consider the strategic nature of the decision and whether the outcome will have a significant material impact, for better or worse, on the local amenity or wellbeing (including social and environmental impact) of the community or the quality of service provided to a significant number of people living or working in the locality affected.
 - ii. When officers consider the impact on the Community they will, for example, consider the effect on specific groups within that Ward (defined by other characteristics such as ‘age’, ‘culture’ etc) where those groups make up a significant proportion of that Ward’s population.
 - iii. In determining the meaning of “significant” for the purposes of these paragraphs, regard must be had to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000.

In addition to the above, officers will also consider the following guidance when determining if an issue should be treated as a Key Decision:

7. A decision to approve, update or amend a policy, strategy, plan, scheme (or similar) will only be a key decision if criteria (A) or (B) above would apply to the implementation of the document once approved, updated or amended.
8. Documents listed in Section 7 under the Budget and Policy Framework, are non-executive decisions reserved to Full Council and therefore cannot be key decisions. However, they are required to be prepared and developed by Cabinet in accordance with the Budget and Policy Framework Procedure Rules at Part B Section 28 of the Constitution.
9. A decision or report in relation to preparation and development of an issue, for example to begin a public consultation exercise, will not normally be a key decision unless criteria (A) or (B) above would also apply to that specific action. Even if the final determination of that issue would result in a Key Decision.
10. A decision not fulfilling the criteria at (A) or (B) above may follow the same process as a key decision if, in the professional opinion of the Chief Executive or the appropriate Corporate Director, it is a matter of particular political sensitivity.
11. A decision which is the same or similar to one taken in the past (for example, the approval of a previous iteration of a plan or strategy), and does not fulfil criteria (A) or (B) above, is not a Key Decision even if the comparable previous decision was identified as a Key Decision.

Taking Key Decisions

12. A decision taker, when making a decision may only take a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part B Section 29 of the Constitution.
13. When Key Decisions are to be made, notice of these decisions must be published in advance, in so far as they can be anticipated. If these Key Decisions are to be taken at an Executive meeting (for example Cabinet) this will generally be open for the public to attend, except for restricted agenda items which include, for example, personal, commercially sensitive or confidential matters.
14. The Health and Wellbeing Board is a statutory committee under the provisions of the Health and Social Care Act 2012 but does have certain executive functions and if this Board is making a Key decision then this will be published in advance. The meeting generally is open for the public to attend, except where restricted matters are being discussed in the same way as for other Executive meetings.

15. Part A, Section 8 provides more detail of Executive Decision Making.

Executive Decision Making by Officers

16. Part B, Section 23 contains the Corporate Scheme of Delegation which must be read in conjunction with the Council-wide Operating Procedures and Directorate Schemes of Delegation published in Part D.
17. These documents set out where Officers have delegated powers to take Executive Decisions. However, the following must always be followed in respect of officer decisions:
- Officers may not take Key Decisions unless there has been a specific delegation by the Executive.
 - Any officer decision resulting in (revenue or capital) expenditure or savings of over £250,000 must only be taken following consultation with the relevant Lead Cabinet Member and must be published on the Council's website 'as soon as practicable' (and following any guidance from the Monitoring Officer) after the decision has been taken.

Non-Executive Decision Making

18. The Council has responsibility for all Non-Executive functions and for approving the Budget and Policy Framework. The Council, as a whole, retains responsibility for regulatory functions and has a role in holding the Executive to account.

Decision-Making by Council

19. Certain decisions, such as the overall Council Budget, Council tax and the policy framework are reserved to Council. Section 7 sets out more details of how Council operates.

Decision-Making by Other Committees and Sub-Committees Established by the Council

20. Council has established a number of other Committees and Sub-Committees to undertake specific decision-making functions.
21. The following Committees have been established:
- Audit Committee
 - General Purposes Committee
 - Licensing Committee
 - Pensions Committee

- Standards Advisory Committee
- Strategic Development Committee & Development Committee

22. Section 10 provides more information about the Council's Committees.

Non-Executive Decision Making by Officers

23. Part B Sections 16 and 17 and Part D Sections 43 and 44 set out the Council's Non-Executive Functions and any delegations to officers for those functions. Where decisions have been delegated to officers the following must be followed:

- Any officer decision resulting in (revenue or capital) expenditure or savings of over £250,000 must be published on the Council's website 'as soon as practicable' (and following any guidance from the Monitoring Officer) after the decision has been taken.

Decision-Making by the Overview and Scrutiny Committee and Scrutiny Panels

24. The Council has established an Overview and Scrutiny Committee whose main responsibility is to review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.

25. The Overview and Scrutiny Committee, and any Scrutiny Sub-Committees it appoints, will follow the Overview and Scrutiny Procedure Rules and relevant parts of the Council Procedure Rules set out in Part B Section 30 of this Constitution which apply to them when considering any matter.

26. Section 9 also sets out a summary about the Overview and Scrutiny Committee.

Decision-Making by Council Bodies Acting as Tribunals

27. The Council, any Members, Committee, Sub-Committee, Panel or an officer acting as a tribunal, or in a quasi-judicial manner, or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

4 Citizens' Rights

1. Citizens have various rights as set out below. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part B Section 27 of this Constitution.
2. **General Rights:** citizens have a number of general rights including to:
 - vote at Mayoral and Council elections if they are eligible and registered;
 - contact the Mayor or their local Councillor about any matters of concern to them;
 - participate in the Tower Hamlets Partnership and consultative mechanisms or service user groups, if selected or appointed to do so;
 - complain about Council services, actions, the conduct of Members or to highlight potential malpractice or illegality;
 - examine the Council's accounts when open for inspection and make their views known to the external auditor.
3. **Voting and Petitions.** Citizens on the electoral register have the right to vote at elections. All citizens (that is people living, working or studying in the borough) have the right to present personally or to request a Councillor to present a petition on their behalf to Council, the Cabinet, Scrutiny, Regulatory or other Committees/ Sub Committees or Panels, subject to the detailed provisions laid down in the Petition Scheme and the procedures adopted by those bodies.
4. **Participation in Decision Making.** All citizens have the right to participate in Council and Committee meetings and contribute to investigations by Scrutiny Panels. Processes for public participation are set out in the procedures for various Committees and meetings including in Section 26 (Council Procedure Rules) and Section 30 (Overview and Scrutiny Procedure Rules). Individual Committees such as the Licensing and Strategic Development Committee will set out procedures to follow for public participation.
5. As a summary, citizens can:
 - access the Constitution;
 - attend and record formal meetings of Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - attend and record meetings of the Cabinet and any other Executive bodies except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;

- see forward plan notices of forthcoming decisions, plus reports, background papers and any records of decisions made by the Council and the Mayor, the Executive or appropriate Member or Key Decisions taken by officers;
 - see unrestricted reports and associated background papers and any published record of decisions made by Council, other non-executive Committees/ Sub-Committees;
 - speak at Development or Licensing Committees/ Sub-Committees in favour or against planning or licensing applications, subject to the detailed provisions laid down in procedures adopted by those bodies;
 - present petitions or otherwise participate in meetings of Council, the Cabinet, Scrutiny, Regulatory or other Committees, depending on their specific procedure rules, and contribute to investigations by Scrutiny;
6. The Council maintains web pages providing information about its formal decision-making meetings and processes and opportunities for public engagement. These are held at www.towerhamlets.gov.uk/committee.
7. **Compliments and Complaints.** All citizens have the right to:
- i. submit a compliment or comment on the Council and its services
 - ii. complain to the authority itself under its complaints scheme or any other applicable statutory complaints scheme;
 - iii. complain to the Local Government and Social Care Ombudsman and Housing Ombudsman after using the Council's own complaints scheme; and
 - iv. complain the Council's Monitoring Officer about a breach of the Code of Conduct for Members, or to raise a public interest concern if they have evidence which they think shows malpractice, wrongdoing, illegality or risk in the Council and which is not appropriate for consideration under another Council procedure.

Citizens' Responsibilities

8. Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully damage things owned by the Council, Councillors or officers.
9. When attending meetings of Council, Committees/ Sub-Committees/ Panels or the Cabinet, citizens must not behave improperly, offensively or interrupt the business of the meeting as such action will result in their being removed and excluded from the meeting.

10. Where members of the public use specific Council services, for example as a parent of a school pupil or as an occupier of Council land or premises, they have additional rights. These are not covered in this Constitution.

5 The Speaker of the Council

1. The position of Speaker of the Council performs the duties often carried out by the post of 'civic mayor'.

2. The Council has decided, in agreeing its Executive Arrangements, that the Speaker of the Council will be the first citizen of the Borough and will perform the majority of civic and ceremonial duties for the Borough. The Mayor will perform those functions as the Council's representative where they relate to the promotion of, or business of, the Council. Any future change to these arrangements will be a matter for the Council to determine.

3. The Speaker of the Council may not be a member of the Executive.

4. The Speaker of the Council and the Deputy Speaker will be elected by Council annually and the Speaker will have the following roles and functions:
 - a) to uphold and promote the purposes of the Constitution and having sought appropriate advice from the Monitoring Officer, to interpret the Constitution when necessary;
 - b) to preside over meetings of Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - c) to ensure that Council is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet can hold the Mayor and Cabinet Members to account in public;
 - d) to promote public involvement in the Council's activities;
 - e) to be the conscience of the Council; and
 - f) to attend such civic and ceremonial functions as the Council and s/he determines appropriate.

5. The Deputy Speaker of the Council will deputise for the Speaker of the Council whenever the Speaker of the Council is unavailable or unable to act.

6. The order of precedence for civic events shall be as follows, with the Borough's First Citizen representing the Council at Civic Ceremonial functions in the Borough including:
 - Visits of the Royal Family and dignitaries;
 - Civic receptions, luncheons and dinners;

- Funeral or memorial services;
 - Religious services; and
 - Prize givings.
7. And events outside the Borough including:
- Those of the Lord Mayor of London;
 - Invitations from other First Citizens to their Borough; and
 - Those of the London Mayors' Association.
8. This does not preclude the attendance and involvement of the Mayor and/or other Councillors.

6 Members of the Council

Composition and Eligibility

1. The Council will comprise a directly elected Mayor and 45 Councillors. The Mayor will be elected by the voters of the whole borough; and the Councillors will be elected by the voters of each ward, in accordance with a scheme drawn up by the Local Government Boundary Commission for England.
2. The term 'Member of the Council' (or simply 'Member') as used throughout this Constitution includes both the Mayor and the Councillors and any individuals co-opted to Council Committees and Sub-Committees.
3. Only registered voters of the borough or those living or working here in accordance with the relevant legislation will be eligible to stand for election for the office of Mayor or Councillor.

Election and Terms of the Mayor and Councillors

4. The regular elections of Mayor and Councillors will be held every four years, normally on the first Thursday in May. The term of office of the Mayor and Councillors will be four years and will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

Roles and Functions of all Councillors

5. All Councillors will:-
 - a) Collectively be the ultimate policy-makers and carry out a number of strategic functions;
 - b) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
 - c) Effectively represent the interests of their ward and of individual constituents;
 - d) Respond to constituents' enquiries and representations, fairly and impartially;
 - e) Participate in the governance of the Council;
 - f) Be available to represent the Council on other bodies; and
 - g) Maintain the highest standards of conduct and ethics.

Rights and Duties

6. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
7. Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
8. For these purposes “confidential” and “exempt” are defined in the Access to Information Procedure Rules in Part B Section 27 of the Constitution.

Cessation of Membership

9. A Councillor will cease to be a Member if they resign by giving notice in writing, or if they fail to observe the requirement to attend Council meetings as prescribed by section 85 of the Local Government Act 1972 or if they are disqualified from holding office by virtue of section 80 of the Local Government Act 1972 or any other statutory provision.
10. With regard to the requirement to attend meetings, a Councillor must attend at least one relevant meeting during a period of six (6) months to remain qualified to hold office. A relevant meeting includes Council, the Cabinet, any Committee, Sub Committee or external body to which the Councillor has been formally appointed.
11. If a Councillor believes that there is an exceptional and unavoidable reason why they are unable to attend a relevant meeting during a period of six (6) months or to otherwise perform their proper duties as a Councillor for part or all of the same period, the Councillor concerned may seek a dispensation from the Council by writing to the Chief Executive explaining the reason for their unavoidable absence and the period to which the absence will relate. This will be reported to the Council at its next ordinary meeting. The Council will decide whether or not to grant such an exemption to the attendance requirement and will only do so in exceptional circumstances and with evidence that the absence is unavoidable. An exemption cannot be granted if a particular Councillor’s absence has already exceeded six months.

Conduct

12. The Mayor, Councillors and Co-opted Members will at all times observe the Code of Conduct for Members, Member/Officer Protocol, the Licensing and Planning Codes of Conduct and all other Codes and Protocols set out in Part C of this Constitution or otherwise agreed by the Council from time to time.

Allowances

13. The Mayor, Councillors and Co-opted Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme as set out in Part C Section 39 of this Constitution.

Freedom of the Borough

14. Under Section 249(5) of the Local Government Act 1972, the Council has the power to confer honorary freedom of the Borough to persons of distinction and to persons who have, in the opinion of the authority, rendered eminent services to the borough.
15. The title can only be given by a resolution of Council, at a meeting convened for the purpose and the resolution requires a two-thirds majority of the Members present and voting for it to be passed.
16. Similarly, a resolution requires a two-thirds majority of the Members present and voting to rescind a previously made nomination.
17. Awarding the title of Freedom of the Borough does not confer any rights or responsibilities on that individual. The Council may though choose to engage the individual in the civic business of the borough including such events as:
 - Citizenship Ceremonies
 - Civic Awards
 - Civic and remembrance services
18. Under section 249(10), the admission of a person as honorary freedom of the Borough does not carry any right to attend meetings of the Council or its committees or to claim any allowances for attendance at meetings. However, the Council may choose to cover reasonable expenses for attendance at any of the above listed civic events.

7 Council

1. The Council has responsibility for all Non-Executive functions and for approving the budget and policy framework. The Council as a whole also retains responsibility for regulatory functions.

Budget and Policy Framework

2. Policy Framework. The policy framework means the following plans and strategies required to be approved by Council. The table below shows those plans and strategies that are required by statute or the Council to be included in its policy framework:

Document	Relevant Legislation
Crime and Disorder Reduction Strategy	Sections 5 & 6 Crime & Disorder Act 1998
Development Plan Documents as well as Plans and Alterations which together comprise the Development Plan	Section 20 Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 Section 27 Town and Country Planning Act 1990
Licensing Authority Policy Statement	Section 349 Gambling Act 2005
Local Transport Plan	Section 108(3) Transport Act 2000
Youth Justice Plan	Section 40 Crime & Disorder Act 1998

3. With the exception of the Development Plan documents, any plans, strategies, policies or schemes which support a policy framework document will not also be part of the Budget and Policy Framework unless the principal document specifies that it is.
4. **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, (including the recommended Council tax base), setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
5. **Dispute Resolution.** Specific procedures apply where Council does not agree to the Mayor's proposals in respect of budget and policy framework reports. These are set out in the Budget and Policy Framework procedure rules in Section 28 of the Constitution.

Housing Land Transfers

6. Housing Land Transfer means the approval or adoption of applications or a programme of applications (whether in draft form or not) for approval of a programme of disposal of 500 or more properties to a person for which a levy would be payable to the Secretary of State under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

Functions of Council

7. Only Council will exercise the following functions:
 - a) adopting and changing the Constitution (except where the power to make any change is delegated to either the General Purposes Committee or the Monitoring Officer or as set out in Part D of this Constitution);
 - b) approving or adopting the policy framework and the budget;
 - c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part B Section 27 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
 - d) agreeing and/or amending the terms of reference for Committees/ Sub-Committees, deciding on their composition and making appointments to them, subject to any delegations to Committees and/or officers as set out in this Constitution;
 - e) appointing representatives to those external bodies that do not fall to the Mayor to appoint to, unless the function has been delegated by the Council or this Constitution;
 - f) adopting an allowances scheme for Members;
 - g) the determination of matters relating to Community Governance Reviews as set out in the Local Government and Public Involvement in Health Act 2007, unless the matter has been delegated by the Council or this Constitution.
 - h) changing the name of the area, conferring the title of honorary alderman or conferring the freedom of the borough;
 - i) confirming the appointment of the Head of the Paid Service;
 - j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
 - k) adoption and amendment of the authority's Code of Conduct for Members and other Codes and Protocols comprising the ethical framework;

- l) adopting the Council's Pay Policy Statement each year as required by the Localism Act 2011; and agreeing any in-year changes to the Pay Policy Statement.
- m) arranging for the discharge of any other functions of the authority which are not executive functions;
- n) subject to any matters delegated to Committees/ Sub-Committees or officers, determining all local choice functions as described in Part B of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- o) accepting the delegation of a power or function from another local authority; and
- p) all other matters which, by law, must be reserved to Council.

Council Meetings

- 8. There are four types of Council meeting:
 - a) the annual meeting;
 - b) the budget meeting(s),
 - c) ordinary meetings, and
 - d) extra-ordinary meetings,
- 9. They will be conducted in accordance with the Council Procedure Rules in Part B Section 26 of this Constitution.
- 10. The Mayor and all Councillors may attend meetings of Council and may participate as set out in the Council Procedure Rules.

Responsibility for Functions

- 11. As part of this Constitution, the Council will maintain a document setting out the "Responsibilities for the Council's functions" which are not the responsibility of the Executive.
- 12. Decisions relating to the functions listed in the "Responsibilities for the Council's functions" document will be allocated by legislation, therefore, if the legislation changes, the Constitution will be changed by the Monitoring Officer in accordance with delegated powers set out in Part D of the Constitution.
- 13. Subject to Section 3, Paragraph 27, the Council meeting will follow the Council Procedure Rules set out in Part B of this Constitution when considering any matter.

8 The Mayor and the Executive

The Role of the Executive

1. The Executive will carry out all the local authority's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.
2. Subject to Section 3, Paragraph 27, the Mayor and Executive will follow the decision-making procedures set out in Part B of this Constitution when considering any matter.
3. The following parts of the Constitution, insofar as they relate to executive functions, constitute the Executive Arrangements:
 - Section 3 (How decisions are made)
 - Section 8 (The Mayor and the Executive) and Section 29 (Executive Procedure Rules)
 - Section 9 (Overview and Scrutiny Committee and Scrutiny Panels) and Section 30 (Overview and Scrutiny Procedure Rules)
 - Section 12 (Joint Arrangements and Partnership Working)
 - Section 18 (Responsibility for Executive Functions)
 - Section 22 (Terms of Reference – The Executive)
 - Section 27 (Access to Information Procedure Rules)

Form and Composition

4. The Executive will consist of the Mayor and between two and nine Councillors appointed by the Mayor, called Cabinet Members. One of the Cabinet Members will be appointed by the Mayor as the Statutory Deputy Mayor. When the Mayor and Cabinet Members meet together in Committee this is known as a meeting of the Cabinet.
5. The King George's Field Charity Board and the Grants Determination Sub-Committee are also Executive Bodies having executive decision-making powers. The Health and Wellbeing Board also has certain Executive functions

The Mayor

6. The Mayor will exercise strategic political leadership by developing and communicating clearly to citizens, businesses and service users the authority's purpose and vision and its intended policy outcomes. In developing strategic policy the Mayor will work closely with the Chief Executive and have regard to advice tendered.

7. The Mayor will be a person elected to that position by the electors of the borough in the Mayoral election. In the event that a serving Councillor of the London Borough of Tower Hamlets is elected as Mayor, a vacancy shall be declared in that person's Council seat and a by-election shall be held (if required) in accordance with the relevant legislation.
8. The term of office of the Mayor will normally be four years. They will take office on the fourth day after their election and will continue in office until the fourth day after their successor is elected, unless they die, are disqualified or resign.

The Statutory Deputy Mayor

9. The Statutory Deputy Mayor will be a Councillor appointed to that position by the Mayor from among the Cabinet members.
10. The Mayor may replace the Statutory Deputy Mayor at any time but otherwise the Statutory Deputy Mayor shall remain in post for the duration of the Mayor's term of office, unless:
 - a) they resign from office; or
 - b) they are no longer a Councillor
11. The Statutory Deputy Mayor shall have authority to exercise the Mayor's powers only in the event that for any reason the Mayor is unable to act at any time.

Other Executive Members

12. The Mayor shall appoint between two and nine Councillors to be members of the Executive (Cabinet Members) alongside the Mayor. All of the Cabinet Members must be serving Councillors of the authority. The Mayor may allocate to each Cabinet Member a portfolio of responsibility for Council business relating to their role as an Executive Member (see 17-18 below).
13. The Mayor must appoint one of the Cabinet Members as the Statutory Deputy Mayor.
14. The Mayor may replace or remove a Cabinet Member, and/or may vary or delete their portfolio responsibilities, at any time.

15. Executive Members shall hold office until:
 - a) They are removed or replaced by the Mayor;
 - b) They resign from office; or
 - c) They are no longer a Councillor.

16. In the case of a vacancy arising in any post of Cabinet Member the Mayor may appoint a Councillor to the vacant post at his/her discretion.

Cabinet Responsibilities

17. The Executive Members will have portfolios as set out in the Executive Scheme of Delegation within Section 29 of this Constitution.

18. The portfolios may be subject to change from time to time at the discretion of the Mayor and will be updated by the Monitoring Officer as soon as reasonably practicable when so advised by the Mayor.

Proceedings of the Cabinet

19. Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Section 29 of the Constitution.

Responsibility for Functions

20. The Monitoring Officer will maintain a list as part of this Constitution, setting out which individual Cabinet Members or Committees of the Executive, officers or joint arrangements (see Section 29 – Executive Procedure Rules) are responsible for the exercise of particular executive functions.

9 Overview and Scrutiny

1. Overview and Scrutiny provide an important check and balance function to ensure that the decisions of the Executive, Mayor and Cabinet are in the best interests of residents and that the council is providing high quality services.
2. The scrutiny process provides non-executive councillors and co-opted Members with an opportunity to examine the services provided by the council and partner agencies, ask questions on how decisions are made and to consider whether service improvements can be put in place. Members of all political parties can work together in a challenging and constructive way to propose improvements not only to the way the council works, but also to other public services in the local area more generally.

Scrutiny Committees and Sub-Committees

3. Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).
4. Council will appoint a Member to serve as the Chair of the Overview and Scrutiny Committee. The Committee will appoint its own Vice-Chair.
5. The Committee will appoint a Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 (including scrutiny of the local health service) to be known as the Health and Adults Scrutiny Sub-Committee and it may also appoint such other Sub-Committees as the Committee considers appropriate to carry out its work programme. The Overview and Scrutiny Committee will appoint Members as Chairs of any such sub-committees. The Sub-Committees will appoint their own Vice-Chairs.
6. The Overview and Scrutiny Committee and its Scrutiny Sub-Committees will generally meet in public and will conduct their proceedings in accordance with the Procedure Rules in Section 30 of this Constitution.

Scrutiny Leads

7. The Overview and Scrutiny Committee may appoint from amongst its Members, 'Scrutiny Lead Members' with responsibility for specific portfolios.

General Role and Responsibilities

8. Section 30 (Overview and Scrutiny Procedures Rules) sets out in more detail how the Overview and Scrutiny Committee and its Sub-Committees will operate. In summary, their roles include the following:
 - Scrutiny of decisions or actions taken by the executive.
 - Provide advice and reports to the Executive on key issues including making recommendations to Council and/or the Mayor/Executive.
 - Question Members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
 - Liaise with external organisations operating in the area to ensure the interests of local people are enhanced by collaborative working including by reviewing the performance of public bodies in the area and inviting reports from them.
 - Exercise the right to 'call in' for reconsideration decisions made but not yet implemented by the Mayor/Executive.
 - Assist the Council and the Executive in the development of its budget and policy framework and in the in-depth analysis of policy issues.
 - Look to enhance community participation in the development of policy options including through petitions to Scrutiny meetings following the rules set out in the Council's Petition Scheme.

Reporting

9. The Overview and Scrutiny Committee reports annually to Council on its work.
10. The Overview and Scrutiny Committee will report to Council, Cabinet or the Mayor or 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 Council, Cabinet, the Mayor or Cabinet member, as appropriate.

Further Information

11. The following sections of the Constitution contain more information about the Council's Overview and Scrutiny function:
 - Section 19 – Terms of Reference for Council and Committees
 - Section 21 – Terms of Reference for Joint Committees
 - Section 30 – Overview and Scrutiny Procedure Rules
 - Section 53 – Scrutiny Sub-Committee Procedure Rules

10 Regulatory and Non-Executive Committees

1. Council will appoint the Committees set out in Part B to discharge the functions described in the "Responsibility for Functions" information also in Part B.
2. Council will appoint a Member to serve as Chair of each Committee that it appoints under this Section. If the Council does not, the Committee may appoint a Chair from amongst the Members appointed to the Committee by the Council.
3. Each Committee may appoint a Vice-Chair from amongst its Members.
4. Except where prevented in law, or this Constitution, any Committee may establish one or more sub-committees to undertake specific areas of decision making that would normally be the responsibility of the parent Committee.
5. Subject to Section 3, Paragraph 27, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Section 27 of this Constitution as apply to them.

Development Control and Licensing

6. Two regulatory Committees often of general interest to the public are those that deal with Development Control and Licensing.
7. **Development Control** – Tower Hamlets Council is a local planning authority for its area (other than parts of Bromley by Bow and Fish Island which currently fall under the London Legacy Development Corporation). Local Planning Authorities must make a Local Plan for their area and make decisions on planning applications for new development that are submitted.
8. The executive Mayor, Cabinet and full Council are responsible for decisions about the Council's Local Plan. Most decisions on planning applications are made by senior planning officers under powers that are delegated to them. Applications for the largest scale developments or those which have attracted significant public interest are determined by one of the Council's two planning committees - the **Development Committee** and the **Strategic Development Committee**. They make decisions in public, in line with policies in the Council's Local Plan and other development plan documents, such as the London Plan. The Committees will hear representations from members of the public who can register to speak in support of, or in objection to, an application. The terms of reference for both committees are set out in Section 19 of the Constitution."

9. The **Licensing Committee** oversees the discharge of all licensing functions of the Council as the Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (excluding the Council's Statement of Licensing Policy). The Licensing Committee also reviews licensing fees and charges and oversees the Licensing activities of the Environmental Health and Trading Standards Service.
10. The Licensing Committee also has a responsibility to consider and determine matters under Section 2 of the Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 regarding the control of sex establishments within the borough. It also considers and determines matters under the 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.
11. The Licensing Committee establishes **Licensing Sub-Committees** to consider Licensing matters under the Licensing Act 2003. The Sub Committees determine applications to grant, vary a license where representations have been made, or where an application to review a licence has been made. The Sub Committee is established to perform the functions of the Licensing Authority with a view to promoting the four licensing objectives:
 - The prevention of public nuisance
 - The prevention of crime and disorder
 - Public safety
 - The protection of children from harm
12. The meetings are an opportunity for councillors to make a decision based on the points of view of all relevant parties.
13. The Licensing Committee and Licensing Sub-Committee Terms of Reference are at Part B Section 19 and the Licensing Code of Conduct is at Part C Section 34.

11 The Standards Advisory Committee and the Code of Conduct for Members

Code of Conduct

12. In accordance with the requirements of the Localism Act 2011 the Council has adopted a Code of Conduct for Members together with arrangements for dealing with any complaint of a breach of the Code including the appointment of an Independent Person. The Code of Conduct and the arrangements for dealing with any complaint of a breach of the Code are set out at Part C, Section 31 of this Constitution.

Standards Advisory Committee

13. In order to promote and maintain high standards of conduct, the Council at its Annual Meeting will establish a Standards Advisory Committee using its powers under section 102(4) of the Local Government Act 1972.
14. The Standards Advisory Committee shall have the power to create sub-committees in order to discharge its advisory role.
15. The Standards Advisory Committee's composition shall be set out in its Terms of Reference. It includes Councillors and Independent Co-opted Members (but may not include the Mayor or more than one Cabinet Member).
16. The Standards Advisory Committee has a set of procedures which govern its arrangements. These are set out Part B Section 19 and Part D Section 53.

Independent Persons

17. The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the Standards Advisory Committee but may attend and observe any meeting of the Committee or a sub-committee established by it.

12 Joint Arrangements and Partnership Working

Arrangements to Promote Well-Being.

1. The Council or the Executive in order to promote or improve the economic, social or environmental well-being of the whole or any part of the borough, may:
 - a) enter into arrangements or agreements with any person or body;
 - b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
 - c) exercise on behalf of that person or body any functions of that person or body.

Joint Arrangements

2. The Council, or any officer delegated under the Council's Scheme of Delegation, may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions in any of the participating authorities, or advise the Council on any matter. Such arrangements may involve the appointment of a joint Committee with these other local authorities and/ or their Executives.
3. The Mayor or Executive may establish joint arrangements with one or more local authorities to exercise functions that are executive functions. Such arrangements may involve the appointment of joint Committees with these other local authorities and/ or their Executives.
4. The Mayor or Executive may only appoint Executive Members to a joint Committee except where:
 - i. the joint committee is discharging a function in relation to five or more relevant authorities; or
 - ii. the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee,
5. Every person appointed to the joint committee by the Executive may be a member of the Executive or of the Council.
6. The political balance requirements do not apply to the appointments in 4 and 5 above.

Current Joint Committees

7. Pursuant to section 101 of the Local Government Act 1972 and section 9EB of the Local Government Act 2000 the Council is a member of a number of joint committees under the umbrella of London Councils (formerly known as the Association of London Government or the ALG). These are-
 - London Councils' Committee (known as the Leaders' Committee)
 - London Councils' Grants Committee
 - London Council's Pensions CIV Sectoral Joint Committee
 - London Councils' Transport and Environment Committee
8. Additionally, the Council is also a member of the following joint committees:
 - Inner North East London Joint Health Overview and Scrutiny Committee
 - Joint Committee of the Six Growth Boroughs
 - London Housing Consortium
9. These Joint Committees shall have delegated authority to discharge the functions of the Council as per the terms of reference for these joint committees as set out in Part B of this Constitution.

Access to Information

10. Access to information rules are contained in the Access to Information Procedure Rules in Part B of the Constitution.
11. If all the members of any joint Committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
12. If the joint Committee contains Members who are not on the Executive of any participating authority the access to information rules in Part V of the Local Government Act 1972 will apply.

Delegation to and from Other Local Authorities

13. The Council or the Mayor or Executive or any officer delegated under the Council's Scheme of Delegation may delegate their powers and functions to another local authority or, in certain circumstances, the Executive of another local authority.
14. The decision whether or not to accept such a delegation from another local authority shall be for Council or the Mayor or Executive or officer delegated

under the Council's Scheme of Delegation as appropriate depending upon whether or not the powers or functions are the responsibility of the Executive.

Contracting Out

15. The Mayor or Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, providing there is no delegation of the Council's discretionary decision making.

Partnership Working – General Arrangements

16. The Tower Hamlets Strategic Partnership brings together all of the key stakeholders in the borough – residents, the Mayor and Council, Police, the health service, other public services, voluntary and community groups, faith communities and businesses – with the aim of working together to improve the quality of life of people who live and work in the borough. The Council provides support for the administration of the Partnership but the Partnership is independent of the local authority.
17. The Partnership delivers its vision through The Tower Hamlets Plan 2018-23, which has the key objective - tackling inequality by building a strong, inclusive and fair borough – as well as four themes:
 - A better deal for children & young people – this is about ensuring young people are supported to build on their aspirations and achieve their full potential.
 - Good jobs and employment – this is about helping people be job ready by taking up the skills training available, as well as working with employers to make sure they have practises in place which support the community, through inclusive recruitment, responsible employment and fair access to jobs.
 - Strong, resilient and safe communities – this is about ensuring people are active, and reducing isolation and the fear of crime.
 - Better health and wellbeing – person-centred care, empowering people to live on their own independently. It's about improving the quality of life for our residents, tackling health inequalities and managing demand for services.
18. In order to deliver its vision, the Partnership will review and establish arrangements to support its operation including executive support, development and delivery of initiatives, engagement with stakeholders as well as performance management.

13 Officers of the Council

Appointments

1. General. The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
2. Chief Officers. The Council will engage persons for the following posts who will be designated chief officers:
 - Chief Executive (designated Head of Paid Service)
 - Corporate Director, Children and Culture
 - Corporate Director, Governance (designated Monitoring Officer)
 - Corporate Director, Health, Adults and Community
 - Corporate Director, Place
 - Corporate Director, Resources (designated Chief Finance Officer)
3. The above posts may be subject to change from time to time in which case this Constitution will be updated as soon as reasonably practicable to reflect any change in the designated chief officers.
4. **The Management Structure.** Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out below.

Conduct

5. Officers will comply with the Employees' Code of Conduct and the Member/ Officer Relations' Protocol set out in Part C of this Constitution.

TOWER HAMLETS COUNCIL CURRENT ORGANISATIONAL STRUCTURE

**Chief Executive
Will Tuckley**

**Corporate Director,
Resources
Neville Murton**

Divisional Director,
Finance,
Procurement and
Audit
Kevin Bartle

Head of Project
Management Office
Teresa Heaney

Divisional Director,
HR and
Organisational
Development
Amanda Harcus

Divisional Director, IT
Adrian Gorst

Head of Internal Audit,
Fraud and Risk
Paul Rock

Head of Revenues
Roger Jones

Head of Benefits
Steve Hill

Divisional Director,
Customer Services
Shazia Hussain

**Corporate Director,
Place
Ann Sutcliffe**

Divisional Director,
Property and Major
Programmes
(interim)
Alan McCarthy /
Jane Abraham

Divisional Director,
Growth & Economic
Development
Vicky Clark

Divisional Director,
Housing
Karen Swift

Divisional Director
Planning and
Building Control
David Williams
(Acting)

Divisional Director,
Public Realm
Dan Jones

Town Hall
Development Team

Tower Hamlets
Homes
Chief Executive
Susmita Sen

**Corporate Director, Health,
Adults and Community
Denise Radley**

Divisional Director,
Adult Social Care
Claudia Brown

Divisional Director,
Community Safety
Ann Corbett

Director of Public
Health
Somen Banerjee

Joint Director of
Integrated
Commissioning
Warwick Tomsett

**Corporate Director,
Children & Culture
Debbie Jones**

Divisional Director,
Children's Social
Care
Richard Baldwin

Divisional Director,
Education and
Partnership
Christine McInnes

Divisional Director,
Sports, Leisure and
Culture
Judith St. John

Divisional Director
Youth and Children's
Commissioning
Ronke Martins-Taylor

**Corporate Director,
Governance
Asmat Hussain**

Divisional Director,
Communications &
Marketing
Andreas
Christophorou

Divisional Director,
Strategy, Policy and
Performance
Sharon Godman

Divisional Director,
Legal
Janet Fasan

Superintendent
Registrar
Kathy Constantinou

Head of Electoral
Services
Robert Curtis

Head of Mayor's
Office
David Courcoux

Head of Information
Governance
Ruth Dowden

Head of Democratic
Services
Matthew Mannion

14 Finance, Contracts and Legal Matters

Financial Management

1. The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part C of this Constitution.

Contracts

2. Every contract made by the Council shall be in writing and will comply with the Contracts Procedure Rules set out in Part C of this Constitution.

Legal Proceedings

3. The Corporate Director, Governance is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider such action is necessary to protect the Council's interests. They may designate nominated officers to carry out this function on their behalf.

Authentication of Documents

4. Where a document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Corporate Director, Governance or any person authorised by them, unless any enactment requires otherwise, or the Council has given requisite authority to some other person.
5. Contracts with a value exceeding £250,000 must either be signed by at least two officers of the authority. Subject to the provisions of Paragraph 7 below they may also be signed or under the common seal of the Council attested by at least one officer.
6. For the avoidance of doubt any document that is required to be signed, may be signed by any authorised person by any form of electronic signature.

Common Seal of the Council

7. The Common Seal of the Council will be kept in a safe place in the custody of the Corporate Director, Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Corporate Director, Governance generally requires all documents to be signed in accordance with the provisions of Paragraphs 4, 5 and 6 above, but has the discretion to require in certain circumstances that the Council's Common Seal will be affixed to some documents. The Common Seal will be affixed to those documents which in the opinion of the

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

Retention of Documents

8. The Corporate Director, Governance may declare that any document required to be retained by the Council may be retained either jointly with a paper copy of such document, or in electronic format only.

15 Suspending, Interpreting and Changing the Constitution and Changes to Executive Arrangements

Suspension of the Constitution

1. **Limit to Suspension.** The Rules specified below may be suspended by bodies indicated to the extent permitted within those Rules and the law.
2. **Procedure to Suspend.** A motion to suspend any Rules will not be moved without notice unless at least half ($\frac{1}{2}$) of the voting members of the meeting in question are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution.
3. **Rules Capable of Suspension.** The following Rules may be suspended:
 - i. Council Procedure Rules (Council as well as Cabinet and all other Committees and Sub-committees to which Rule 23 of the Council Procedure Rules applies)
 - ii. Budget and Policy Framework Procedure Rules (Council)
 - iii. Overview and Scrutiny Procedure Rules (Overview and Scrutiny Committee)
 - iv. Any Committee / Body Procedure Rules listed in Part D.

Interpretation

4. The ruling of the Speaker of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretations will have regard to the purposes of this Constitution contained Section 1.

Publication

5. The Monitoring Officer will ensure (1) that the Constitution is published on the Council's website and that copies are available for inspection at the Town Hall; and (2) can be purchased by members of the local press and the public on payment of a reasonable fee.
6. The Monitoring Officer will ensure the Constitution is made available to all Members and citizens and is updated as necessary.
7. For the avoidance of doubt, where authority to make changes to any part of the constitution has been delegated to the Monitoring Officer, or any other officer, the change will be published direct to the website via the officer decision portal.

Reviews of the Constitution

8. The Officer scheme of delegation sets out the Monitoring Officer's responsibility for reviewing and maintaining an up to date Constitution.

Changes to the Constitution

9. The Monitoring Officer can approve all non-material changes to the Constitution including those that reflect decisions taken by the Council or changes in legislation or to correct matters of fact;
10. The Monitoring Officer can recommend to Council or General Purposes Committee for approval any material changes to Parts A to C of the Constitution with the exception of the Executive Scheme of Delegation (Section 30) which will be amended by the Monitoring Officer should the Mayor amend his Executive Scheme of Delegation.
11. The introduction to Part D of the Constitution sets out the delegated authority to amend each Part D Section. Unless indicated otherwise, the Monitoring Officer has delegated authority to amend Part D documents in consultation with the Chief Executive.
12. All Sections of the Constitution remain in place unless explicitly revised or removed.

Change of Executive Arrangements

13. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change to its Executive Arrangements.

Part B – Responsibility for Functions and Decision Making Procedures

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Post Holder: Head of Democratic Services

16 Responsibility for Council Functions

1. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
2. The functions derive from specific legislation and cannot be the responsibility of the Executive. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 19.
3. The 'Responsibility for Council Functions' Section 43 in Part D of the Constitution sets out the Council's agreed delegation of powers.
4. These functions derive from specific legislation. When changes to legislation require it, the Monitoring Officer will update the Council Functions' Section necessary.

17 Responsibility for Council Functions – Local Choice – Local Act Functions and Other Local Choice Functions

1. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
2. This Section includes functions which the Council can choose to set as Executive or Non-Executive Functions. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 19.
3. The 'Responsibility for Council Functions – Local Choice – Local Act Functions and Other Local Choice Functions' Section 44 in Part D of the Constitution sets out the Council's agreed delegation of powers.
4. Any changes to whether these are Executive or Non-Executive functions must be agreed by Council.

18 Responsibility for Executive Functions

General

1. The Executive is responsible for all functions of the authority that are not reserved to the Council by the law or by this Constitution.

Executive Functions – Local Choice – Local Act Functions

2. None – the Council has determined that all local choice functions under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) shall be allocated to the Council.

3. Executive Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>1. In relation to or in support of an Executive function only, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than –</p> <ul style="list-style-type: none"> • the authority; • a joint committee of two or more authorities; or <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p>As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2000/ 2853) as amended.</p>	<p>The Mayor, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member.</p> <p>NB: This function in relation to or in support of a Council function, or in relation to any appointment of a Councillor to a paid position other than that of Cabinet Member, is allocated to the Council (see Part B Section 19)</p>

4. Other Executive Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Representing the Borough in Civil Protection and Emergency Planning matters under the Act.	Civil Contingencies Act 2004	Chief Executive or such persons as they delegate in their absence

Responsibility for Executive Functions

5. All executive functions of the Council are vested in the Mayor. The Mayor may exercise those functions themselves or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time. The Mayor may exercise those functions themselves or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time.
6. The Mayor will provide the Monitoring Officer with a list (“the Executive Scheme of Delegation”) setting out who of the following (not specified in the delegations contained in Paragraphs 3 and 4 above) are responsible for particular Executive functions.
 - The Mayor and Cabinet collectively; or
 - an individual Cabinet Member; or
 - a committee of the Cabinet; or
 - an officer; or
 - a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or
 - through joint arrangements.
7. If the Mayor amends the Executive Scheme of Delegation the Mayor must provide the Monitoring Officer with an updated scheme within five working days.
8. In the event that the Mayor wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, they will first take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.

19 Terms of Reference – Council and Committees

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

1. The Council has established a number of Committees, Sub-Committees, Boards and Panels with delegation powers and/or responsibility for various functions of Council. Summary terms of reference are included below setting out the powers of each body. Where useful, more detailed procedures and processes are set out in Part D of the Constitution.
2. The Council has established the following bodies:
3. Council
4. Audit Committee
5. Appointments Sub-Committee
6. Children and Education Scrutiny Sub-Committee
7. Development Committee
8. Employee Appeals Sub-Committee
9. General Purposes Committee
10. Health and Adults Scrutiny Sub-Committee
11. Housing and Regeneration Scrutiny Sub-Committee
12. Licensing Committee
13. Licensing Sub-Committee
14. Overview and Scrutiny Committee
15. Pensions Committee
16. Strategic Development Committee
17. Standards Advisory Committee
18. Tower Hamlets Health and Wellbeing Board

NB In the absence of any express statutory prohibition to the contrary, all Council bodies listed from 4 onwards 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 under the above provision, the Committee shall appoint a Member to serve as Chair of the Sub-Committee. If the Committee does not do so, the Sub-Committee may appoint its own Chair from amongst the Members appointed by the Committee to the Sub-Committee. Each Committee, Sub-Committee may appoint a Vice-Chair from amongst its membership.

3. Council

<p>Summary Description: The Council is responsible for all Non-Executive functions and for approving the budget and policy framework.</p> <p>The Council is responsible for a range of functions that it alone may carry out. These are listed below. The Council also provides a forum for questioning and debate with the Executive including the consideration of petitions as set out in the Council Procedure Rules.</p>	
<p>Membership: All elected Members of the Authority and the Executive Mayor.</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>1. Constitutional Functions</p> <p>(a) All functions set out in Part A Section 7 of this Constitution</p> <p>(b) Adopting or amending the Council's Constitution</p> <p>(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</p> <p>(d) Budget and Policy Framework Functions</p> <p>(e) All functions relating to the adoption of the budget and policy framework, as set out in Part A Section 7</p> <p>(f) Taking decisions in respect of functions which are not in accordance with the policy and budget framework</p>	<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>
<p>2. Committee Functions</p> <p>(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</p> <p>(b) Making appointments under section 102 (appointment of Committees) of the 1972 Act</p>	<p>Appointments to committees:</p> <p>(a) General Purposes Committee</p> <p>(b) Corporate Director, Governance</p>
<p>3. Power to promote or oppose local or personal Bills</p> <p>(a) Pursuant to Section 239 of the Local Government Act 1972</p>	<p>None</p>
<p>4. Members' Allowance Scheme</p> <p>(a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme</p>	<p>None</p>
<p>Quorum: Twelve voting Members of Council</p>	
<p>Additional Information is contained in:</p> <ul style="list-style-type: none"> • Constitution Part B Section 26 Council Procedure Rules • Constitution Part B Section 28 Budget and Policy Framework Procedure 	

4. Audit Committee

Summary Description:	
<p>The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.</p> <p>The purpose of the Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p>	
Membership: Eight Councillors. The Audit Committee shall not be chaired by a Member of the Executive.	
Functions	Delegation of Functions
<u>Governance, Risk and Control</u>	None
1. To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.	
2. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.	None
3. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.	None
4. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.	None
5. To monitor the effective development and operation of risk management in the Council.	None
6. To monitor progress in addressing risk-related issues reported to the committee.	None
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.	None
8. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	None
9. To monitor the counter-fraud strategy, actions and resources.	None
10. To review the governance and assurance arrangements for significant partnerships or collaborations.	None
<u>Internal audit</u>	None
11. To approve the internal audit charter.	
12. To review proposals made in relation to the appointment of external providers of internal audit services.	None
13. To approve the risk-based internal audit plan, including	None

internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.	None
15. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.	None
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.	None
17. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include: <ul style="list-style-type: none"> a. Updates on the work of internal audit including key findings, issues of concern and management actions as a result of internal audit work. b. Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP). c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and the associated Local Government Application Note (LGAN) published by the Chartered Institute of Public Finance and Accountancy (CIPFA) considering whether the non-conformance is significant enough that it must be included in the AGS. 	None
18. To consider the Head of Internal Audit's annual report, including: <ul style="list-style-type: none"> a. The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement. b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS. 	None
19. To consider summaries of specific internal audit reports as requested.	None
20. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the	None

implementation of agreed actions.	
21.To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.	None
22.To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.	None
23.To provide free and unfettered access to the Audit Committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.	None
24.To commission work from internal audit.	None
<u>External audit</u>	None
25.To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.	
26.To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	None
27.To consider specific reports as agreed with the external auditor.	None
28.To comment on the scope and depth of external audit work and to ensure it gives value for money.	None
29.To commission work from external audit.	None
30.To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	None
<u>Financial reporting</u>	None
31.To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	
32.To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	None
<u>Accountability arrangements</u>	None
33.To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.	
34.To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.	None
35.To publish an annual report on the work of the committee.	None
Quorum: Three Members of the Committee	

5. Appointments Sub-Committee

Summary Description: Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine senior officer appointments.	
Membership: Membership will be selected afresh for each appointment process and will consist of (i) Four Members selected by the Leader of the Labour Group, at least one of whom must be the Mayor or member of the Executive and (ii) One Member selected by the Leader of the Conservative Group.	
Functions	Delegation of Functions
1. To determine Chief Officer and Deputy Chief Officer appointments. <ul style="list-style-type: none">•	None
Quorum: Any three Members of the Sub-Committee	

6 Children and Education Scrutiny Sub-Committee

<p>Summary Description: The Children and Education Scrutiny Sub-Committee has been established to scrutinise the provision, planning and management of children and young people’s services – including children’s social care; safeguarding children; children in care; SEN and education inclusion, troubled families and the Youth Offending Service (YOS) education, learning and schools; youth services; early years; education capital estate and youth & play services.</p>	
<p>Membership: 6 non-executive councillors – the chair and five councillors; and 6 co-opted members (consisting of: - a Church of England and a Roman Catholic representative; 3 Parent Governor representatives under paragraph 7 of Schedule A1 to the Local Government Act 2000; and a Muslim faith representative).</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council’s children social care and education functions;</p>	<p>None</p>
<p>2. Advising the Mayor or Cabinet of key issues/questions arising in relation to children and education reports due to be considered by the Mayor or Cabinet;</p>	<p>None</p>
<p>3. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of children and education functions;</p>	<p>None</p>
<p>4. Delivering (3) 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;</p>	<p>None</p>
<p>5. 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;</p>	<p>None</p>
<p>6. Considering children and education 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</p>	<p>None</p>
<p>7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work.</p>	<p>None</p>
<p>Quorum: Three voting Members</p>	
<p>Additional Information: Is contained in:</p> <ul style="list-style-type: none"> • Constitution Part A Section 9 (Overview and Scrutiny) • Constitution Part B Section 30 (Overview and Scrutiny Procedure Rules) • Constitution Part D Section 53 (Children and Education Scrutiny Sub-Committee Procedure Rules) 	

7. Development Committee

<p>Summary Description: To determine applications for planning permission and listed building consent which have triggered over 20 representations (for or against) and/or that meet certain criteria with regards to size amongst other issues. Note that certain applications exceed the remit of the Development Committee and these are considered by the Strategic Development Committee.</p>	
<p>Membership: 7 Councillors (each political group may appoint up to 3 substitutes).</p>	
Functions	Delegation of Functions
<p>1. Applications for planning permission</p> <p>A. To consider and determine recommendations from the Corporate Director, Place to GRANT planning permission for applications made under the Town and Country Planning Act 1990 (as amended); that meet any one of the following criteria:</p> <ul style="list-style-type: none"> (i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential units or live-work units. (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. (iii) Retail development with a gross floor space exceeding 5,000 square metres. (iv) Proposals involving buildings on Metropolitan Open Land with a gross floor space exceeding 100 square metres. (v) If in response to the publicity of an application the Council receives in writing, by email or other electronic form 20 or more individual representations; or a petition (received from residents of the borough whose names appear in the Register of Electors, business addresses in the borough or local Councillors) 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 by completing a legal agreement. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place. <p>B. To consider and determine recommendations from the</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> <ul style="list-style-type: none"> (i) these are expressly delegated to her/him; or (ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15

<p>Corporate Director, Place to REFUSE planning permission for applications made under the Town and Country Planning Act 1990 (as amended), where in response to the publicity of an application the Council has received in writing, by email or other electronic form, more 20 or more individual representations supporting the development or a petition in the form detailed in part 1.A. (v) supporting the proposed development. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place.</p> <p>C. To consider and determine recommendations from the Corporate Director of Place to GRANT permission for applications seeking minor material amendments to a planning permission previously determined by the Development Committee, where as a result of publicity any of the criteria in 1.A.(v) apply and the representations received relate directly to matters arising from the proposed amendments and not the original permission.</p>	
<p>2. Applications for listed building consent</p> <p>To consider and determine recommendations from the Corporate Director, Place to GRANT listed building consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 where any of the criteria in 1.A.(i)-(v) apply; and/or an objection has been received from either the Historic Buildings and Monuments Commission for England (known as Historic England) and/or one of the statutory amenity societies and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse listed building consent.</p>
<p>3. Applications for hazardous substance consent</p> <p>To consider and determine recommendations from the Corporate Director, Place to GRANT hazardous substance consent for applications made under the Planning (Hazardous Substances) Regulations 2015 where the criteria in 1.A(v) apply and/or an objection has been received from any of the consultation bodies listed in the Regulations and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse hazardous substance consent.</p>
<p>4. Observations to other planning authorities</p> <p>To respond to requests for observations on planning applications referred to the Council by other local authorities, Development Corporations the Mayor of London, Government</p>	<p>As above</p>

<p>Departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or would raise especially significant borough-wide issues.</p>	
<p>5. General</p> <p>A. To consider any application or other planning matter referred to the Committee by the Corporate Director, Place including pre-application presentations (subject to the agreed protocol) where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).</p> <p>B. To consider any matter which would otherwise be referred to the Strategic Development Committee but which the Corporate Director, Place, following consultation with the Chairs of both Committees, considers should more appropriately be considered by the Development Committee.</p>	<p>None</p>
<p>Note - It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</p>	
<p>Quorum: 3 Members of the Committee</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C Section 35 (Planning Code of Conduct) • Constitution Part D Section 53 (Guidelines for Determining Planning Applications under the Town and Country Planning Act 1990) • Constitution Part D Section 53 (Development Committee Procedure Rules) 	

8. Employee Appeals Sub-Committee

Summary Description: An Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine appeals by employees under human resources procedures requiring a member level decision such as appeals against dismissal.

Membership: A panel of three members will be appointed on an ad-hoc basis for each employee appeal from a pool of all Members and Substitutes of the General Purposes Committee.

Functions	Delegation of Functions
<ol style="list-style-type: none"> 1. To determine appeals by employees requiring a Member level decision. <ul style="list-style-type: none"> • 	None

Quorum: Any three Members of the Sub-Committee

9. General Purposes Committee

Summary Description: The Committee is responsible for a range of non-executive functions including matters such as; electoral matters, personnel issues and byelaws, that have not been delegated to other Committees.	
Membership: 9 Councillors	
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	-
1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including: (a) the provision of assistance at European Parliamentary elections; (b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and (c) 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
2. 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 Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution
3. To recommend to Council the introduction, amendment or revocation of byelaws	None
4. Appointment and revocation of local authority school governors	None
5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee

	appointments in accordance with Section 24 of this Constitution
6. To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer	
7. To determine major policy on the terms and conditions on which staff hold office within allocated resources	
8. 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	
9. 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	The Monitoring Officer and the Divisional Director, Human Resources are authorised to appoint members to Appointment Sub-Committees in line with the Governance Directorate Scheme of Delegation in Part D of the Constitution
10. To make recommendations to Full Council on the appointment of the Head of Paid Service	
11. 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	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution.
12. 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: (a) Education awards appeals; (b) Appeals by governing bodies; (c) Appeals by employees under human resources procedures requiring a Member level decision; and	

<p>13. Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval</p>	
<p>14. 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>	<p>The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution.</p> <p>The Divisional Director of Human Resources is authorised to appoint Members to Employee Appeals Sub-Committees in line with the Governance Directorate Scheme of Delegation as set out in Part D of the Constitution</p>
<p>15. 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> <ul style="list-style-type: none"> • 	<p>None</p>
<p>16. 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 B Section 24 of this Constitution</p>	<p>None</p>
<p>Quorum: 3 Members of the Committee</p>	

10. Health and Adults Scrutiny Sub-Committee

<p>Summary Description: The Health and Adults Scrutiny Sub-Committee has been established to undertake the Council's responsibilities in respect of Scrutinising local health services and adult social care, covering services provided by the Council as well as those provided by the Council's partners.</p>	
<p>Membership: 6 non-executive councillors – the chair and five councillors.</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's health and adult social care functions</p>	<p>None</p>
<p>2. Advising the Mayor or Cabinet of key issues/questions arising in relation to health and adult social care reports due to be considered by the Mayor or Cabinet</p>	<p>None</p>
<p>3. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of health and adult social care functions</p>	<p>None</p>
<p>4. Delivering (3) 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</p>	<p>None</p>
<p>5. 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</p>	<p>None</p>
<p>6. Considering health and adult social care 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</p>	<p>None</p>
<p>7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work</p>	<p>None</p>
<p>8. To discharge the Council's Scrutiny functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Including to:</p> <ul style="list-style-type: none"> • 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; • Respond to consultation exercises undertaken by an NHS body; and • Question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services. 	<p>None</p>
<p>Quorum: Three voting Members</p>	
<p>Additional Information: Is contained in:</p> <ul style="list-style-type: none"> • Constitution Part A Section 9 (Overview and Scrutiny) • Constitution Part B Section 30 (Overview and Scrutiny Procedure Rules) • Constitution Part D Section 53 (Health and Adults Sub-Committee Procedure Rules) 	

11. Housing and Regeneration Scrutiny Sub-Committee

Summary Description: The Housing and Regeneration Scrutiny Sub-Committee will undertake overview and scrutiny pertaining to housing management and planning matters, as well as regeneration strategy and sustainability, including economic development, regeneration and inequality; and employment strategy and initiatives and skills development.	
Membership: 6 non-executive councillors – the chair and five councillors	
Functions	Delegation of Functions
1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council’s housing and regeneration functions;	None
2. Advising the Mayor or Cabinet of key issues/questions arising in relation to housing and regeneration reports due to be considered by the Mayor or Cabinet;	None
3. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of housing and regeneration functions;	None
4. Delivering (3) 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;	None
5. 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;	None
6. Considering housing and regeneration 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	None
7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work.	None
Quorum: Three voting Members	
Additional Information: Is contained in: <ul style="list-style-type: none"> • Constitution Part A Section 9 (Overview and Scrutiny) • Constitution Part B Section 30 (Overview and Scrutiny Procedure Rules) • Constitution Part D Section 53 (Housing and Regeneration Scrutiny Sub-Committee Procedure Rules) 	

12. Licensing Committee

<p>Summary Description: The Committee is responsible for discharging the licensing functions of the council including determining Licensing policy/procedure (excluding the Council's statement of policy) as well as licensing fees and charges.</p> <p>The Licensing Committees will appoint a Sub-Committee to undertake the determination of many functions such as the review and approval of alcohol licence applications.</p>	
<p>Membership: 15 Members of the Council. No substitute members may be appointed for this committee</p>	
Functions	Delegation of Functions
<p>1. 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</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine any applications for licences not specifically reserved to the Licensing Committee by these terms of reference</p>
<p>2. 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 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</p>	<p>The Corporate Director, Place (or any officer authorised by them) 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</p>
<p>3. To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005</p>	<p>None</p>
<p>4. To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</p>	<p>None</p>
<p>5. To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act</p>	<p>The Corporate Director, Place (or any officer authorised by them) has</p>

<p>1982 (as amended) regarding the control of sex establishments within the Borough</p>	<p>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</p>
<p>6. 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</p>	<p>The Corporate Director, Place (or any officer authorised by them) 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</p>
<p>7. To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Section 16; Local Choice, Local Act Functions which are set out in Section 17 of the Constitution; and Other Local Choice Functions which are set out in Section 17 of the Constitution where the Function has been specifically delegated to the Licensing Committee</p>	<p>The Corporate Director, Place (or any officer authorised by them) 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</p>
<p>8. To determine fees and charges for the issue, approval, consent, licence, permit or other registration in respect of Licensing and Registration Functions as set out in Section 16; Local Choice, Local Act Functions which are set out in Part Section 17 of the Constitution; and Other Local Choice Functions which are set out in Section 17 of the Constitution for which the Committee has responsibility</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to determine fees for premises licences in respect of gambling</p>
<p>Quorum: 3 Members of the Committee</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part C, Section 34 (Licensing Code of Conduct) • Licensing procedure rules Part D Section 53 	

13 Licensing Sub-Committee

<p>Summary Description: This sub-committee of the Licensing Committee meets to determine a number of licensing matters such as to grant, review or vary a license submitted under the Licensing Act 2003.</p>	
<p>Membership: The membership for each individual meeting is made up of any three Member of the Licensing Committee.</p>	
<p>Functions The Sub Committee(s) shall consider applications submitted in accordance with the requirements of the Licensing Act 2003, including:</p>	<p>Delegation of Functions</p>
<p>1. Determination of applications for a premises licence where representations have been made (Section 18(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>2. Determination of applications for provisional statements where representations have been made (Section 31(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>3. Determination of applications to vary a premises licence where representations have been made (Section 35(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>4. Determination of applications to vary a premises licence to specify an individual as premises supervisor following police objection (Section 39(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>5. Determination of applications for transfer of a premises licence following police objection (Section 44(5) of the Licensing Act 2003)</p>	<p>None</p>
<p>6. Consideration of police objection made to interim authority notice (Section 48(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>7. Determination of applications for a review of a premises licence (Section 52(2) of the Licensing Act 2003)</p>	<p>None</p>
<p>8. Determination of interim steps pending summary review (Section 53A(2)(a) or 53B Licensing Act 2003)</p>	<p>None</p>
<p>9. Determination of applications for club premises certificate where representations have been made (Section 72(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>10. Determination of applications to vary a club premises certificate where representations have been made (Section 85(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>11. Determination of applications for review of a club premises certificate (Section 88(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>12. Determination of counter notice following objection to a temporary event notice (Section 105(2) of the Licensing Act 2003)</p>	<p>None</p>

13. Determination of applications for grant of a personal licence following police objection (Section 120(7) of the Licensing Act 2003)	None
14. Determination of personal licence where convictions come to light after the grant or renewal of the personal licence (Section 124(4) of the Licensing Act 2003)	None
15. Determination of the review of a premises licence following a closure order (Section 167(5) of the Licensing Act 2003)	None
Quorum: 3 Members of the Sub-Committee	
Additional Information: <ul style="list-style-type: none"> • Constitution Part C, Section 34 (Licensing Code of Conduct) • Licensing procedure rules Part D Section 53 	

14. Overview and Scrutiny Committee

Summary Description: The Council will appoint an Overview and Scrutiny Committee to discharge the functions:

1. to review or scrutinise decisions made in connection with the discharge of Executive functions;
2. to make reports or recommendations to the Council or Cabinet with respect to the discharge of Executive functions;
3. to review or scrutinise decisions made in connection with the discharge of non-executive functions; and
4. to make reports or recommendations to the Council or to Cabinet on matters affecting the Council's area or its citizens.
5. Grants scrutiny will be the responsibility of the OSC committee, under the remit of the Scrutiny Lead for Resources.

The aim is to make the decision-making process more transparent, accountable and inclusive, and improve services for people by being responsive to their needs.

Membership: 9 non-executive councillors – including the chair and leads from Sub Committees.

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 Sections 9 and 30 of the Constitution	None
2. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's functions	None
3. Advising the Mayor or Cabinet of key issues/questions arising in relation to reports due to be considered by the Mayor or Cabinet	None
4. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of its functions	None
5. Delivering (3) 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	None
6. 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	None
7. Considering strategic 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	None

<p>8. In accordance with the Council's Petition Scheme:</p> <p>(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</p> <p>(b) To undertake a review if a petition organiser feels the authority's response to their petition was inadequate</p>	None
<p>9. On behalf of the Council to establish and make appointments to any joint overview and scrutiny committee</p>	None
<p>Quorum: Three members of the Committee</p>	
<p>Additional Information: Is contained in:</p> <ul style="list-style-type: none"> • Constitution Part A Section 9 (Overview and Scrutiny) • Constitution Part B Section 30 (Overview and Scrutiny Rules) 	

15. Pensions Committee

Summary Description: 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.	
Membership: 7 Councillors; plus 1 representative of the Admitted Bodies and 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: 3 Members of the Committee	
Additional Information:	
<ul style="list-style-type: none"> • Constitution Part D, Section 53 (Pensions Committee Meeting Procedure Rules) 	

16. Strategic Development Committee

Summary Description: To determine larger-scale major or strategic planning matters, within and exceeding the remit of the Development Committee in terms of size and scale amongst other issues.	
Membership: 8 Councillors	
Functions	Delegation of Functions
<p>1. To consider any matter listed within the terms of reference of the Development Committee (including minor material amendments and observations to neighbouring authorities and the Mayor of London) where any one of the following applies:</p> <ul style="list-style-type: none"> (a) Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames) (b) Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area (c) Applications for employment floor space on sites of more than 4 hectares (d) Major infrastructure developments (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 (f) Applications on Metropolitan Open Land involving buildings with a gross floor space exceeding 1000 square metres (g) Applications for developments including 200 or more car parking spaces (h) Legal proceedings in relation to the matter are in existence or in contemplation (i) Three or more members of the Development Committee are disqualified in some way from participating in the decision (j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee (k) To consider any application or other planning matter, including pre-application presentations (subject to the agreed protocol) referred to the Committee by the Corporate Director, Place where they consider it appropriate to do so (for example, if especially significant strategic issues are raised) 	None
Note: It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria	
Quorum: 3 Members of the Committee	
Additional Information: Constitution Part C Section 35 (Planning Code of Conduct)	

17. Standards Advisory Committee

Summary Description: The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the 'Functions' below.

The Committee and any of its sub-committees may meet in private in accordance with 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.

Membership: 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),

Co-opted Members

Plus up to 5 independent co-opted members.

Co-opted members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.

Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

Note – Independent Persons

The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

Functions	Delegation of Functions
<p>Full details are set out in the Committee's Procedures in Part D of the Constitution, but in summary:</p> <ol style="list-style-type: none"> 1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council. 2. Advising the Council on the adoption or revision of the Code of Conduct for Members. 	<p>None</p>

- | | |
|---|--|
| <ol style="list-style-type: none"> 3. To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law. 4. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct. 5. To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the code of Conduct for Members. 6. 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. 7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct. 8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise. | |
|---|--|

Quorum: A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.

Additional Information:

- Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members)
- Constitution Part C, Section 31 (The Code of Conduct for Members)
- Constitution Part D, Section 53 (Standards Advisory Committee Procedures)

18. Tower Hamlets Health and Wellbeing Board

Summary Description: 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.

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 and Culture
- Corporate Director, Health, Adults and Community

Plus Membership from Healthwatch and the NHS.

Co-opted (non-voting) Members include:

- Corporate Director, Communities of Place
- The Young Mayor (LBTH)

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

- 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

Full Membership including all appointments external to Tower Hamlets Council are listed in the Board's procedures in the Supporting Document to this constitution.

Functions

Delegation of Functions

1. To have oversight of assurance systems in operation	None
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.	None
3. To provide advice, assistance or other support in order to encourage partnership arrangements under Section 75 of the NHS Act 2006.	None
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.	None
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.	None
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.	None
7. To prepare the Joint Health and Wellbeing Strategy.	None
8. To develop, prepare, update and publish the local pharmaceutical needs assessments.	None
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.	None
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.	None
11. Consider and promote engagement from wider stakeholders.	None
12. To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant	None

<p>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.</p>	
<p>13. Such other functions delegated to it by the Local Authority.</p>	<p>None</p>
<p>14. Such other functions as are conferred on Health and Wellbeing Boards by enactment.</p>	<p>None</p>
<p>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.</p>	

20 Terms of Reference – Other Bodies and Panels

1. The Council also operates a number of other bodies and panels to take decisions or offer scrutiny or guidance in a number of specific areas. These are often set up under specific legislation. Brief Terms of Reference are presented below, whilst full procedures for certain bodies are set out in Part D of the Constitution.
2. Adoption Panel
3. Children's Social Care Complaint Review Panel
4. Fostering Panel
5. Freedom of the Borough Ad-Hoc Panel
6. Pensions Board
7. Private Fostering Panel
8. Safeguarding Adults Board
9. Safeguarding Children Board
10. School Admissions Forum
11. Secure Accommodation Panel
12. Standing Advisory Council on Religious Education (SACRE)
13. The Chief Executive and/or the Mayor may from time to time establish working parties or advisory bodies which include in their membership Councillors and/or officers and/or representatives from partner organisations or the local community. These are not constituted as Committees or Sub-Committees of the Council and are not authorised to make decisions on behalf of the Council. A list of such bodies is maintained and updated by the Monitoring Officer.

2. Adoption Panel

<p>Summary Description: To advise the appropriate decision maker in respect of a number of functions of the adoption agency work of the Council including around appointing and removing adopters and agreeing ‘matches’ of adopters with children.</p>	
<p>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”</p> <p>It must include:-</p> <ul style="list-style-type: none"> (a) One or more social workers who have at least three years relevant post-qualifying experience. (b) The medical adviser to the adoption agency 	
<p>Responsibilities</p>	<p>Delegation of Functions</p>
<p>The panel is responsible for the following in relation to recommendations to the Tower Hamlets Agency Decision Maker:</p> <ul style="list-style-type: none"> (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. <p>In addition the panel has the following duties and functions:</p>	<p>None</p>

<p>(a) A quality assurance function reporting back to the agency every six 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.</p> <p>(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.</p> <p>(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.</p> <p>(d) Exploring the support offered to adopters and post- and pre-placement children and making recommendations accordingly</p>	
<p>Quorum: From the central list the agency must appoint:-</p> <p>(a) A person to chair the panel, who is independent of the agency, (b) One or two people as vice-chairs, who may act as chair if necessary</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section 54 (Adoption Panel Meeting Procedure Rules) 	

3. Children's Social Care Complaint Review Panel

<p>Summary Description: 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.</p>	
<p>Membership: The Panel consists of three 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.</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they 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"> (a) listen to all parties; (b) consider the adequacy of the Stage 2 investigation; (c) obtain any further information and advice that may help resolve the complaint to all parties' satisfaction; (d) focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes; (e) reach findings on each of the complaints being reviewed; (f) make recommendations that provide practical remedies and creative solutions to complex situations; (g) support local solutions where the opportunity for resolution between the complainant and the local authority exists; (h) to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and (i) recommend any service improvements for consideration by the authority. 	<p>None</p>
<p>Quorum: All three independent members of the panel</p>	

4. Fostering Panel

Summary Description:

The Fostering Panel undertakes the following work generated by the Recruitment and Assessment Team, the Fostering Development Team, the Permanency and Adoption Support Team and the Kinship Care Team:

- Approvals of new short term, long term, short break, remand, teenage and when needed of connected persons;
- Annual foster home reviews;
- Specific Issue reports with regard to existing foster carers, including termination of approvals;
- Matches between long term foster carers and children looked after;
- A connected person who is approved as a foster carer is often referred to as a family and friends carer. Subject to the successful completion of the assessment or checks set out in regulation 24(2), the connected person may be approved as a local authority foster carer for a period not exceeding 16 weeks. Regulation 25 of the 2010 regulations sets out the circumstances in which, exceptionally, the period of temporary approval may be extended for a further 8 weeks. This period has been set to allow a sufficient time for the full approval process to be undertaken, including any criminal record checks required;
- Variations and exemptions with regard to foster carers' approval criteria.

Membership: There is no requirement for the panel to have a fixed membership, although the ability of the panel to function cohesively and with a level of consistency must be taken into account. There is no limit on the number of people who may be included on the list. Membership should include:

- Panel Chair
- Vice-Chair
- Relevant officers
- Elected Member(s)
- Others as set out in the procedures document.

Functions

Delegation of Functions

The panel has the following areas of responsibility:

- To consider each application for approval and recommend whether or not the person is suitable to act as a foster carer and the terms of approval.
- To recommend whether a foster carer's terms of approval remain appropriate. Annual foster home reviews and specific issues reports following allegations can be signed off by the chair but need to be presented to the panel in the following circumstances:
 - First review and every following third review
 - Following allegations or child protection concerns,

<p>whether this is proven or unsubstantiated</p> <ul style="list-style-type: none"> ○ If a significant change of approval or termination of approval is requested ○ On any other occasion if requested by the panel or the fostering service <ul style="list-style-type: none"> ● To consider matches between long term foster carers and looked after children ● To give advice at an early stage of the fostering assessment, if there are questions with regard to whether the applicant would ultimately be approved ● To hear appeals from applicants whom the fostering team has turned down ● To make a recommendation in relation to the deregistration of any foster carer and hear representations made by the carer, which are received within 28 days ● To monitor the range and type of foster carers available to Tower Hamlets in relation to the profile of children needing foster carers (Standard 13.6) ● To consider management information about the outcome of foster home reviews (Standard 30) ● To oversee the conduct of assessments and monitor the quality of reports (Standard 13) ● To give advice and make recommendations on any other matter or case that the fostering service feels is appropriate to refer to the panel 	
<p>Quorum: At least 5 members including the Chair or Vice-Chair. At least one Tower Hamlets social worker and at least two independent members must be present.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> ● Constitution Part D, Section 54 (Fostering Panel Meeting Procedure Rules) 	

5. Freedom of the Borough Ad Hoc Panel

Summary Description: The Council is empowered by section 249(5) of the Local Government Act 1972 to admit as Honorary Freeman/Freewomen of the borough 'persons of distinction and persons who have in the opinion of the Council, rendered eminent services to the borough'.

The Freedom of the Borough Ad Hoc Panel will consider any proposals relating to the granting of the Freedom of the Borough including any nominations for that award and make recommendations accordingly for consideration by Full Council.

Membership: Members of the 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 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: 3 voting Members of the Panel

6. Pensions Board

<p>Summary Description: The Board was created under the Public Service Pensions Act 2013 to assist the Administering Authority (Tower Hamlets Council) in its role as a scheme manager of the scheme.</p>	
<p>Membership: The Board shall consist of 6 voting members, as follows: 3 Member Representatives; and 3 Employer Representatives.</p> <p>There shall be an equal number of Member and Employer Representatives.</p> <p>There shall also be 1 other representative who is not entitled to vote (to be appointed as Chair).</p>	
<p>Functions</p>	<p>Delegation of Functions</p>
<p>1. The purpose of the Board is to assist¹ the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:</p> <ul style="list-style-type: none"> • (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. <p>• More details are set out in the Pensions Board Meeting Procedure Rules</p>	<p>None</p>
<p>Quorum: 1.A meeting is only quorate when at least one person of each member and employer representatives are present plus an independent chair or 50% of both member and employer representatives are present.</p> <p>2.A meeting that becomes inquorate may continue but any decisions will be non-binding.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section 54 (Pensions Board Meeting Procedure Rules) 	

¹ Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means

7. The Private Fostering Panel

Summary Description: To consider private fostering arrangements and related issues.	
Membership: The Panel can have up to ten Members including the Chair, Vice-Chair, medical representative, education representative, independent member, and agency member. Advisors to the Panel can also be appointed.	
Functions	Delegation of Functions
1. 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;	None
2. 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;	None
3. To give advice and make recommendations on any other matter or case that Tower Hamlets Private Fostering Service feels appropriate to recommend to it.	None
4. The private fostering panel will provide a quality assurance function in relation to the assessment process – in particular: <ul style="list-style-type: none"> • To monitor and review the work of the assessor; • To provide feedback; • To identify problems and concerns; • 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), 	None
Quorum: Three voting members including a panel member not employed by the Children’s Directorate and also either the Chair or Vice Chair.	
Additional Information: <ul style="list-style-type: none"> • Constitution Part D, Section 54 (Private Fostering Panel Meeting Procedure Rules) 	

8. Safeguarding Adults Board

<p>Summary Description: 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.</p>	
<p>Membership: To comply with the Care Act 2004, there must be representation from the Local Authority, Local Clinical Commissioning Group and the Police. Exact current membership set out in the Board's Procedures.</p>	
<p>Functions: The SAB has three duties under the Care Act 2004.</p>	<p>Delegation of Functions</p>
<p>1. 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.</p>	<p>None</p>
<p>2. 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.</p>	<p>None</p>
<p>3. It must conduct any Safeguarding Adults Review in accordance with Section 44 of the Act.</p>	<p>None</p>
<p>Quorum: Is not based on numbers but on an adequate balance of representation. Including ensuring the meeting is compliant with the Care Act. The Safeguarding Adults Board/LD Strategy Manager and The Adult Safeguarding /MCA Manager must also be in attendance.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section 54 (Safeguarding Adults Board Meeting Procedure Rules) 	

9. Tower Hamlets Safeguarding Children Board

<p>Summary Description: 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.</p>	
<p>Membership: The Membership is reviewed on an annual basis and will be published separately.</p>	
<p>Functions: The broad scope of the LSCB is to address:</p>	<p>Delegation of Functions</p>
<p>1. 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</p>	<p>None</p>
<p>2. Proactive work that aims to target particular groups</p>	<p>None</p>
<p>3. Responsive work to protect children who are suffering, or likely to suffer, significant harm</p>	<p>None</p>
<p>Quorum: N/A</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution, Part D Section 54 (Safeguarding Children’s Board Meeting Procedure Rules) 	

10. School Admissions Forum

<p>Summary Description: 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 those listed below:</p>	
<p>Membership: The core membership of twenty representatives are nominated by various groups. Full details in the Forum's Procedures.</p>	
Functions	Delegation of Functions
1. Considering existing and proposed admissions arrangements;	
2. Promoting local agreement on admission issues;	
3. Considering improvements to admissions processes;	
4. Reviewing admissions guidance for parents;	
5. Promoting agreement on arrangements for dealing with in-year admissions including arrangements for vulnerable and looked after children;	
6. Publishing advice representing the agreed views of the Forum, this is distributed to the governors of all schools which are their own admission authorities;	
7. 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.	
<p>Quorum: 7 core members.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part D, Section 54 (School Admissions Forum Meeting Procedure Rules) 	

11. Secure Accommodation Panel

Summary Description: The Purpose of a Secure Accommodation Review is to consider whether the criteria for keeping a child in secure accommodation continue to apply, on the day of the review, if such a placement continues to be necessary and whether or not any other form of accommodation would be appropriate.	
Membership: At least 3 persons, at least one 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	

12. Standing Advisory Council on Religious Education (SACRE)

<p>Summary Description: 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.</p>	
<p>Membership: Representatives from Groups A to D Group A: 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. [1 African Caribbean Pentecostal Churches; 1 Buddhist; 1 Free Church; 1 Hindu; 1 Jewish; 6 Muslim; 3 Roman Catholic; 1 Sikh; and 1 Society of Friends] Group B: 6 representatives from The Church of England Group C: 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: 4 representatives from the Local Authority [3 elected Members; and 1 officer] 1 co-opted representative of non-religious worldviews (non-voting)</p>	
Functions	Delegation of Functions
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
6. To advise the LA on RE in accordance with the agreed syllabus, and on matters related to its functions, whether in response to a referral from the LA or as it sees fit. (Section 391(1)(a) Education Act 1996	None
7. Statutory duty to publish an annual report on its work and on actions taken by its representative groups, specifying any matters on which it has advised the LA, broadly describe the nature of that advice, and set out reasons for offering advice on matters not referred to it by the LA. (Section 391(6) and (7) Education Act 1996.	None
8. To consider any other matters relating to its remit.	None

Quorum: A total of eight persons from groups A to D as follows:-

1. 2 representatives from Group A – representing 2 different denominations
2. 1 person from Group B
3. 2 representatives from Group C – representing different associations
4. 2 people from Group D – including at least one Councillor

21 Terms of Reference – Joint Committees

1. As set out in more detail in Section 12, the Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions in any of the participating authorities, or advise the Council on any matter. Such arrangements may involve the appointment of a joint Committee with these other local authorities and/or their Executives.
2. The Mayor or Executive may only appoint Executive Members to a joint Committee except where:
 - (i) the joint committee is discharging a function in relation to five or more relevant authorities; or
 - (ii) the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee.
3. Terms of Reference for the Council's Joint Committees are set out below.
4. Grants Committee
5. Inner North East London Joint Health Overview and Scrutiny Committee
6. Joint Committee of the Six Growth Boroughs
7. London Council's Committee (known as the Leader's Committee)
8. London Housing Consortium
9. Pensions CIV Sectoral Committee
10. Transport and Environment Committee

4. 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

5. **Inner North East London** Joint Health Overview and Scrutiny Committee

Introduction: 1. Regulation 30 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (Reg 30) ensure that there are sufficient scrutiny procedures and policies in place to cover the cross-Borough wide NHS Sustainability and Transformation Plan (STP).

Membership: The INEL JHOSC will be a committee serviced by the participating local authorities on a two-yearly cycle – the current local authority hosting the INEL JHOSC is the London Borough of Newham in accordance with section 101(5) of the Local Government 1972;

The membership shall be made up of three members from each of the larger participating local authorities and one from the City of London Corporation; making a total of 10 members, with each council's membership being politically proportionate and with non-executive councillors making up the membership.

Substitutions will be accepted if a councillor is not able to attend a meeting of the JHOSC and that councillor has informed the Chair and Scrutiny Officer five working days in advance of the meeting.

Guidance suggests that co-opting people is one method of ensuring involvement of key stakeholders with an interest in, or knowledge of, the issue being scrutinised. This is already a power of overview and scrutiny committees by virtue of the Local Government Act 2000. However, the Guidance also recommends other ways of involving stakeholders by, for example, giving evidence or by acting as advisers to the committee.

A Chair (from the host authority) will be appointed by the JHOSC at the first meeting.

A vice-Chair (from non-host local authorities) will be appointment by the JHOSC at the first meeting. Where agreed, a second vice-Chair may also be nominated to ensure parity across the Membership.

Role: Consider and respond to any health matter which:

Impacts on two or more participating local 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 NHS Act 2006; and

All participating local authorities agree to consider as an INEL JHOSC

To collectively review and scrutinise any proposals within the STP that are a substantial development / variation of the NBS or the substantial development / variation of such service where more than one local authority is consulted by the relevant NHS body pursuant to Reg 30;

To collectively consider whether a specific proposal within the STP that's is not a substantial development or variation is only relevant for one authority and therefore should be referred to that local authority's Health Scrutiny Committee for scrutiny;

In the event that a participating local authority considers that it may wish to consider a discretionary matter itself rather than have it dealt with by the joint committee it shall give notice to the other participating councils and the joint committee shall then not take any decision on the discretionary matter (other than a decision which would not affect the council giving notice) until after the next full Council meeting of the council giving notice in

order that the council giving notice may have the opportunity to withdraw delegation of powers in respect of that discretionary matter;

To require the relevant local NHS body to provide information about the proposals under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function;

Make reports or recommendations to the relevant health bodies as appropriate and/or the constituent authorities' respective Overview and Scrutiny Committees (OSC) or equivalent;

Each Council to retain the power of referral to the Secretary of State of any proposed "substantial variation" of service, so this power is not solely delegated to the JHOSC.

To review the procedural outcome of consultations referred to in any substantial development / variation, particularly the rationale behind contested proposals;

To undertake in-depth thematic studies in respect of services to which the NHS Trusts contribute and where a study is done on a Trust wide and cross borough basis;

To take account of relevant information available and in particular any relevant information provided by Healthwatch under their power of referral;

To maintain effective links with Healthwatch and other patient representative groups and give consideration to their input throughout the Scrutiny process;

Quorum: The quorum for meetings will be seven members from at least two local authorities. During any meeting if the Chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If a date is not fixed, the remaining business will be considered at the next meeting.

Decision Making Process

Decisions will be taken by consensus. Where it is not possible to reach a consensus, a decision will be reached by a simple majority of those members present at the meeting. Where there are equal votes the Chair will have the casting vote.

Reporting Arrangements

Prior to the agenda for each meeting of the JHOSC being finalised officers will convene a planning / pre-meeting with the Chairs of the individual HOSC's or their nominee, along with key individuals presenting papers from the NHS and other informal briefings as considered appropriate;

In terms of the JHOSC's conclusions and recommendations the Guidance says that one report has to be produced on behalf of the JHOSC. The final report shall reflect the views of all local authority committees involved in the JHOSC. it will aim to be a consensual report.

In the event there is a failure to agree a consensual report the report will record any minority report recommendations. At least seven members of the JHOSC must support the inclusion of any separate minority report in the committee's final report.

Any report produced by the JHOSC will be submitted to the local authority's council

meetings for information.

The NHS body or bodies receiving the report must respond in writing to any requests for responses to the report or recommendations, within 28 days (calendar, not working) of receipt of the request.

In the event that any local authority exercises its right to refer a substantial variation to the Secretary of State, it shall notify the other local authorities of the action it has taken and any subsequent responses.

Frequency and Administration

INEL JHOSC to meet quarterly, with at least one meeting within a 12 month period aligned with ONEL JHOSC to consider issues that cover the STP footprint;

To constitute and meet as a Committee as and when participant boroughs agree to do so subject to the statutory public meeting notice period;

Meetings will usually be led by each authority rotating on a two-yearly basis with the Chair being a councillor from the current lead local authority;

The lead authority will be responsible for the servicing of the JHOSC. Suitable officer resources (Legal, Democratic) will be provided to meet the requirements of the committee. This includes (but is not restricted to):

1. providing legal advice;
2. liaising with health colleagues ahead of the meeting;
3. updating action sheets from previous meetings;
4. producing agenda papers and co-ordinating public forum;
5. creating formal minutes and actions sheets;

If there is a specific reason, for example, if the issue to be discussed relates to a proposal specific to the locality of one Local Authority area the meeting venue can change to a more appropriate venue. The lead Local Authority would remain the same, even if the venue changes;

Any changes to the host authority must be agreed by the committee;

Agenda and supporting papers to be circulated and made publicly available at least five working days before the meeting;

Actions to be circulated to those with actions as soon as possible after the meeting – no later than 48hrs following the meeting;

Minutes of the meeting to be circulated within 10 working days of the meeting;

Meetings to be held in public, with specific time allocated for public questions;

Petitions, Statements and Questions

Members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer of the host authority (and include their name and address and details of the wording of the petition, and in the case of a statement or question a copy of the submission), by no later than 12 noon ONE WORKING DAY

BEFORE the meeting, may present a petition, submit a statement or ask a question at meetings of the JHOSC. The petition, statement or question must relate to the terms of reference and role and responsibility of the committee;

The total time allowed for dealing with petitions, statements and questions at each meeting is thirty minutes;

Statements and written questions, provided they are of reasonable length, will be copied and circulated to all members and will be made available to the public at the meeting;

There will be no debate in relation to any petitions, statements and questions raised at the meeting but the committee will resolve;

1. “that the petition / statement be noted”; or
2. if the content relates to a matter on the agenda for the meeting: “that the contents of the petition / statement be considered when the item is debated”;

Response to Questions

Questions will be directed to the appropriate Director or organisation to provide a written response directly to the questioner. Appropriately redacted copies of responses will be published on the host authority’s website within 28 days.

Details of the questions and answers will be included on the following meeting’s agenda.

Principles of Effective Scrutiny

Scrutiny undertaken through the JHOSC will be focused on improving the health and health services for residents in areas served by the JHOSC through the provision and commissioning of NHS services for those residents;

Improving health and health services through scrutiny will be open and transparent to Members of the Local Authority, health organisations and members of the public.

All Members, officers, members of the public and patient representatives involved in improving health and health services through scrutiny will be treated with courtesy and respect at all times.

Improving health and health services through scrutiny is most likely to be achieved through co-operation and collaboration between representatives of the various Local Councils, NHS Trusts, representatives of Healthwatch and the Clinical Commissioning Groups commissioning hospital services;

Co-operation and joint working will be developed over time through mutual trust and respect with the objective of improving health and health services for local people through effective scrutiny.

All agencies will be committed to working together in mutual co-operation to share knowledge and deal with requests for information and reports for the JHOSC within the time scales set down.

The JHOSC will give reasonable notice of requests for information, reports and attendance at meetings.

The JHOSC, whilst working within a framework of collaboration, mutual trust and co-operation, will always operate independently of the NHS and have the authority to hold views independent of other Members of representative Councils and their Executives;

The independence of the JHOSC must not be compromised by its Members, by other Members of the Council or any of the Councils' Executives, or by any other organisation it works with;

Those involved in improving health and health services through scrutiny will always declare any particular interest that they may have in particular pieces of work or investigation being undertaken by the JHOSC and thus may withdraw from the meeting as they consider appropriate;

The JHOSC will not to take up and scrutinise individual concerns or individual complaints.

Where a wider principle has been highlighted through such a complaint or concern, the JHOSC should consider if further scrutiny is required. In such circumstances it is the principle and not the individual concern that will be subject to scrutiny.

6. 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 12 Members, comprising two Members nominated by the Executive from each of the 6 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 1 Member from each of the 6 boroughs

7. 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 1st 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.

8. 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 the 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.

9. Pensions CIV Sectoral Committee

Membership: Each London Local Authority participating in the arrangements shall appoint a representative to the Committee being either the Leader of the authority or the elected mayor as appropriate or a deputy appointed for these purposes.

Summary Description: 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”).

Functions	Delegation of Functions
1. As set out in the Committee procedures (Constitution Part D Section 53)	

Quorum: As set out in the Standing Orders of London Councils

10. 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 1 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 13th December 2001 and 1st 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

22 Terms of Reference – The Executive

1. As set out in more detail in Section 8 the Council’s Executive has established a Cabinet and two Sub-Committees to discharge Executive responsibilities. Their terms of reference are set out below as follows:
2. Cabinet
3. Grants Determination Cabinet Sub-Committee
4. King George’s Field Board

4 Cabinet

Summary Description: The Cabinet is forum for the Mayor, in consultation with the Cabinet Members, to take decisions related to	
Membership: The Mayor and at least 2 and not more than 9 other Executive Councillors appointed by the Mayor.	
Functions	Delegation of Functions
1. To discharge all functions not specified as the responsibility of the full Council or of any other Committee, where the Mayor has delegated his powers to the Cabinet as set out in the Executive Scheme of Delegation.	Chief Officers and other officers authorised by them have the delegated authority as set out in paragraph 3.2 above and 3.5 below.
2. In relation to any Executive function for which the Mayor has not delegated his powers to the Cabinet, to advise the Mayor on the discharge of that function.	No delegations
3. To refer to the Standards Advisory Committee for consideration any report which contains implications for the Council's ethical framework	No delegations
Quorum: 3 Members of the Cabinet	
Additional Information:	
<ul style="list-style-type: none"> • Constitution Section 29 Executive Procedure Rules 	

The Cabinet may establish Sub-Committees to discharge functions on its behalf but any Cabinet Sub-Committee may only include Cabinet Members.

5. King George's Fields Charity Board

Purpose:	
[Insert content including explanation of charitable status / role.]	
Membership: All Members of the Cabinet	
Functions	Delegation of Functions
1. To administer the affairs of the King George's Field, Mile End charity, registered number 1077859 and the King George's Field – Stepney (Tredegar Square, Bow) charity, registered number 1088999 and discharge all duties of the Council as sole trustee of these charities.	No delegations
2. To administer the affairs and discharge the duties of trustee of such other charities controlled by the Council as the Executive might authorise.	No delegations
Quorum: 3 Members of the Board	

6. **Grants Determination Sub-Committee**

Membership: The Mayor plus 3 other Executive Councillors as appointed by the Mayor – the remaining Members of the Executive are substitute Members.	
Functions	Delegation of Functions
1. To determine all applications for grant funding received by the Council.	No delegations
2. To determine all applications for corporate match funding received by the Council.	No delegations
3. The Sub-Committee may delegate decision making to individual officers, provided that the extent of this delegation is made clear and that it is minuted properly	No delegations
4. Where decision making has been delegated, to receive a report advising as to the exercise of a discretion at the next Sub-Committee meeting following the exercise of such discretion.	No delegations
5. To receive quarterly update reports against defined parameters in order for the Council to demonstrate either: that delivery is in line with the application and, therefore, the grant achieved its purpose; or to provide clear delineation where outcomes were not achieved and the reasons for such failure are apparent. Such Monitoring should therefore include measuring performance against the expected outcomes.	No delegations
6. To determine criteria under which grant applications will be considered.	No delegations
Quorum: 3 Members of the Committee	

23 Corporate Scheme of Delegation – The Chief Executive and Corporate Directors – Delegations

1. The Council may appoint such officers as it considers appropriate for the discharge of its functions. Currently the Council has appointed as its Corporate Leadership Team the following officers:-
 - Chief Executive
 - Corporate Director Governance
 - Corporate Director Resources
 - Corporate Director Place
 - Corporate Director Health, Adults and Community
 - Corporate Director, Children and Culture
2. The Council delegates to the Chief Executive and Corporate Directors authority to make decisions relating to any:
 - Executive function of the Council carried out by services under their management in accordance with the Mayor's Executive Scheme of Delegation other than key decisions, and those which are the responsibility of the Mayor, unless specifically delegated to be taken by the Mayor in Cabinet, a Cabinet Sub Committee or an Officer and
 - Any Council function carried out by services under their management other than those reserved in the terms of reference of the Council to the Council or to any Council Committee or Sub-Committee unless the Council or that Committee or Sub-Committee specifically delegates it to another officer of the authority.
3. The Chief Executive and the Corporate Directors may exercise any functions of the Council or the Executive which have been delegated to any other officer and may delegate decisions or functions to one or more officers in any of the Council's Directorates, except when prohibited to do so by this Constitution or by law.
4. Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.
5. The Council's Scheme of Delegation to Officers is contained in Sections 23, 24 and 25 and supplementary documents contained in Part D of the Constitution.
 - Section 23 – Corporate Scheme of Delegation – The Chief Executive and Corporate Directors – Delegations (This Section)
 - Section 24 - the functions and responsibilities of the Chief Executive and the Corporate Directors;
 - Section 25 - Statutory Officers

Part D Documents

- Section 45 – Statutory and Proper Officer Appointments.
- Section 46 – the Councils Corporate Operating Procedures and which cover a general range of functions that apply to all the Council's Directorates; and

6. Corporate Directors may delegate decisions or functions for which they are responsible to one or more officers within their directorate provided that they maintain a Directorate Officer Scheme of Delegation which is notified to the Monitoring Officer.
7. The Corporate and Officer Schemes of Delegation are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation. They delegate all the powers and duties necessary for the discharge of the Council's functions and not specifically reserved to the Mayor or the Mayor in Cabinet, the Council or a Committee or Sub-Committee of Council to the Officers. The delegations include:
 - All functions powers and duties of the Authority, whether under any specific legislation identified in the scheme or not.
 - All powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972 and including management of the human and material resources made available for the service areas unless specifically reserved to Council, a Committee or Sub-Committee of the Council or to the Mayor, the Mayor in Cabinet or a Cabinet Sub-Committee .

An Officer may decline to exercise delegated powers and instead report to the Mayor, the Mayor in Cabinet, a Cabinet Sub-Committee or to the appropriate Council Committee/Sub-Committee.

8. The Corporate and Officer Schemes of Delegations do not delegate:
 - Any matter reserved to the Council by law or by Council's Constitution.
 - Any matter which is a function which cannot by law be discharged by an officer.
 - Any matter which is specifically excluded from delegation by this Scheme or by resolution of Council, a Committee or a Sub-Committee (in the case of a Council function), or the Mayor, Mayor in Cabinet or cabinet sub-Committee(in the case of an executive function)
 - Any matter where an Officer has declined to exercise delegated powers and instead reports to the Mayor, Executive or appropriate Committee

9. Delegated powers must always be exercised in accordance with

- The Council's Budget and Policy Framework.
- The Council's approved Budget.
- The relevant Procedure Rules set out in this Constitution.
- Policies, plans and programmes that have been approved by or on behalf of the Council.
- Any instructions given by the Chief Executive.

Officers exercising delegated powers should also have regard to:

- Any legal advice given by the Corporate Director, Governance.
- Any financial advice given by the Corporate Director, Resources.
- Any appropriate technical or other advice given by a suitably qualified Council officer.
- Any statutory codes of conduct or statutory guidance, and any other codes and protocols as may be approved by the Council or the Mayor and Executive.
- any previous decision of the Council on any relevant policies or procedures.
- All other parts of this Constitution.

10. Delegated powers must be exercised within the revenue and capital budgets for the relevant service as approved by Council, subject to any variation thereof permitted by the Council's Financial and Contract Procedure Rules, and, if appropriate, in accordance with the provisions of Section 3 (How Decisions are Made) in this Constitution.

a) Officers do not take "key decisions" as defined in Section 3 of this Constitution, however;

- Any officer decision which results in the local authority incurring expenditure which is, or the making of savings which are, below the threshold for a key decision (currently £1million) but are above £250,000 must be published on the Council's website 'as soon as practicable' (and following any guidance from the Monitoring Officer) after the decision has been taken.

11. In exercising any delegated function, the following principles apply:

- Corporate Directors must ensure that this Scheme is fully implemented, monitored, maintained and regularly reviewed and any changes required to Directorate Schemes are reported to the Monitoring Officer.
- Corporate Directors and Divisional Directors may further delegate their powers to officers within their Directorate or withdraw powers provided that
 - a) such action is in writing, is subsequently included in the Directorate's Officer Scheme of Delegation and the Monitoring Officer is notified in writing.

- b) any such delegation, while being as near to the point of service delivery as possible, is only to officers within their Directorate that hold the appropriate level of responsibility
12. The Corporate and Directorate Schemes of Delegations will be superseded in any case where a Council or Mayoral decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently.
13. Where it is considered that in exercising a delegated power or duty a departure in policy, procedure or a significant change in financial practice is likely to be involved, the decision maker shall consult with the Corporate Director, Governance and/or the Corporate Director, Resources as appropriate, who shall, if necessary, refer the matter to the Mayor, the Mayor in Cabinet or the appropriate Council Committee/Sub-Committee.
14. Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer a matter to Council, the Mayor, the Mayor in Cabinet or relevant Council Committee as appropriate with the agreement of the appropriate Corporate Director. The criteria that officers may have to consider when determining whether to exercise a function could include-
- Whether the decision may incur a significant social, economic reputational or environmental risk.
 - The likely extent of the impact of the decision both within and outside of the borough.
 - Whether the decision is likely to be a matter of political controversy.
 - The extent to which the decision is likely to generate substantial public interest.
15. If at any time, the Authority acquires a new duty, power or function, in the absence of any Member decision with regard to delegation, the Chief Executive and the Corporate Director with responsibility for the relevant service shall be deemed to have full delegated authority to discharge the duty, power or function on the authority's behalf unless it is expressly reserved to the Council, a Council Committee or Sub-Committee or the Mayor/Mayor in Cabinet either by law or in this Constitution.
16. Any function or power which may be discharged by a Corporate Director, may also be discharged by any person(s) formally "acting-up" into that post or an "interim" post holders or who is deputising (whether on a full, part time or on an ad hoc basis) for that post or occupies a successor post following any reorganisation, restructure or similar process.
17. The Mayor, Mayor in Cabinet, a Cabinet Sub-Committee or a Council Committee/Sub-Committee may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive of their intention to do so.

18. References in the Corporate and/or Officer Schemes of Delegations to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time.

24 Functions of the Chief Executive and Corporate Directors

1. The Chief Executive

The Chief Executive is appointed as Head of Paid Service under s 4 of the Local Government and Housing Act 1989 to carry out the Council's statutory obligations to report to the Council as appropriate with regard to the way in which the overall discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed under that Act. This post is responsible for the corporate and overall strategic management of the Council as a whole and is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the Council. Its overriding responsibility is to the Council and not to the Mayor, any party-political group, or other grouping of Members. It must report to and provide information for the Executive, the full Council, the Overview and Scrutiny Committee and other Committees. The Political neutrality of the office holder must be respected at all times.

- (a) **Working with the Mayor.** The Chief Executive works closely with the Mayor to assist in the development of the Mayor's strategic policy and to ensure that such is then put into practice and, in that regard, will:
 - (i) **Strategic direction.** Ensure that the Mayor and Council's priorities and goals can be implemented in a timely, efficient and innovative way through focused strategies, projects and programmes.
 - (ii) **Policy advice.** Act as the principal policy adviser to the Mayor and Members and will secure the best professional advice on all relevant matters in respect of the Council's functions and services.
 - (iii) **Partnerships (internal).** Develop a professional partnership with the Mayor and Members to ensure that the Council's vision, goals and core values are made reality and to provide a clear sense of direction, optimism and purpose and marshal the resources of the whole organisation to this end.
 - (iv) **Partnerships (external).** Assist the Mayor in partnership working by taking the lead in developing effective partnerships at management level with other public agencies, private companies and local community organisations to achieve better public services and improved results for local people.
- (b) **Emergency or Extreme Urgency**
 - (i) The Chief Executive may exercise any executive function in cases of emergency or extreme urgency whether or not reserved to the Mayor and following the exercise of such power will provide a written report to the Mayor

setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.

- (ii) The Chief Executive may exercise any non-executive function in cases of emergency or extreme urgency whether or not reserved to the Council and following the exercise of such power will provide a written report to the Council setting out the decision taken and the reasons for it, including the reasons for emergency or extreme urgency.

(c) Ensuring overall correctness of decision making

The Chief Executive is also responsible for ensuring that all decisions made by the Mayor and the reasons for them are made public and will ensure that Council Members are aware of decisions made by the Mayor and of those made by officers who have delegated executive responsibility.

If the Chief Executive considers that any proposal, decision or omission raises a significant concern it must be reported in writing to the Mayor in relation to an executive function or to the Council in relation to a non-executive function. Such a report will have the effect of immediately stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or the Mayor/Mayor in Cabinet as appropriate.

As soon as practicable after either the Council or the Mayor/Mayor in Cabinet has considered this report, it shall prepare and publish a report that will include;

- i. what action it has taken in response to the report
- ii. what action it proposes to take in response to the report and when it proposes to take that action;
- iii. the reasons for taking that action, or the reason for not taking any action.

The exercise of this function needs to be considered in conjunction with the Monitoring Officer ensuring lawfulness and fairness of decision making and the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making.

- (d) Management Structure.** The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
- (e) Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

2. **Functions of the Corporate Director, Governance**

The Corporate Director, Governance is appointed under the provisions of s 5 of the Local Government and Housing Act 1989 to be the Council's Monitoring Officer and to carry out the Council's statutory functions under that Act in respect of matters of legality, conduct, and probity. The Monitoring Officer may not be the Head of Paid Service or the Chief Finance Officer, but will liaise as appropriate with the Head of Paid Service in the discharge of their functions.

- (a) **Maintaining and monitoring the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that each Member of the authority has access to a copy of this Constitution upon delivery of that individual's declaration of acceptance of office on the Member first being elected to the Council. The Monitoring Officer will ensure that the Constitution is published on the Council's website and that the Constitution can be purchased by members of the local press and the public on payment of a reasonable fee.

The Monitoring Officer will monitor and review the operation of the Constitution and may make recommendations to ensure that the aims and principles of the Constitution are given full effect. A key role is to be aware of the strengths and weaknesses of the Constitution and to make recommendations for ways in which it could be amended in order better to achieve the purpose of the Constitution. In undertaking this role the Monitoring Officer may:

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

(c) **Changes to the Constitution.**

The Monitoring Officer

- i. can approve all non-material changes to the Constitution including those that reflect decisions taken by the Council or changes in legislation or to correct matters of fact; and
- ii. can recommend to General Purposes Committee and /or Council for approval material changes to the Constitution.

(Note that Part D of the Constitution sets out its own delegated authorities to change Sections within that part of the document.)

- (d) Interpreting the Constitution.** The Monitoring Officer will advise as to the construction or application of the Constitution.
- (e) Ensuring lawfulness and fairness of decision making.** If The Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness; or if any decision or omission has given rise to maladministration, , after consulting with the Head of the Paid Service and Chief Finance Officer, they will report in writing to the Mayor in relation to an executive function or to Council in relation to a non-executive function. Such a report will have the effect of immediately stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or by the Mayor/Mayor in Cabinet as appropriate.

As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the Monitoring Officer's report, it shall prepare and publish a report that will include:

- i. what action it has taken in response to the report;
 - ii. what action it proposes to take in response to the report and when it proposes to take that action;
 - iii. the reasons for taking that action, or the reasons for not taking any action. (The exercise of this function needs to be considered in conjunction with the function of the Chief Executive to ensure lawfulness and fairness of decision making and the function of the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making).
- (f) Supporting the Standards Advisory Committee.** The Monitoring Officer is responsible for promoting and maintaining high standards of ethical conduct throughout the Council and will provide support to the Standards Advisory Committee, in particular by
- (g) Receiving reports.** receiving and having regard to recommendations from the Standards Advisory Committee regarding Member conduct.
- (h) Conducting investigations.** Where an investigation is required in accordance with the agreed arrangements for dealing with an alleged breach of the Code of Conduct by a Member, conducting or arranging for that investigation to be carried out and making reports or recommendations in respect of them to the Standards Advisory Committee or its Sub-Committee as appropriate.
- (i) Register of Interests.** Establishing and maintaining a Register of Interests of Members and Co-opted Members of the Council.
- (j) Advising whether Executive decisions are within the budget and policy framework.** Advising whether decisions of the Mayor/Mayor in Cabinet are in accordance with the budget and policy framework.
- (k) Providing advice.** Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to the Mayor, all Councillors and officers.
- (l) Determining Dispensations.** Determining applications for dispensations from the Code of Conduct where the number of Members otherwise precluded from

taking part in a decision would impede the conduct of business or interfere with the political balance of the decision-making body and also determining applications for dispensations made by individual Members. The Monitoring Officer will report at least annually to the Standards Advisory Committee on any dispensations granted.

(m) The Governance portfolio currently includes: Legal Services; Democratic Services; Executive Support; the Mayor's Office; Strategy Policy and Performance; Communications; Elections; and Registrars. These functions can be varied at any time by the Chief Executive who may also allocate to the role additional functions and responsibilities. The Corporate Director, Governance:

- (i) Is authorised to make or amend an appointment to a position on a Committee, Sub-Committee or Panel of the Council in accordance with the nomination by a political group, where the position has previously been allocated by the Council to that Group. Any nomination received by them after 5.00pm on any day will take effect no earlier than 9.00am on the next working day.
- (ii) Is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where such action is considered to be necessary to protect the Council's interests and may designate nominated officers to carry out this function on their behalf.
- (iii) Consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Mayor, Committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where formal representation is considered to be proper, including the incurring of such fees in respect thereof as may be appropriate.
- (iv) Is authorised to sign any document that is necessary to any legal procedure or proceedings on behalf of the Council, or to authorise another to sign, unless any enactment otherwise authorises or requires, or the Council has given specific authority to some other person.
- (v) Is authorised to sign contracts (and similar documents where intended to have legal binding effect) on behalf of the Council, either in their own name or on behalf of the Council, where any required authority or approval of the Mayor/Mayor in Cabinet, a Committee or a Sub-Committee has been obtained, or where such authority has been delegated to another officer of the Council and that officer has requested the Corporate Director Governance to do so.
- (vi) Will keep the Common Seal of the Council in a safe place. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which should be sealed. The affixing of the Common Seal will be attested by the Corporate Director Governance or any other duly authorised person.
- (vii) May authorise officers to appear on behalf of the Council in proceedings in the magistrate' courts, pursuant to section 223 of the Local Government Act 1972.

- (viii) May authorise officers to appear on behalf of the Council in any proceedings in the county court in relation to the recovery of possession of a house belonging to the Council or the recovery of any rent, mesne profits, damages or other sum claimed in respect of the occupation by any person of such a house, pursuant to section 60 of the County Courts Act 1984.
- (ix) The Corporate Director, Governance has authority to make or amend an appointment to a position on a committee or panel of the Council in accordance with the nomination by a political group, where the position has previously been allocated by the Council to that Group. Any nomination received by the Corporate Director, Governance in accordance with the above provision after 5.00 p.m. on any day will take effect no earlier than 9.00 a.m. on the next working day.

(n) Restrictions on post. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

3. Functions of the Corporate Director, Resources

The Corporate Director, Resources has the statutory responsibilities defined in s 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988 as the Council's Chief Finance Officer to ensure the proper administration of the financial affairs of the Authority including:

- Ensuring the proper administration of the Council's financial affairs.
- Setting and monitoring compliance with financial management standards.
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Providing financial information (in conjunction with Senior Managers).
- Ensuring that the annual statement of accounts is prepared in accordance with appropriate financial standards and within the statutory deadlines.
- Preparing the revenue budget and capital programme relating to the General Fund and the Housing Revenue Account

In Addition the role of the Corporate Director, Resources is:

- (a) **Ensuring lawfulness and financial prudence of decision-making.** If the Chief Finance Officer considers that any proposal, decision or course of action which would involve the Council incurring unlawful expenditure; or is unlawful and is likely to cause a loss or deficiency; or if the Council is about to enter an item of account unlawfully then after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report in writing to the Mayor in relation to an executive function or to Council in relation to a non-executive function, and to the Council's external auditor. Such a report will have the effect of immediately stopping the proposal or decision being implemented until such time as the report has been considered. The report must be considered within 21 days at a meeting of either Council or the Mayor as appropriate.

As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the report, it shall prepare and publish a report that will include:

- (i) what action it has taken in response to the report;
- (ii) what action it proposes to take in response to the report and when it proposes to take that action;
- (iii) the reasons for taking that action, or the reasons for not taking any action.

The exercise of this function needs to be considered in conjunction with the function of the Monitoring Officer to ensure lawfulness and fairness of decision making and the function of the Chief Executive to ensure lawfulness and financial prudence of decision-making.

- (b) **Administration of financial affairs.** The Chief Finance Officer has responsibility for the proper administration of the financial affairs of the Council including:
- Determining the accounting procedures and records for the authority.

- Maintaining a continuous review of the Financial Regulations and issuing updates as necessary.
- Reporting breaches of the Financial Regulations to the Audit Committee

The Chief Finance Officer will also

- (c) **Contribute to corporate management.** In particular through the provision of professional financial advice.
- (d) **Provide advice** on the scope of powers and authority to take decisions, financial impropriety, probity (and budget and policy framework issues) to the Mayor and all Councillors and will support and advise the Mayor and Councillors and officers in their respective roles.
- (e) **Give financial information** provide financial information to the media, members of the public and the community.
- (f) **The Resources** portfolio currently includes: Finance, Procurement and Audit; HR and Transformation; IT; Revenues and Benefits; and Customer Services. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

4. **Functions of the Corporate Director, Health, Adults and Community**

The Corporate Director, Health, Adults and Community is the Statutory Director of Adult Social care under s 6 of the Local Authority Social Services Act 1970 as amended by s18 of the Children Act 2004 and is responsible for the delivery of those local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, and the public health functions contained in the Health and Social Care Act 2012.

The Corporate Director Health Adults and Community is responsible for implementing and ensuring compliance with any statutory guidance issued by the Department of Health or other Government department and is currently required to:-

Assess local needs and ensure availability and delivery of a full range of local authority services;

- Give professional leadership, including workforce planning;
- Lead the implementation of standards;
- Manage cultural change;
- Promote local access and ownership and drive partnership working;
- Deliver an integrated whole systems approach to supporting communities; and
- Promote social inclusion and wellbeing.

The Health, Adults and Community portfolio currently includes Adult Social Care; Community Safety; Public Health (and the Director, Public Health reports to him/her); and Health and Integrated Commissioning. These functions can be varied at any time

by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

5. Functions of the Corporate Director, Children and Culture

The Corporate Director, Children and Culture is the Council's Statutory Director of Children's services under s 18(7) of the Children Act 2004 with statutory duties to discharge the education and children's social services functions of the local authority including those detailed as follows:

- (a)** education functions conferred on or exercisable by the Council;
- (b)** functions conferred on or exercisable by the Council which are social services functions so far as those functions relate to children;
- (c)** the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (b));
- (d)** the functions conferred on the authority under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004;
- (e)** any functions exercisable by the Council under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children;
- (f)** the functions conferred on the Council under Part 1 of the Childcare Act 2006; and
- (g)** any function conferred on the authority under section 2 of the Childcare Act 2016.

The Children and Culture portfolio currently includes Children's Social Care; Education and Partnership, Sports, Leisure and Culture; and Youth and Children's Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

6. Functions of the Corporate Director, Place

The Place portfolio currently includes responsibility for discharging all the Council's duties, powers and functions in the following areas:-

Property and Major Programmes; Growth and Economic Development; Housing and Regeneration; Planning and Building Control; Public Realm (including Highways, Trading Standards and Environmental Health) and Tower Hamlets Homes and the award of contracts for capital projects. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

The Corporate Director, Place is also:

(a) Determining applications for Licences.

Authorised to consider and determine any applications for licenses not specifically reserved to the Licensing Committee under the Constitution and all applications for licences where no objections have been received.

(b) Acquisitions and Disposals at full market value.

Required to issue guidelines on best practice for the disposal of land based assets and to approve the purchase or sale of land if it has been declared surplus by the Mayor/Mayor in Cabinet and if authority to do so has been delegated to him/her.

(c) Acquisitions and Disposals at below market value.

Authorised to recommend to the Mayor/Mayor in Cabinet for acceptance, disposals which are proposed to be less than the unrestricted market value as defined by the General Disposal Consent (England) 2003 and/or where State Aid issues may arise. The report shall make the level of undervalue explicit and the report will need to set out the well-being benefits to be derived and provide a statement that the wellbeing "value" matches or exceeds the value foregone.

Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent of the Secretary of State may be sought as necessary, unless the sale falls within the General Housing Consents 2013 issued pursuant to powers contained in sections 32, 33 and 34 Housing Act 1985, 133 of the Housing Act 1988, which permit certain disposals to occur without the need to secure express consent.

(d) Is authorised to accept a late offer for land/property, with the prior agreement of the Corporate Director, Governance, if to do so, would ensure that the Council secures best consideration, provided other bids have not been opened.

(e) Compulsory Disposals.

Is Authorised to approve any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the relevant statutory procedures.

25 Statutory Officers

1. The Council is required to appoint a number of officers to undertake specific duties by statute. These are known as ‘Statutory Officers’. In addition, the Council has a number of important duties which it designates to certain officers. These are called ‘proper officer’ roles.
2. The Council has designated the following statutory officer positions to the Chief Executive and Corporate Directors of the Council.
3. In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in their absence, the Corporate Director, Governance, and in the absence of both, the Corporate Director, Resources, shall nominate an Officer to act in their stead.

LEGISLATION	DESIGNATION	POST
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Corporate Director, Governance
Section 151 Local Government Act 1972 (and section 114 of the Local Government Finance Act 1988)	Chief Finance Officer	Corporate Director, Resources
Section 6 Local Authority Social Services Act 1970	Director of Adult Social Services	Corporate Director, Health, Adults and Community
Section 18 Children Act 2004	Director of Children’s Services	Corporate Director, Children and Culture

4. The Council has also allocated to other officers a number of statutory / proper officer roles which are set out in Part D Section 45 of this Constitution.

26 Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL

- 1.1 Timing and Business.** In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a)** elect a person to preside if either the Speaker or the Deputy Speaker are not present;
- (b)** elect the Speaker of the Council;
- (c)** elect the Deputy Speaker of the Council;
- (d)** receive any declarations of interest;
- (e)** approve the minutes of the last meeting which will then be signed by the Speaker;
- (f)** receive any announcements/updates from the Speaker of the Council and/or the Chief Executive and/or the Young Mayor;
- (g)** note any appointment of Cabinet Councillors and/or the Deputy Mayor made by the Mayor;
- (h)** appoint at least 1 Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (i)** agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j)** approve a programme of Ordinary Meetings of the Council for the year (if not already agreed). In an election year the schedule of meetings may be reviewed at the Annual Meeting if it has already been agreed at Council prior to the first meeting in May;
- (k)** the Mayor shall report on any appointments of outside bodies;
- (l)** the Mayor shall report on circumstances where the Special Urgency provisions have been used during the year preceding the Annual Meeting;
- (m)** receive a report on any changes made to the Council's Constitution since the last Annual Meeting; and
- (n)** consider any business set out in the notice convening the meeting including the Annual State of the Borough Debate at 1.3.

1.2 Selection of Councillors on Committees

At the Annual Meeting, the Council will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political proportionality rules;
- (d) receive nominations of Councillors to serve on each Committee; and
- (e) appoint to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive;
- (f) Elect Chairs to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive.

but this is without prejudice to the right of the Council at any time to establish or dissolve any non-Executive Committee or to review its size and terms of reference.

1.3 The Mayor will lead an `Annual State of Borough` debate to provide an opportunity for a discussion on policy matters and issues affecting the Council and the Borough; the following procedure shall apply:

- (a) The debate will last for up to 1 hour;
- (b) The debate will begin with a 15 minute introduction by the Mayor;
- (c) The remaining 45 minutes will be divided proportionally (to the nearest minute) between the political groups on the council (this is subject to a rule that the opposition group(s) must have a minimum of 5 minutes speaking time). It will be for each group to determine how much time each of their speakers will be designated subject to a minimum speech length of two minutes. There is no maximum speech length providing that group's overall time limit is not breached;
- (d) Lists of speakers must be provided to the Monitoring Officer before the start of the meeting;
- (e) The 45 Minute Debate will end with the Mayor or the Mayor's appointee;
- (f) The Mayor and the Group Leaders of the other political groups may speak twice should they wish. All other Councillors may speak only once;
- (g) There will be no motions, reports or votes on the debate.

2 BUDGET MEETING(S)

2.1 A meeting will take place on a date decided by Council or the Chief Executive. The purpose of this meeting will be to determine the Council's budget and set the Council Tax for the following financial year. The Budget Meeting will be conducted in accordance with the provisions of this rule.

- 2.2** The order of business at the Budget Meeting will be as follows:-
- (a)** As per Rules 1.1(a), (d) and (f);
 - (b)** to receive any petitions which only relate to the Council's budget or to the setting of the Council Tax in line with the procedures set out in the Council's Petition scheme;
 - (c)** to consider the report from the Mayor and Executive upon the Council's budget and setting of the Council Tax for the following year and any associated business; and
 - (d)** any other business which by statute or in the opinion of the Chief Executive after consultation with the Speaker of the Council requires to be transacted at the meeting;
- 2.3** Rules 10 and 11 of these Rules shall not apply to the Budget Meeting.
- 2.4** Motions proposing amendments to the proposals shall be submitted in writing to the Monitoring Officer by no later than 9.30 a.m. on the working day prior to the Budget Meeting to enable the preparation of the advice of the Chief Finance Officer and any amendments shall be circulated to the Mayor and Councillors, with any officer comments, at least 24 hours, before the meeting.
- 2.5** Other than amendments notified in advance as above, any Member must state the reason for urgency for their amendment and in particular why the need for the amendment could not reasonably have been foreseen prior to the deadline for submission of amendments set out in Paragraph 2.4 above and, when introducing the topic, the Speaker will remind Members of this provision. Following the above statement, the advice of the Monitoring Officer, Section 151 Officer and Chief Executive must be sought should Council wish to debate any further substantial amendment without notice.
- 2.6** The Speaker will remind the Councillors at the start of the meeting of the importance, where possible, of all amendments being moved at the beginning of the debate or as soon as the need for the amendment is identified; and before moving to the 'right of reply' and voting stage of the meeting, the Speaker will give a final invitation for any further amendments. No new amendment may be proposed once the call for the vote has commenced.
- 2.7** When moving the budget proposals of the Mayor and Executive, the Mayor and/or another Executive Councillor may speak for up to 10 minutes.
- 2.8** Once the proposals of the Executive have been moved and seconded the other Political Group Leaders (or their nominee) shall then be invited to speak for up to 5 minutes. The order of speaking shall be commensurate with the number of Councillors in each group from the Leader of the largest group to the Leader of the smallest group. Where groups are of equal size, the order of speaking shall be at the Speaker of the Council's discretion.
- 2.9** During the course of their speeches Group Leaders (or their nominees) shall move any amendments they have notified prior to the deadline.

- 2.10** Once each Group Leader (or their nominee) has been invited to speak the Speaker of the Council shall invite any other Councillor who has notified an amendment prior to the deadline to speak for up to 3 minutes and during the course of their speech that Councillor shall move their amendment.
- 2.11** The Council will then debate the matters before it for consideration. The order of speakers shall be at the discretion of the Speaker of the Council. Subject to Rules 2.12 and 2.13 below, a Councillor may speak only once during the debate and in the course of their speech may address the proposals of the Executive and/or any amendment(s) that may be moved. All speeches shall be limited to a maximum of 3 minutes.
- 2.12** At the discretion of the Speaker of the Council a Group Leader (or their nominee) who has previously spoken in accordance with Rule 2.8 of these Procedure Rules may speak again during the general debate and any such further speech by a Group Leader (or their nominee) or any other Councillor shall be in accordance with the time limits and procedural requirements of Rule 13 of these Rules.
- 2.13** At the conclusion of the general debate the Mayor or on his behalf any other Executive Councillor who may have moved the proposals of the Executive may exercise a right of reply for up to 3 minutes.
- 2.14** The Council will then vote on any amendments that have been moved and seconded and not withdrawn, in the order in which they were moved. Each amendment shall be disposed of in turn and in its entirety.
- 2.15** Following the voting on all amendments Council shall make its determination. Pursuant to the Budget and Policy Framework Procedure Rules if the Council adopts the proposals of the Executive without amendment the decision shall become effective immediately.
- 2.16** If Council wishes to make any objection or amendment to the Executive's proposals, it shall require the Mayor and Executive to re-consider in the light of those objections or amendments.
- 2.17** At the Budget Meeting Rules 12.1(k)(iii) (Motion without notice to suspend a Procedure Rule) and 23 (Suspension and amendment of Council Procedure Rules) of these Procedure Rules shall not apply.

3. ORDINARY MEETINGS

- 3.1** Ordinary meetings of the Council will take place in accordance with the programme below:

Introductions, Minutes, Declarations, Announcements:

- (a)** As per Rules 1.1(a), (d), (e) and (f);

Mayor's Report

- (b)** receive the Mayor's report, who may speak for up to 6 minutes on the item;

- (c) the Speaker shall invite the other Political Group leaders to respond for up to 2 minutes each;
- (d) the Speaker shall invite the Mayor to respond to the other Political Group leaders for up to 2 minutes.

Public Petitions

- (e) this is limited to up to 4 Petitions and the Petition Scheme Procedures apply;
- (f) the relevant Councillor shall report the Council's response to Petitions received;
- (g) all other petitions that have been submitted will be noted and the Speaker will announce where the Petitions will be sent for a detailed response;

Administration Motion Debate

- (h) consider an Administration Motion in accordance with Rules 11 and 13;

Opposition Motion Debate

- (i) consider a Motion from an Opposition Group in accordance with Rules 11 and 13;

Reports

- (j) receive reports from the Executive and the Council's Committees requiring a decision and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;
- (k) to receive other reports as required; and

Questions by Councillors on Notice

- (l) to receive questions from Councillors; and

Motions

- (m) consider motions as set out in Rule 11.

4. EXTRAORDINARY MEETINGS

4.1 Those listed below may request the Chief Executive to call extraordinary Council or Committee meetings in addition to ordinary meetings:

- (a) Council by resolution;
- (b) The Speaker;
- (c) The Monitoring Officer; or
- (d) Any 5 Councillors of Council or a relevant Committee if they have signed a requisition that has been presented to the Speaker of the Council and they have refused to call a meeting or has failed to call a meeting within 7 days of such.

4.2 When requested, the Monitoring Officer will in consultation with the Chief Executive shall call a meeting of the Council or Committee unless the Chief Executive is of the opinion that holding such a meeting would not be an efficient use of resources and the subject matter of the business can conveniently wait until the next Ordinary Meeting of the Council or Committee.

- 4.3** Only the business specified in the resolution, request or requisition which led to the calling of the Extraordinary Meeting can be conducted at this meeting.
- 5. TIME, PLACE, POSTPONEMENT AND CANCELLATIONS OF MEETINGS**
- 5.1** All Council meetings will commence at 7.00pm and take place at the Town Hall unless the Speaker or the Chair of the relevant Committee/Sub-Committee decides otherwise. This will be in consultation with the Monitoring Officer.
- 5.2** The Monitoring Officer in consultation with the Chief Executive is authorised to either cancel or postpone a meeting of Council or any meeting of Cabinet or a Committee/Sub-Committee if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation/ postponement.
- 5.3** The Monitoring Officer is authorised to vary the time, date and place of any meeting where there is good justification in consultation with the Chief Executive , the Speaker, the Mayor, Chair of the Committee/Sub-Committee and other Political Group Leaders as appropriate.
- 6. NOTICE OF AND SUMMONS TO MEETINGS**
- 6.1** The Monitoring Officer will give notice to the public of the time and place of any meeting of Council, Cabinet or Committee/Sub-Committee in accordance with the Access to Information Procedure Rules at Part 4.2 of the Constitution.
- 6.2** At least 5 clear working days before a meeting not including the day the notice is given and the day of the meeting, the Monitoring Officer will send a summons to the Mayor and Councillors giving the date, time and place of the meeting, specify the business to be transacted, and will be accompanied by any available reports. If necessary, addendum reports to the reports on the agenda will be permitted within the preceding five days to the meeting or at the meeting subject to the report setting out 'reasons for urgency'.
- 7. CHAIR OF MEETING**
- 7.1** Participation in a Cabinet, Committee, Panel or other formal meeting by a Councillor or other person who is not an appointed Councillor or substitute Councillor of the meeting shall be at the discretion of the person chairing the meeting.
- 8. QUORUM**
- 8.1** Subject to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Councillors or 3 voting Councillors, whichever is the greater.
- 8.2** Subject to any exceptions in Rule 25, if a quorum is not reached at the scheduled start time for a meeting, the Chair/Vice-Chair shall have the discretion to extend the start time by up to 15 minutes. If a quorum is not achieved at the scheduled start time, or after any extension, the meeting will stand adjourned.

- 8.3** During any meeting if the Chair counts the number of Councillors present and declares there is not a quorum, then the meeting will adjourn immediately. Remaining business will be considered at a time, date and place fixed by the Speaker, Chair or Monitoring Officer. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

9. DURATION OF MEETING

- 9.1** Subject to any exceptions in Rule 26, all Council Meetings will end after a period of 3 hours but an extension may be agreed by resolution to extend the meeting for an additional period of up to 30 minutes.
- 9.2** If the business of a Council meeting has not been concluded after it has convened for 3 hours or 3½ hours (if the extension in rule 9.1 is applied), when the Councillor speaking has concluded their speech, the Chair will draw the attention of the meeting to this rule. If a matter is being debated, the debate shall immediately be concluded as if the motion, 'That the question be now put' had been moved and carried.
- 9.3** Any matters, (other than motions on notice) on the agenda that have not been dealt with by the end of the meeting shall be deemed formally moved and seconded together with amendments notified in writing to the Monitoring Officer by noon on the day of the meeting. They will be put to the meeting without any further discussion. A recorded vote under rule 16.4 will be taken, if called for and the requirements of that rule are met, on matters dealt with under this guillotine. During the process in this rule the only other matters which may be raised are points of order. When all matters have been dealt with, the Chair will declare the meeting closed. Any motions on notice under Rule 12 not dealt with before the guillotine is applied shall be deemed to have fallen with the exception of the motions for 'Administration and Opposition Motion Debates' which will be voted on along with any amendments received by noon on the day of the meeting.

10. QUESTIONS BY COUNCILLORS

- 10.1** A Councillor may ask the Mayor or the Chair of a Committee/Sub-Committee questions without notice about an item in a report of the Executive or of that Committee/Sub-Committee when it is being considered.
- 10.2** Subject to rule 10.4, at an Ordinary meeting of Council a Councillor may ask the Speaker or the Mayor, a question about any matter in relation to which the Council has powers or duties or which affects the Borough. Questions can also be put to the Chair of any Committee/Sub-Committee in relation to any matters that is within the Committee/Sub-Committee's remit.
- 10.3** Questions at an Extraordinary Council meeting must relate to a matter on that agenda only.
- 10.4** Questions relating to Executive functions and decisions taken by the Mayor will be put to and should be answered by the person responsible for those decisions, namely the Mayor, unless he delegates such a decision to a Councillor who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.

- 10.4** A Councillor may only ask a question under Rule 10.2 above if either:
- (a) notice in writing of the question has been given by noon at least 9 clear working days before the meeting not including the day that notice is given and the day of the meeting to the Monitoring Officer; or
 - (b) the question relates to an urgent matter; they have the consent of the Councillor to whom the question is to be put; and the content of the question is given to The Monitoring Officer by noon on the day of the meeting; or
 - (c) at an Extraordinary Council meeting notice in writing has been given by noon at least 2 clear working days before the meeting to The Monitoring Officer.
- 10.5** The Monitoring Officer may reject a question if it:
- (a) is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - (b) is defamatory, frivolous or offensive; is substantially the same as a question which has been put at a meeting of Council in the past 6 months;
 - (c) requires the disclosure of confidential or exempt information; and/or
 - (d) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
- 10.6** If a question is rejected, the Councillor who submitted it will be notified in writing before the meeting and given an explanation for the rejection.
- 10.7** An answer may take the form of:
- (a) a written answer circulated to the questioner;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given in writing, a direct oral answer.
- 10.8** A Councillor asking a question under Rule 10.2 may ask one supplementary question without notice, but the supplementary question must arise directly out of the original question or reply. The Speaker may reject a supplementary question on any of the grounds in Rule 10.5 above or if the question takes the form of a speech.
- 10.9** The provisions of 10.2 above also apply to questions about the business of a joint authority of which the Council is a partner or questions about the activities of a company or external organisation to which the Council nominates and in these cases the question is put to the Councillor who has been appointed as the Council's representative.
- 10.10** Questions are limited to 1 per Councillor per meeting, plus 1 supplementary question unless the Councillor has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. A question that requires

an answer in respect of 2 or more points (a multi-question) is not deemed to be 1 question.

- 10.11** Written responses will be published after the meeting. Where a question is put at the meeting, a time limit of 1 minute shall be applied to the question and to the oral response. Supplementary questions and responses will also be time-limited to 1 minute each.
- 10.12** Subject to time available at the Meeting, there will be a maximum time-limit of 30 minutes on Councillors' questions with no extension of time, and questions not dealt with in this time will be dealt with by written responses and which are to be provided within 28 days of the Meeting. Unless the Speaker decides otherwise, the order of Councillors' questions shall alternate between the administration and one of the other Political Groups, with the questions from other Political Groups drawn in turn, starting with the largest Group. The Speaker shall have discretion, within the 30 minutes allocated for Questions, to vary the printed order of questions to allow an 'ungrouped' Councillor to put their question or to ensure that at least one Councillor from each Political Group has the opportunity to put a question.
- 10.13** Councillors will confine their contributions to questions and answers and must not make statements or attempt to debate. The Speaker will decide whether a Councillor is contravening this rule and if so will stop the Councillor concerned and move on to the next question if necessary. The Speaker's ruling is final.

11. MOTIONS – ON NOTICE

- 11.1** Except for motions which can be moved without notice under Rules 12 and 14, written notice of every motion, signed by the Member of Council proposing the motion and a seconder, must be delivered to the Monitoring Officer no later than noon seven clear working days before the meeting not including the day of delivery of the notice and the day of the meeting. The notice shall specify the Council meeting for which it is submitted. For any meeting, no Member of Council may propose more than one motion by way of written notice. A Member may second as many motions as they so wish.
- 11.2** A Member of Council who wishes to move the suspension of this Rule to enable a motion to be debated where prior notice has not been given as above must state the reason for urgency before the proposal to suspend this Rule is put to the meeting. If the Speaker does not accept the reason for urgency then the Motion will not be accepted.
- 11.3** Ungrouped Councillors may submit a motion under paragraph 11.1 without a named seconder.
- 11.4** Motions will be included on the agenda in order with the Administration Motion for debate first, followed by the Opposition Motion for debate. Any remaining motions shall be placed on the agenda to alternate between the administration and the other Political Groups, with the Opposition Group motions starting with the largest Political Group not to have that meeting's Opposition Motion Debate slot. It is for the Mayor/Administration Leader to select the Administration Motion for Debate. It is for

the Leader of the relevant Opposition Group to select the Opposition Motion for debate.

- 11.5** A motion must be about a matter for which the Council has a responsibility or which affect the area. The Monitoring Officer may reject a motion if it:
- (a)** is not about a matter for which the local authority has a responsibility either directly or with its partners;
 - (b)** does not contain a clear action or resolution which is within the power of the Authority to pursue.
 - (c)** is defamatory, frivolous or offensive or otherwise unsuitable;
 - (d)** is substantially the same as a motion which has been put at a meeting of the Council in the past 6 months and does not meet the requirements of Rule 13.2;
 - (e)** requires the disclosure of confidential or exempt information or a case which is currently under judicial scrutiny; and/or
 - (f)** seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
 - (g)** is not clear or to the point or includes repetition or does not have a clear recommendation.
- 11.6** If a motion is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection. The Speaker of the Council may also, on the advice of the Chief Executive, refuse any motion which contravenes these requirements.
- 11.7** At each ordinary meeting of Council there will be specific time set aside for one Administration and one Opposition Motion debate. The following rules will apply:
- (a)** The debates will be on the first administration and opposition motions set out in the Motions report included in the agenda.
 - (b)** Motions tabled without notice may not take the place of either of these motions.
 - (c)** Notice in writing of any amendment must be given to the Monitoring Officer by noon the day before the meeting.
 - (d)** The opposition motion debate will alternate in sequence between the opposition groups starting at the first ordinary meeting following the local elections with the largest opposition group and then going in sequence until the next local elections. Should there be changes to the number of political groups this sequence will be adjusted as necessary.
 - (e)** Both the administration and opposition motion debates will be for a maximum of 30 minutes each.
 - (f)** Standard procedures for a motion debate will apply to the debate itself (including on length of speeches and tabling amendments).
 - (g)** If the guillotine falls during or before the debate the motions and any amendments already tabled will be voted on along with any other amendments received by noon on the day before the meeting.

12. MOTIONS AND AMENDMENTS – WITHOUT NOTICE

12.1 Subject to Rule 11.2 the following motions and amendments may be moved without notice provided they do not contravene the requirements of Rule 11.5 above. Once such a motion or amendment has been moved, seconded and has been accepted by the Speaker it shall unless the Speaker decides otherwise be put and voted on without debate:-

- (a)** to appoint a Chair of the meeting at which the motion is moved;
- (b)** in relation to the accuracy of the Minutes;
- (c)** to change the order of business in the Agenda in circumstances where the Speaker is satisfied that there are exceptional circumstances to permit such change. In addition, the Councillor seeking to change the order must address such exceptional circumstances;
- (d)** to refer something to an appropriate body or individual;
- (e)** to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f)** to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g)** to withdraw a motion;
- (h)** to amend a motion;
- (i)** to proceed to the next business;
- (j)** that the question be now put;
- (k)** to adjourn a debate;
- (l)** to adjourn a meeting;
- (m)** to extend the meeting under Rule 9;
- (n)** to suspend a Procedure Rule to which Rule 23 applies;
- (o)** to exclude the public in accordance with the Access to Information Procedure Rules;
- (p)** not to hear a Councillor further because of misconduct (as set out in rule 22.2);
- (q)** to require a Councillor to leave the meeting for continued improper behaviour (as set out in rule 22.3); and
- (r)** to give the consent of Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Unless notice of the motion has already been given in writing, the Speaker shall require any motion or amendment to a motion to be presented with enough copies for circulation to all Councillors. The Speaker can request the motion be handed to her/him so that it can be read out to Members of Council before it is discussed.

- 13.3** When seconding a motion or amendment, a Member of Council may reserve their speech until later in the debate.
- 13.4** No speech may exceed 3 minutes without the consent of the Speaker except for the proposer of any motion who shall be allowed up to 4 minutes.
- 13.5** Subject to these procedure rules, the order of speakers shall be determined by the Speaker. The Member of Council who wishes to speak shall indicate and shall wait until called by the Speaker. In determining the order of speakers the Speaker may take into consideration whether previous speakers have supported or opposed the motion under debate; the particular concerns of any ward councillors; and/or any notification by a political group of Members of Council of their group who wish to speak on the matter.
- 13.6** An amendment to a motion must be relevant to the motion and may:-
- (a) refer the motion to an appropriate body or individual for consideration or re-consideration;
 - (b) leave out words;
 - (c) leave out words and insert or add others; and/or
 - (d) insert or add words;
- as long as the effect is not to completely re-write or negate the motion.
- 13.7** If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 13.8** After an amendment has been carried, the Speaker may choose to read out the amended motion before putting it to the vote.
- 13.9** A Member of Council may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion. This amendment can be at the suggestion of another Member of Council at the meeting and is often referred to as a 'friendly amendment'.
- 13.10** A Member of Council may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 13.11** Only alterations which could be made as an amendment may be made under this rule.
- 13.12** A Member of Council may withdraw a motion or amendment before or after ~~which~~ they have moved it with the consent of both the meeting and the seconder. Consent will be signified without discussion. No Member of Council may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- 13.13** The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

13.14 If an amendment is moved, the mover of the original motion also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.

13.15 Where there is a debate on a report at Council. The Member who introduces the report shall have a right of reply in the same manner as if a motion was being debated.

14 PROCEDURAL MOTIONS

14.1 When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion
- (b) to amend the motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue for a further 30 minutes;
- (h) to exclude the press and public; and
- (i) that a Member of Council be not further heard or to exclude the Member of Council from the meeting.

14.2 At the end of a speech by another Member of Council, a Member of Council may move without comment the following motions:

1. to proceed to next business;
2. that the question be now put;
3. to adjourn a debate; or
4. to adjourn a meeting.

14.3 If a motion to proceed to next business is seconded and the Speaker thinks the item under discussion has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

14.4 If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, they will give the mover of the original motion a right of reply before putting her/his motion to the vote.

14.5 If the Speaker considers that the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, they will adjourn the debate or adjourn the meeting without giving the mover of the original motion the right of reply.

14.6 A Member of Council may raise a point of order at any time and the Speaker will hear them immediately. A point of order may only relate to the alleged breach of

these Council Procedure Rules or the law. The Member of Council must indicate the rule or law which must be specified at the outset and the way in which the Member of Council considers it has been broken. The ruling of the Speaker on the matter is final.

- 14.7** A Member of Council may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member of Council which may appear to have been misunderstood in the present debate. The ruling of the Speaker on the admissibility of a personal explanation is final.

15. PREVIOUS DECISIONS AND MOTIONS

- 15.1** A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past 6 months cannot be moved unless the notice of motion is signed by at least twenty Members of Council.
- 15.2** A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least twenty Members of Council.
- 15.3** Once a motion or amendment to which this Rule applies has been dealt with, no Member of Council can propose a similar motion or amendment within the next four months.

16. VOTING

- 16.1** The Mayor and all Councillors are entitled to vote unless exempted.
- 16.2** Unless this Constitution (or the law) provides otherwise, any matter will be decided by simple majority of the Mayor and Councillors present.
- 16.3** If there are equal numbers of votes for and against, the Speaker will have a second or casting vote. There will be no restriction on how the Speaker chooses to exercise a casting vote.
- 16.4** Unless a recorded vote is demanded the Speaker will take the vote by a show of hands, or any other of voting method that has been introduced. If there is no dissent this can be by simple affirmation of the meeting. A recorded vote must be requested before a vote is taken.
- 16.5** If 20 Members of Council present at the meeting request it the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 16.6** In relation to any debate at a Budget Council Meeting on the authority's budget and level of the Council Tax to be levied for each financial year, a recorded vote shall take place on any amendment that is put to the vote during that debate and on the substantive motion. Such votes to be undertaken in accordance with Procedure Rule 16.4.

16.7 Where any Members of Council requests it immediately after a vote, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

16.8 If more nominations are made than there are positions available, the meeting will vote in turn on each nomination separately, in the order in which they were nominated, until the vacant position(s) are filled. Before any vote is taken the Speaker of the Council or person presiding shall establish that each candidate nominated, if present, is willing to stand.

17. PETITIONS

17.1 The Council has adopted a Petition Scheme and which is attached at Appendix 1. All Petitions are considered in accordance with that Scheme.

18. STANDARDS ADVISORY COMMITTEE REPORTS

18.1 The Chair of the Standards Advisory Committee and the Independent Person shall both be entitled to address Council on any report referred to them by the Standards Advisory Committee.

19. EXCLUSION OF THE PUBLIC

19.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part B Section 27 of this Constitution or Rule 24 (disturbance by the public).

20. COUNCILLORS' CONDUCT

20.1 When the Speaker of the Council stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

20.2 If a Councillor persistently disregards the ruling of the Speaker, or behaves inappropriately, offensively, or is deliberately obstructing business, the Councillor will be provided with a warning by the Speaker. If the Councillor continues to behave in any such manner, the Speaker, in consultation with the Chief Executive and the Monitoring Officer, has the authority to order the Councillor in question to leave the meeting.

21. DISTURBANCE BY PUBLIC

21.1 If a member of the Public interrupts proceedings or is otherwise causing an annoyance, the Speaker of the Council will warn the person concerned and, if the interruption continues, will order the person's leave the Council Chamber. This includes behaviour during filming or otherwise recording the Meeting.

21.2 If there is a general disturbance in any part of the Council Chamber open to the public the Speaker of the Council shall order that part to be cleared.

22. FILMING AND RECORDING

- 22.1** Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If a person wishes to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Speaker or Chair is aware and those attending the meeting can be made aware of any filming taking place.
- 22.2** Filming is to be limited to the formal meeting area and must not extend to those in the public seating area.
- 22.3** The filming etc. must be done in such a way that does not cause a breach of health and safety or cause an annoyance. There may also be occasions where those filming may be asked not to film particular individuals where it is considered that there is good reason not to do so and which could allow the meeting to remain open to the press and public. The Speaker/Chair will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the meeting.
- 22.4** The Council may publish a Filming Protocol in Part D of this Constitution.

23 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

- 23.1** Except where these rules provide otherwise, any of the Council Procedure Rules to which this Rule applies may be suspended for all or part of the business of a meeting at which suspension is moved by a motion.
- 23.2** Such a motion cannot be moved without notice unless at least ½ of the voting Councillors of the meeting are present.
- 23.3** This Rule applies to the Rules 10 to 13 and 17.

24 SPECIFIC EXEMPTIONS APPLYING TO OTHER MEETINGS/COMMITTEES AND SUB-COMMITTEES

24.1 General

- (a)** The person presiding at a meeting of any Committee or Sub-Committee may exercise any power or duty of the Speaker of the Council in relation to the proceedings of that meeting. Where these rules apply to meetings of Committees and Sub-Committees, references to the Speaker of the Council also include the Chairs of Committees and Sub-Committees
- (b)** Chairs of 'Committees of Council' will be elected the Council's Annual Meeting. Should a post of Chair of Committee be vacant at any other time during the year it would be for Council to consider that election at its next available meeting. Should Council fail to do that then the Committee may appoint a Chair from amongst its own Members. Different rules apply to Sub-Committees, Boards and other meetings.
- (c)** Rules 5 to 9, 13.1 to 13.3, 13.5, 13.6 and 16 to 23 apply to meetings of all Committees and Sub-Committees, except as specifically referred to below.

- (d) As well as allocating seats on Committees and Sub-Committees/Panels, the Council will allocate seats in the same manner for substitute Councillors.
- (e) For each Committee or Sub-Committee/Panel, the Council will appoint up to 3 substitute Councillors, nominated by each relevant Political Group.
- (f) Substitute Councillors will have all the powers and duties of any ordinary Councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- (g) Substitute Councillors may attend meetings in that capacity only:
 - (i) to take the place of the ordinary Councillor for whom they are the designated substitute; and
 - (ii) after notifying the Monitoring Officer (or her/his representative at the meeting) by the time scheduled for the start of the meeting of the intended substitution
- (h) A substitute Councillor may, where necessary, take the place of the ordinary Councillor for part of a meeting or for only (a) specific agenda item(s), subject to prior notification as above and subject to any handover between the Councillors taking place at the beginning of a new agenda item.

24.2 Appeals Committee/Sub-Committee, Development and Strategic Development Committees, and Licensing Committee/Sub-Committee

- (a) After sitting for 3 hours, an extension may be agreed for up to a period of up to 1 hour so as to conclude the item/application under consideration, provided that the meeting does not extend beyond 11.30pm in any event.
- (b) Where any items on the agenda that have not been dealt with by the end of the meeting shall be dealt with either at a special meeting of the Committee/Sub-Committee convened to deal with those items or at the next normal meeting of the relevant Committee/Sub-Committee.

24.3 Licensing Committee

- (a) There are no substitutes permitted for the Licensing Committee.
- (b) In the case of a Licensing Committee/Sub-Committee being inquorate after 15 minutes the legal adviser to that such has the authority to agree an extension of up to an additional 30 minutes to proceed.

Appendix to the Council Procedure Rules

LONDON BOROUGH OF TOWER HAMLETS

PETITION SCHEME

1. SUBMITTING A PETITION TO THE COUNCIL

Tower Hamlets Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions are those prepared in the traditional way: a petition organiser creates a paper document that includes a proposed action. Residents physically write their name, address and signature on this document to show their support of the proposed action.

To help you organise paper petition, the Council has prepared a template that is attached as Appendix 3.

Paper petitions can be sent to the Democratic Services Team on the details provided at Section 7 of this Scheme.

e-Petitions are created, signed, and submitted entirely online. The petition organiser uses a website to create their petition and residents can electronically add their name via the website to show their support of the action the petition organiser proposes.

It is recommended that e-petitions are created via the Council's e-petition facility www.towerhamlets.gov.uk/petition. e-petitions created or submitted through third party websites may be accepted if they comply with the provisions of this scheme.

2. GUIDELINES FOR SUBMITTING A PETITION

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take.
- The names and signatures of each person supporting the petition, together with the full addresses (including postcode) at which they live, work or study in Tower Hamlets.
 - For Paper Petitions (see definition above) the original signed sheets must be submitted (scans/copies will not be accepted).
- Contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be published.
- If the petition does not identify a petition organiser, we will contact the first listed signatory to the petition to agree who should act as the petition organiser.

Scope of Petition

The Monitoring Officer will review all petitions before they are accepted / actioned. Petitions may be rejected if it:

1. is not about a matter for which the local authority has a responsibility or which affects the borough;
2. is defamatory, frivolous; offensive; vexatious, abusive or otherwise inappropriate;
3. is substantially the same as a petition which has been put at a meeting of the Council in the past 6 months;
4. requires the disclosure of confidential or exempt information; or
5. seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
6. Is otherwise unsuitable.

The Monitoring Officer will also consider any request received for the petition to be dealt with in a particular way (e.g. for submission to a particular Committee or to Council). Subject to the guidance within this Petition Scheme, the Monitoring Officer has absolute discretion on how the Council will deal with any petition received and may recommend an alternative course of action to that requested.

In addition, there are some circumstances where petitions will not be dealt with under this Scheme. These include any matters relating to planning or licensing applications; where a separate consultation process is active; or any other circumstances which, in the opinion of the Monitoring Officer would mean the petitions would be better dealt with using a different Council procedure.

The Council may seek to verify the authenticity of each entry on a petition by reference to existing information such as (where appropriate) the current electoral register or other relevant records. Entries which cannot be verified may not be counted for the purposes of determining whether a petition has exceeded a threshold set out in this scheme.

In the period immediately before an election or referendum, when certain legal restrictions apply, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

Signing a Petition

School Children

The Council welcomes petitions created and signed by school children and university students. It may be appropriate for young people to give the name of their school, college rather than home address when signing a petition.

Council Officers

Petitioners are asked not to ask council officers to sign their petitions in relation to their service area. It is contrary to the Member / Officer Protocol for officers to lobby Councillors in respect of their specific service.

3. ACTION BY THE COUNCIL ON RECEIPT OF A PETITION

An acknowledgement will be sent to the petition organiser within 10 working days of us receiving the petition. This will let them know what we plan to do with the petition and when they can expect to receive a formal response to it. If the petition needs more investigation, we will tell the petition organiser the steps we plan to take.

If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

Petitions will receive a formal response from the relevant Corporate Director within 28 days of receipt. This will usually be the quickest way of addressing the issue.

If however, the petition meets the requirements to be presented/debated at a meeting of Councillors under the provisions of Section 4 of this scheme, the petition will receive a formal response within 28 days from the meeting. If you request this option, the relevant Corporate Director may still write to you. You may choose not to proceed with presentation at a meeting if you feel their response resolves the matter.

The acknowledgment will confirm when and how your response will be sent and tell you when and where the meeting will take place (if applicable and if known at that stage).

To ensure that people know what we are doing in response to the petitions we receive, the details of all petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

4. PRESENTATION OF A PETITION TO ELECTED COUNCILLORS

Subject to your petition containing sufficient signatures as set out below, you may request to present the petition to a meeting of Councillors. There are several ways in which this can be done.

(a) Presentation to a meeting of the Council, Cabinet or relevant committee

If your petition includes the names, addresses and signatures of 30 persons who live, work or study in the borough it can be presented at an ordinary meeting of the Council or to a Council Committee.

The procedure for presenting a petition at full Council or Committee meetings is included in Appendix 1 of this scheme.

Separate to the above provision, the Mayor has agreed a scheme for public engagement at executive meetings (the Cabinet and Cabinet sub-committees), which provides a number of different ways that members of the public can make submissions relating to items on the agenda. The Cabinet public engagement scheme is set out at Appendix 2 of this Scheme.

(b) Debate at a Council Meeting

If your petition includes the names, addresses and signatures of 2,000 persons who live, work or study in the borough, you may request that a debate be held about the petition at a full Council meeting.

The procedure for debating a petition at full Council meetings is included in Appendix 1 of this scheme.

(c) Officer evidence to the Overview and Scrutiny Committee

If your petition includes the names, addresses and signatures of at least 1,000 persons who live, work or study in the borough, you may request that a relevant senior officer give evidence at a public meeting of the Council's Overview and Scrutiny Committee. For example, you may request that a senior officer explain progress on an issue, or the advice given to councillors to enable them to make a particular decision. The senior officers who may be called to give evidence under this procedure include the Head of the Paid Service (Chief Executive) and any of the Council's statutory or non-statutory Chief Officers (Corporate Directors).

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee will also call the relevant Executive Councillor(s) to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Democratic Services team (see Section 7) up to three working days before the meeting.

General guidance on requesting your petition be presented or debated

If you would like your petition to be presented/debated at a meeting, you must submit (1) the petition; (2) a request to present or debate the petition; and (3) any request for additional assistance such as an interpreter, to the Democratic Services Team (see Section 7) by noon, 9 clear working days (not including the day notice is given or the day of the meeting) before the relevant meeting. However, please note that there is likely to be a maximum number of petitions presented at any one meeting and these slots are normally allocated in order of receipt, so early submission is advised.

When determining whether a petition has met or exceeded a threshold set out in this scheme, the Council will only count signatories for which a local connection (i.e. that the

signatory either lives, works or studies in Tower Hamlets) can be evidenced from the information supplied. There is a risk that petitions created and/or submitted via third party e-petition websites may not satisfy this criterion so it is strongly recommended that e-petitions are created via the Council's own e-petition facility www.towerhamlets.gov.uk/petition

Similar petitions: In the event that 2 or more petitions which are substantially the same are received from different petition organisers, the Corporate Director, Governance may aggregate the number of valid signatures in each petition for the purpose of determining whether the threshold to trigger a Council debate of the matters raised has been reached if that is the wish of the petition organisers.

5. PETITIONS ON NON-COUNCIL FUNCTIONS

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it is unlikely you will be able to present it to a Council meeting, but we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible may liaise with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

If your petition is about something that a different authority is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other authority, but could involve other steps. In any event we will notify you of the action we have taken.

You can find more information on the services for which the Council is responsible on our website. www.towerhamlets.gov.uk

In all cases we will provide the written response as set out in Section 3.

6. IF YOU ARE NOT SATISFIED WITH THE COUNCIL'S RESPONSE

If you feel that we have not dealt with your petition properly you may make a complaint under the Council's complaints procedure.

https://www.towerhamlets.gov.uk/lqnl/council_and_democracy/complaints/complaints.aspx

7. FURTHER INFORMATION

Should you wish to submit a petition or require any further information, please contact:

Petitions,
Democratic Services,
1st Floor,
Town Hall,
Mulberry Place,

E14 2BG

020 7364 4651

Email: committee.services@towerhamlets.gov.uk

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

e-petitions website: <http://www.towerhamlets.gov.uk/petition>



QR code for website:

Petition Scheme Appendix 1

PROCEDURE FOR HEARING PETITIONS AT MEETINGS OF THE FULL COUNCIL

Agenda order: All petitions received within the deadline (see Section 4 of the Petition Scheme) will be listed on the Council agenda.

The agenda will list 4 petitions as ‘to be heard’, which will be listed in order of receipt, except that petitions for debate will take precedence. Any petitions listed as ‘to be heard’ for which the person(s) listed to present are absent, will be noted (see below).

All remaining petitions will be listed as ‘to be noted’. These petitions will not be heard and the Speaker will state where they will go for a full response.

Petition presentation procedure (for petitions of between 30 and 1,999 signatures)

1. Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough. Unless prior agreement from the Speaker of the Council has been obtained, the person(s) presenting the petition cannot include an elected Member of the Council.
2. The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.
3. Councillors may then ask the petitioners questions for a further 4 minutes;
4. The speaker will invite the Mayor or (at the Mayor’s discretion) the relevant Lead Member or Committee Chair to respond to the matters raised for up to 2 minutes.

5. The petition will be referred to the relevant Corporate Director who will respond in writing within 28 days from the date of the meeting.

Petition debate procedure (for petitions in excess of 2,000 signatures):

1. Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough.
2. The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.
3. Councillors may then ask the petitioners questions for a further 4 minutes.
4. The petition will then be debated by Councillors for a maximum of 15 minutes. All speeches are limited to a maximum of 3 minutes. During his or her speech, any Councillor may move a motion for the Council's consideration relevant to matters in the petition (this does not require the suspension of the Council Procedure Rules).
5. Following the debate, the speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the matters raised, for up to 3 minutes.
6. Following the petition debate, any motions moved will be put to the vote in the order they were tabled.
7. If no motion is agreed, the petition will stand referred to the relevant Corporate Director for a written response within 28 days of the meeting.

General guidance on petition hearings at Council meetings

Executive functions: In relation to executive functions, the Council does not have powers to override any executive decision of the Mayor or substitute its own decision. The Council may however pass a motion expressing a view on the matter or referring the matter to the Mayor, calling on him/her to take some action, or consider or reconsider a decision, with recommendations to inform that consideration. Officers will advise on the constitutional validity of any motion that may be moved.

Limitation. An individual or group may not submit a petition to a meeting of the Council if that individual or group has previously submitted a petition to either of the previous 2 Council meetings.

Presentation of Petitions at Non-Executive Committee Meetings (including Overview and Scrutiny Committees)

Petitions can also be presented to any Non-Executive Committee meeting providing it is on a subject matter that is within that Committee's Terms of Reference.

Some Committees will have specific procedures for dealing with petitions and those must be followed where they exist. In any other case the petition will be dealt with at the next appropriate Committee meeting. If no other procedures are in place or agreed then the petition will be heard in the same manner as at Council (3 minute presentation, 4 minutes of questions from Members, 2 minutes for a response). The response may come from a Member or officer as appropriate. If the petition relates to an item on the agenda, it will be considered during the discussion of that particular agenda item.

Petitions presented by young people

The Council welcomes petitions presented by young people including school children. Whilst the standard meeting procedures will be followed where possible, the Chair of the meeting shall have the discretion to vary the procedures to ensure the young people are properly able to represent themselves at the meeting.

Petition Scheme Appendix 2

PROCEDURE FOR HEARING PETITIONS AT MEETINGS OF THE CABINET

The procedure for hearing petitions at meetings of the Cabinet is contained in the Executive Procedure Rules at Section 30 of the Council's Constitution. The relevant provision is replicated below:

Public Engagement at Cabinet

Whilst the main focus of Cabinet is as a decision-making body, there is an opportunity for the public to contribute through making submissions that specifically relate to the reports that are set out on the agenda. Members of the public may therefore make written submissions in any form (for example; Petitions, letters, written questions) and which are to be submitted to the Clerk to Cabinet (whose details are on the Cabinet agenda front sheet) by 5 pm the day before the meeting. The consideration of such written submissions will be at the discretion of whosoever presides at the meeting.

PETITION TEMPLATE

To Democratic Services,
 Tower Hamlets Council
 1st Floor, Town Hall
 Mulberry Place
 London E14 2BG
committee.services@towerhamlets.gov.uk
 020 7364 4207

Petition to Tower Hamlets Council

Dear Democratic Services, please find attached a petition relating to...

...for your attention. The petition statement, which explains what action we would like the Council to take, and the names, addresses and signature of each person supporting the petition, can be found on the attached pages.

Details of petition organiser

Name:	Address:
Email:	Telephone No:

Tick this box if you are also running a linked petition on the Council's website at www.towerhamlets.gov.uk/petition

I believe this petition containssignatures;

Preferred response: I would like (tick 1 ONLY):	
For this petition to be referred to a senior Council officer who will arrange for a response to be sent within 28 days of receipt by the Council;	
To present this petition in person at a future meeting of the Council or a committee <i>[if the petition includes at least 30 valid signatures]</i>	
For this petition to be debated by Councillors at a future meeting of the Council <i>[if the petition includes at least 2,000 valid signatures]</i>	

(note to petition organiser – please complete this cover page in full and print 1 copy. Please complete and then print as many copies of the following signature sheet as you feel necessary. All signature sheets must also include the petition statement. Combine all pages and return to the address above.)

We the undersigned petition the Council to...[Insert your own text]

Please complete each row in full in BLOCK CAPITALS (individuals signing this petition must be persons living, working or studying in the London Borough of Tower Hamlets).		
FULL NAME	ADDRESS INC. POSTCODE	SIGNATURE

27 Access to Information Procedure Rules

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1. SCOPE

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICE OF MEETING

- 4.1** The Council will give at least five clear working days’ notice not including the day that notice is given or the day of any meeting by posting details of the meeting at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG (the designated office).
- 4.2** If the meeting is convened at shorter notice than five clear working days, notice is to be given by the Council in the same manner set out above at the time the meeting is convened.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1** The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting except;
- 5.2** Where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened, and
- 5.3** Where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be open to inspection from the time the item is added to the agenda.

6. ITEMS OF BUSINESS

- 6.1** An item of business may not be considered at a meeting unless either:
 - (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
 - (b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 6.2** “Five clear working days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.
- 6.3** “Special circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for inspection for five clear days before the meeting.
- 6.4** Where the item of business relates to a key decision Rules 14-19 also apply.

7. SUPPLY OF COPIES

- 7.1** The Council will supply copies of:
 - (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) if the Corporate Director, Governance thinks fit, any other documents supplied to Councillors in connection with an item,

to any person who makes a request to view copies of these documents on payment of a charge for postage and any other costs.

8. ACCESS TO MINUTES ETC. AFTER THE MEETING

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

- (a) the minutes of the meeting or records of decisions taken together with reasons, for all meetings excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

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

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

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

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

10. SUMMARY OF PUBLIC'S RIGHTS

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

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

- 11.1 Confidential Information – Requirement to Exclude Public.** The public *must* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (as defined in Rule 11.4 below) would be disclosed in breach of the obligation of confidence.
- 11.2 Exempt Information – Discretion to Exclude Public.** The public *may* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined in Rule 11.5 below) would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 11.3** Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 11.4 Meaning of Confidential Information.** *Confidential information* means information given to the Council by a Government Department on terms which forbid its public disclosure or information which the disclosure of which to the public is prohibited by or under any enactment or by the order of a court. This includes information excluded under the Freedom of Information Act 2000 or the Data Protection Act 2018.
- 11.5 Meaning of Exempt Information.** *Exempt information* is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely:
1. Information relating to any individual
 2. Information which is likely to reveal the identity of an individual
 3. Information relating to the financial or business affairs of any particular person (including the authority handling the information) [**Information is not exempt under this category if it is required to be registered under the Companies Acts 1985 and 2006, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Co-operative and Community Benefit Societies Act 2014 or the Charities Acts 1993 and 2011.**]
 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes:-
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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

11.7 Excluding the public to prevent disorder. Under Reg 4(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, members of the public can be excluded from a meeting in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

13. APPLICATION OF RULES TO EXECUTIVE

13.1 Rules 14-25 apply to the Executive and its Committees (and which term includes Sub-Committees and other decision making meetings). If the Executive or one of its Committees meets to take a key decision or meets in public then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. A key decision is defined in Part A Section 3 of this Constitution.

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

14. PROCEDURE BEFORE TAKING KEY DECISIONS

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

- (a) a notice has been published in connection with the matter in question at both the offices of the Council and on the Council's website;
- (b) at least twenty-eight days have elapsed since the notice has been published; and
- (c) where the decision is to be taken at a meeting of the Executive or a Committee of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meeting).

15. NOTICE OF KEY DECISIONS

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

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

16. CONTENT OF KEY DECISION NOTICES

16.1 Each notice published under Rule 14 shall contain the below details as far as reasonably practicable:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, her/his name and title, if any; and, where the decision maker is a decision making body, its name and a list of its members;
- (d) the date on which or the period within which the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and

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

16.2 Where, in relation to any matter-

- (a) the public may be excluded under Rule 21.2 below from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not, because of Rule 17, be disclosed to the public,

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

17. KEY DECISION NOTICES – EXEMPT AND CONFIDENTIAL INFORMATION

17.1 Nothing in these Rules (or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the 2012 Regulations”)) is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

17.2 Nothing in these Rules or the 2012 Regulations-

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

18. URGENCY - GENERAL EXCEPTION

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

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until public notice of at least twenty-eight days has been given;
- (b) the Corporate Director, Governance has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each

member of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made;

- (c) the Corporate Director, Governance has made copies of that notice available to the public at the offices of the Council for inspection; and
- (d) at least five clear days have elapsed following the day on which the Corporate Director, Governance complied with 18.1(b) and 18.1(c).

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

19. URGENCY - SPECIAL URGENCY

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

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

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

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

20. RIGHTS OF OVERVIEW AND SCRUTINY

20.1 When the Overview and Scrutiny Committee can Require a Report

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

- (a) published in advance in accordance with Rule 14, or
- (b) the subject of the urgency - general exception procedure (see Rule 18), or
- (c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Speaker under Rule 19;

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

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) three (3) Members of the Overview and Scrutiny Committee.

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

20.2 The Executive's Report to Council

- (a) The Executive will prepare a report setting out the date of the decision, particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision, the reasons for that opinion. There should also be details of any alternative decisions that were considered and why they were rejected, and the names of any member who has declared a conflict of interest in relation to the decision (if any).
- (b) The report will be submitted to the next ordinary meeting of Council. However, if the next meeting of Council is within ten days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the Council meeting after that.

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

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

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

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

- 21.3** A resolution under Rule 21.2 (b) must—
- (a) identify the proceedings, or the part of the proceedings to which it applies; and
 - (b) state, by reference to the descriptions in Rule 11.5 the description of exempt information giving rise to the exclusion of the public.
- 21.4** The public may only be excluded under sub-paragraph (a) or (b) of Rule 21.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.
- 21.5** Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the Executive and its Committees do not have the power to exclude members of the public from a meeting while it is open to the public.
- 21.6** While a meeting of the Executive or one of its Committees is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.
- 21.7** The Council must ensure that members of the public are aware that a meeting is to be broadcast where the council or a person attending the meeting for the purpose of reporting proceedings intends to use facilities to record or broadcast the proceedings.

Procedures prior to private meetings

- 21.8** Any decision made by the Executive or one of its Committees to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the Local Government Act 2000 (regulations requiring prescribed information about prescribed decisions).
- 21.9** At least twenty-eight clear days before a private meeting of the Executive of one of its committees, the Executive must—
- (a) make available at the offices of the Council a notice of its intention to hold the meeting in private; and
 - (b) publish that notice on the Council's website.
- 21.10** A notice under Rule 21.9 must include a statement of the reasons for the meeting to be held in private.

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

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

21.12 A notice under Rule 21.11 must include—

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the Executive about why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

21.13 Where the date by which a meeting must be held makes compliance with Rules 21.9 to 21.12 impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from—

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

that the meeting is urgent and cannot reasonably be deferred.

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

- (a) make available at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

21.14 The Executive or one of its Committees may meet in private if it meets with officers for the purposes only of briefing.

21.15 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place. A meeting of the Executive may not meet to take any decisions unless the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or their nominee

are present or have waived their entitlement to attend. The meeting may only take a decision if there is an officer present with responsibility for recording and publishing the decision.

22. RECORD OF DECISIONS

22.1 Executive Decisions made at Meetings. As soon as is reasonably practicable after a meeting of a decision-making body at which an executive decision has been made, whether held in public or private, the Corporate Director, Governance or nominated officer shall ensure that a written statement is produced in respect of every executive decision made at that meeting including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting by the decision making body at which the decision was made;
- (d) a record of any conflict of interest relating to the matter which is declared by any Member of the decisions making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

Decisions taken at a meeting may only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, Governance or their nominee is present.

22.2 Executive Decisions made by Individual Members of the Executive

22.3 All decisions taken individually by Members of the Executive must be based on written reports setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, Governance (or an officer nominated by them) has agreed the report.

22.4 When an officer prepares a report which is to be given to an individual Member for decision, they must first give a copy of that report to the Corporate Director, Governance (or an officer nominated by them).

22.5 The Corporate Director, Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.

- 22.6** Individual decisions by Members of the Executive can only be taken in the presence of an officer.
- 22.7** Subject to Rules 18 and 19, the individual decision maker may not make any key decision until notice of the decision has been available for public inspection for at least twenty-eight days before the decision is made.
- 22.8** As soon as is reasonably practicable after an individual Member has made an executive decision they shall produce, or cause to be produced, a written statement including:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected at the time by the Member when making the decision;
 - (d) a record of any conflict of interest declared by any Executive Member who was consulted by the Member which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 22.9** A copy of the written statement setting out the decision must be sent to the Corporate Director, Governance. All decisions of the Executive must be published on the Council's website and will be subject to call in as set out in Part B Section 30 of this Constitution.
- 22.10** Nothing in these rules relating to the taking of decision by individual Members shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

23 DECISIONS MADE BY OFFICERS

Key Decisions

- 23.1** Where officers are taking delegated key decisions, they must follow the procedure set out above for decisions taken by Individual Members of the Executive. This includes ensuring the decision is taken on the basis of a written report setting out key legal, financial and corporate implications.
- 23.2** Any officer decisions taken in accordance with Rule 23.1 will be subject to call-in as set out in Section 30 of this Constitution.

Other Executive Decisions (Non-Key Decisions)

- 23.3** As soon as is reasonably practicable after an officer has made a non-key decision delegated to the officer by a specific decision of the Executive, or another decision which incurs expenditure or savings over the threshold specified in Section 3 (currently £250k) the officer must produce a written statement including:
- (a) a record of the decision including the date it was made;
 - (b) a record of the reasons for the decision;
 - (c) details of any alternative options considered and rejected at the time by the officer when making the decision;
 - (d) a record of any conflict of interest declared by any Executive Member who was consulted by the officer which relates to the decision; and
 - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 23.4** Non-key decisions taken by officers are not subject to call in.
- 23.5** Nothing in these rules relating to the taking of a decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.
- 23.6** Rule 23 must be read in conjunction with the Recording of Officers' Decisions Procedure Rules at Section 30 of this Constitution.

24. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS - AFTER A DECISION HAS BEEN MADE

- 24.1** Subject to Rule 24.2 below, any member of the Overview and Scrutiny Committee or of a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Executive or any of its Committees, and contains material relating to:
- (a) any business which has been transacted at a public or private meeting of the Executive or its Committees; or
 - (b) any decision taken by an individual Member of the Executive;
 - (c) any key decision that has been taken by an officer in accordance with executive arrangements.

24.2 Limits on Rights. Overview and Scrutiny Committee Members and Scrutiny Panel Members shall not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information unless;
 - (i) it is relevant to an action or decision that they are reviewing or scrutinising or intends to review or scrutinise; or
 - (ii) which is relevant to any review contained in any programme of work of an Overview and Scrutiny Committee or Scrutiny Panel;
- (c) any document or part of a document that contains the advice of a political assistant.

25. ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS

25.1 Material Relating to Council and Committee Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Council and contain material relating to any business to be transacted at a meeting of Council or its Committees or Sub Committees unless 25.1.1 below applies:

- (a) it contains exempt information falling within categories 1, 2, 3 (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 4, 5 or 7 as set out at Rule 11.5 above.

25.2 Material Relating to Executive Meetings. All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business to be transacted at a public meeting unless either 25.2.1 or 25.2.2 below applies:

- (a) It contains exempt information falling within categories 1, 2, 3, (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) 4, 5 or 7 as set out in rule 11.5 above.
- (b) It contains the advice of a political assistant.

25.3 After the conclusion of a private meeting of the Executive at which an Executive decision has been made, all Members are entitled to inspect any document which is in the possession or under the control of the Executive and contain material relating to business transacted at the meeting in the terms set out at 25.2 above.

25.4 Material Relating to Key Decisions. All Members are entitled to inspect any document which is in the possession or under the control of the Executive and

contains material relating to any key decision in the terms set out at 25.2 above.

25.5 Nature of Rights. These rights are additional to any rights of access to information a Member may have

28 Budget and Policy Framework Procedure

CONTENTS

Rule	Subject
1	The Framework for Executive Decisions
2	Process for Developing the Framework
3	Decisions Outside the Budget or Policy Framework
4	Urgent Decisions Outside the Budget or Policy Framework
5	Virement
6	In-Year Changes to Policy Framework
7	Call-In of Decisions Outside the Budget or Policy Framework
8	Suspension

SUMMARY

Only Council can agree the Authority's budget for the year and the specified plans and strategies that are included in the Budget and Policy Framework. The Mayor and Executive will make proposals to Council in relation to the budget and those plans and strategies, for adoption by Council. If Council does not agree with those proposals of the Mayor/ Executive, a dispute resolution process as set out in section 2 below (but summarised here) applies:-

Where Council wishes to amend the Executive's proposals it may, by a majority vote, send the budget, plan or strategy back to the Executive, who must consider whether or not to make any amendments before re-submitting the item to Council.

When the item is re-submitted, if Council still wishes to amend the proposals, it can do so providing there are at least two-thirds of the Councillors present and voting at the meeting in favour of the amendment(s). Where a two-thirds majority in favour of Council's amendment(s) is not achieved, then the Executive's proposals stand agreed and shall be deemed to be adopted by the Authority.

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

1.1 Council will be responsible for the adoption of its budget and policy framework as set out in Section 28. In relation to the budget and the plans and strategies listed in Section 7:-

- (a) The adoption or approval of the plan or strategy is the responsibility of Council;
- (b) The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to Council; and
- (c) If Council wishes to amend the Mayor's proposals in relation to the items included in the Budget and Policy Framework only, the Local Authorities (Standing Orders) (England) Regulations 2001 sets out the dispute resolution procedure to be followed. Council must inform the Mayor of any objections which it has to his proposals (i.e. the amendments it wishes to agree) and must give the Mayor at least five working days, starting on the day following the meeting, to reconsider his proposals and re-submit them (amended or not, with reasons) to a further Council meeting. If at this further meeting Council still wishes to amend the Mayor's revised proposals, such a decision requires a two-thirds majority of the Members present and voting. If no valid amendment at the further meeting receives two-thirds support, the Mayor's proposals are deemed adopted in accordance with the regulations.
- (d) Once a budget or a policy framework document has been agreed, it is the responsibility of the Mayor, the Executive and officers to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

2.1 The process by which the budget and policy framework shall be developed is:

- (a) The Executive will publicise, by publishing a notice in accordance with the Access to Information Procedure Rules at Part B Section 27 of this Constitution, a timetable for making proposals to Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.
- (b) The Chair of Overview and Scrutiny Committee will be notified of proposals referred to in Rule 2.1.(a) and which shall be referred to Overview and Scrutiny Committee.
- (c) For the purposes of these Procedure Rules the consultation in each instance shall be in line with the Council's normal consultation time periods except where there is an urgent need to reduce the consultation period. The period for Overview and Scrutiny Committee to respond to consultation shall be not less than ten clear working days unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.

- (d) At the end of the consultation period, having taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee, the Executive will submit recommendations to Council.
- (e) Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place.
- (f) If Council adopts the Executive's proposals without amendment, the decision shall become effective immediately. However, if, having considered a draft plan or strategy, it has any objections to it Council must take the action set out in 2.1(g).
- (g) Before Council-
 - (i) amends the draft plan or strategy;
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (iii) adopts (with or without modification) the plan or strategy

it must inform the Mayor of any objections which it has to the draft plan or strategy and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must require the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- (h) Where Council requires reconsideration in accordance with 2.1(g) above, it must specify a period of at least five working days beginning on the day after the date on which the requirement is made within which the Mayor may:
 - (i) Submit a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
 - (ii) Inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.

If the specified period would prohibit Council from making determinations under Rule 2.1(i) within the statutory deadline for the setting of Council Tax, Council may specify such lesser period as is necessary to ensure compliance.

- (i) Subject to Rule 2.1(j), when the period specified by Council, referred to in Rule 2.1(h), has expired Council must, when:
 - (i) amending the draft plan or strategy or, if there is one, the revised plan or strategy;

(ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or

(iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of Council's objections and the Executive's reasons for that disagreement, which the Mayor submitted to Council, or informed Council of, within the period specified.

(j) Where Council proposes to –

(i) amend the draft plan or strategy or, as the case may be, the revised draft plan or strategy;

(ii) approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(iii) adopt with modifications the plan or strategy,

and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph 2.1(k).

(k) The question referred to in Rule 2.1(j) must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.

(l) Subject to Rule 2.1(r), where, before 8 February in any financial year, the Executive submits to Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (calculation of budget requirement etc.); or

(ii) estimates of other amounts to be used for the purposes of such a calculation; or

(iii) estimates of such a calculation; or

(iv) is required to be stated as a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts),

and following consideration of those estimates or amounts Council has any objections to them, it must take the action set out in Rule 2.1(m).

- (m) Before Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1(l) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive's estimates or amounts and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must require the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with Council's requirements.
- (n) Where Council requires reconsideration in accordance with Rule 2.1(m), it must specify a period of at least five working days beginning on the day after the date on which the requirement is received, the Mayor may:
 - (i) Submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts") which have been reconsidered in accordance with Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to Council for Council's consideration; or
 - (ii) Inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.
- (o) Subject to Rule 2.1(p), when the period specified by Council referred to in Rule 2.1(n) has expired, Council must, when making calculations (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1(m) or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:
 - (i) Any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) The Executive's reasons for those amendments;
 - (iii) Any disagreement that the Executive has with any of Council's objections; and
 - (iv) The Executive's reasons for that disagreement,
 which the Mayor submitted to Council, or informed Council of, within the period specified.
- (p) Where Council, for the purposes of making the calculations or issuing the precept, proposes to use estimates or amounts ('the different estimates or amounts') which are not in accordance with the Executive's estimates or amounts or, as the case may be, the Executive's revised estimates or amounts, the question whether to use the different estimates or amounts must be decided in accordance with Rule 2.1(q).
- (q) The question referred to in Rule 2.1(p) must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.

- (r) Rules 2.1(l) to 2.1(q) shall not apply in relation to:
- (i) Calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 (limitation of council tax and precept); and
 - (ii) Amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 3.1** Subject to the provisions of Rule 5 (virement) the Mayor, Executive, Committees of the Executive and any officers or joint arrangements may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by Council, subject to Rule 4 below.
- 3.2** If the Mayor, Executive, a Committee of the Executive, any officer or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1** The Mayor, Executive, a Committee of the Executive, an officer or joint arrangements may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:
- (a) if it is not practicable to convene a quorate meeting of Council; and
 - (b) if the Chair of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.
- 4.2** The reasons why it is not practicable to convene a quorate meeting of Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny

Committee, the consent of the Speaker, and in the absence of both, the Deputy Speaker, will be sufficient.

- 4.3** Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.4 Urgent Action

- (a) Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Proper Officer, after consultation with the Mayor or the Cabinet Member in respect of which the matter is associated, shall have power to act and shall report the action to the next meeting of the Executive.
- (b) Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.
- (c) Where the Proper Officer considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of Council or the appropriate committee can be called; the Proper Officer, after consultation with the Speaker or Deputy Speaker, shall have power to act and shall report the action to the next meeting of Council or the relevant Committee.

5. VIREMENT

- 5.1** Steps taken by the Mayor, the Executive, a Committee of the Executive, an officer, or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head. However, such bodies or individuals shall be entitled to vire across budget heads within such limits as shall be laid down in the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

6. IN-YEAR CHANGES TO BUDGET AND POLICY FRAMEWORK

- 6.1** The responsibility for agreeing the budget and policy framework lies with Council, and decisions by the Mayor, the Executive, a Committee of the Executive, officers, or joint arrangements must be in line with it. No changes to any budget, plan or strategy which comprises part of the budget and policy framework may be made by those bodies or individuals except those changes:
- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) which are necessary to ensure compliance with the law, ministerial direction or government guidance;

- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 7.1** Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 7.2** In respect of functions which are the responsibility of the Mayor or the Executive, the report of the Monitoring Officer and/or Chief Finance Officer shall be to the Mayor and Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet within twenty-one days of receiving the report to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 7.3** If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until Council has met and considered the matter. Council shall meet within twenty-one days of the request from the Overview and Scrutiny Committee (or within twenty-eight days if a meeting of Council is scheduled within that period). At the meeting Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 7.4** Council may either:
 - (a) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of Council be minuted and circulated to all Councillors in the normal way; or
 - (b) amend the budget, financial rule or policy concerned to encompass the decision or proposal of the body or individual responsible for that function and agree to the decision with immediate effect. In this case, no further

action is required save that the decision of Council be minuted and circulated to all Councillors in the normal way; or

- (c) where Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Mayor or Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.

7.5 If Council does not meet, the decision will become effective on the date of Council or expiry of the period in which Council should have been held, whichever is the earlier: providing that the Monitoring Officer and/or the Chief Finance Officer is/are satisfied that the decision is within the budget and policy framework or falls within Rules 6.1(a) – 6.1(d).

8. SUSPENSION

8.1 Provided it is not contrary to law, these rules may be suspended by Council or, in so far as they are applicable to either body, the Cabinet or the Overview and Scrutiny Committee.

29 Executive Procedure Rules

CONTENTS

Rule	Subject
1	How Does the Executive Operate?
2	How are Executive Meetings Conducted?
3	The Mayor's Executive Scheme of Delegation

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who May Make Executive Decisions?

In law, functions which are the responsibility of the Executive may be exercised by

- (a) The Mayor
- (b) The Executive as a whole (the Cabinet) ;
- (c) A Committee of the Executive;
- (d) An individual Member of the Executive;
- (e) The Chief Executive, a Chief Officer or an officer;
- (f) An area Committee; or a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007;
- (g) joint arrangements; or
- (h) another local authority;

subject to the Mayor or this Constitution giving delegated authority to the person/meeting listed to discharge the particular function.

The arrangements for the discharge of executive functions at Tower Hamlets are set out in the executive arrangements adopted by the Council (as set out in Part A, Section 8 of this Constitution) and the Executive Scheme of Delegation at Rule 3 of these Rules.

Currently decisions on executive functions are taken by the Mayor, either at the Cabinet meeting or separately, unless the Mayor has delegated either a function as set out in those parts of the Constitution or a specific executive decision.

1.2 The Executive Scheme of Delegation and Executive Functions

At the Annual Meeting of the Council the Mayor will present to the Council a written record of delegations made by the Mayor ('The Executive Scheme of Delegation') for inclusion in the Council's Constitution. The document presented by the Mayor must contain the following information in so far as it relates to executive functions:

- (a) The extent of any authority delegated to any individual Executive Member or ward Councillor including details of the limitation on their authority.
- (b) The terms of reference and constitution of such Executive Committees as the Mayor appoints and the names of Executive Members appointed to them.
- (c) The nature and extent of any delegation of executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year.
- (d) The nature and extent of any delegation of executive functions to officers not already specified in Part B of this Constitution, with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

The Mayor may amend or revoke any delegation of an Executive function at any time.

The Executive Scheme of Delegation shall be included at Rule 3 of these Rules.

Within five working days of agreeing any change to the Executive Scheme of Delegation, a Cabinet appointment or portfolio, the Mayor shall present a written record of the change that they have agreed, together with the reasons for that change, to the Monitoring Officer.

Whenever the Monitoring Officer receives notification from the Mayor of any change(s) to the Executive Scheme of Delegation, Cabinet appointment(s) or portfolio(s), the Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.

1.3 Sub-Delegation of Executive Functions

- (a) Where the Mayor, the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an executive function, they may delegate further to an area Committee, joint arrangements or an officer.
- (b) Unless the Mayor directs otherwise, if the Mayor delegates functions to the Executive then the Executive may delegate further to a Committee of the Executive or an officer.
- (c) Unless the Mayor directs otherwise, a Committee of the Executive to whom functions have been delegated may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

1.4 The Council's Scheme of Delegation and Executive Functions

- (a) Subject to (b) below, the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Part A, Section 8.
- (b) The Mayor may amend the Scheme of Delegation of executive functions at any time during the year. To do so, the Mayor must give written notice to the Monitoring Officer and the person, body or Committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body or Committee or the Executive as a whole. The Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.
- (c) Where the Mayor seeks to withdraw or amend delegations to a Committee, notice will be deemed to be served on that Committee when it has been served on its Chair.

1.5 Interests

- (a) Where a Member of the Executive has a disclosable pecuniary interest this should be dealt with as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.
- (b) If every Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Members' judgement being or likely to be impaired by the interest then this also should be dealt with as set out in the Council's Code of Conduct for Members in Part C Section 31 of this Constitution.
- (c) Where a Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Member's judgement being or likely to be impaired by the interest then this should be dealt with as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.
- (d) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should a disclosable pecuniary interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.
- (e) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of that person's judgement being or likely to be impaired by the interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.

1.6 Meetings of the Cabinet

- (a) Meetings of the Cabinet will be determined by the Mayor or Chief Executive. The Cabinet shall normally meet at the Council's main offices or at another location as appropriate.
- (b) Meetings of the Cabinet will be subject to the Access to Information Procedure Rules and any other relevant procedure rules in this Constitution.

1.7 Quorum

The quorum for a meeting of the Executive shall be three Members

1.8 How are Decisions to be taken by the Executive?

- (a) Executive decisions which are the responsibility of the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part B of the Constitution.
- (b) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?

2.1 Who Presides?

If the Mayor is present they will preside. In their absence, then the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor, then a person appointed by those present shall preside.

2.2 Who may Attend?

- (a) Meetings of the Cabinet will normally be open to the public unless confidential or exempt information is to be discussed.
- (b) Subject to the Access to Information Procedure Rules in Part B Section 27 of this Constitution, meetings may occasionally be private.

2.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of disclosable pecuniary interest, if any;
- (c) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in Part B Section 27 of this Constitution.
- (d) consideration of reports from the Overview and Scrutiny Committee;
- (e) matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part B Section 28 of this Constitution;

The Mayor or other person presiding at a meeting of the Cabinet may at their discretion allow persons other than Cabinet members to contribute to the meeting. This may include an informal 'question time' to the Mayor and/or Cabinet Members.

2.4 Community Engagement/ Consultation

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of community engagement or consultation with stakeholders, Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of community engagement or consultation required will be appropriate to the nature of the matter under consideration having due regard to the Council's Community Engagement Strategy.

2.5 Who can put Items on the Executive Agenda?

The Mayor and Chief Executive may put on the agenda of any Cabinet meeting any Executive matter which they wish, whether or not authority has been delegated to the Cabinet, a Committee of it, any Member, the Chief Executive, a Chief Officer or officer in respect of that matter. The Corporate Director, Governance will comply with their requests in this respect.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two (2) of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly call a meeting and include an item on the agenda of that meeting or of a Cabinet meeting which has already been called. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Application of Council Procedure Rules

Rules 5 – 9, 16.1 to 16.3 and 17 to 24 of the Council Procedure Rules (Part B Section 26 of this Constitution) shall also apply to meetings of the Cabinet.

2.7 Public Engagement at Cabinet

Whilst the main focus of Cabinet is as a decision-making body, there is an opportunity for the public to contribute through making submissions that specifically relate to the reports that are set out on the agenda. Members of

the public may therefore make written submissions in any form (for example; Petitions, letters, written questions) and which to be submitted to the Clerk to Cabinet (whose details are on the agenda front sheet) by 5 pm the day before the meeting. The consideration of such written submissions will be at the discretion of whosoever presides at the meeting.

3. THE MAYOR'S EXECUTIVE SCHEME OF DELEGATION

With effect from 15th May 2019

PART A - EXECUTIVE SCHEME OF DELEGATION

1. PURPOSE

1.1 The purpose of this Executive Scheme of Delegation is to:-

- (a) be clear about who can make which executive decisions including Key Decisions;
- (b) facilitate the smooth running of Council business;
- (c) ensure that the Mayor is able to provide effective strategic leadership for the overall policy direction of the Council and to promote partnership working with other agencies; and that officers take responsibility for operational matters and policy implementation.

2. THE CONSTITUTION

2.1 Once presented by the Mayor to the Annual Council Meeting or to the Monitoring Officer, this Executive Scheme of Delegation will form part of the Council's Constitution and will be appended to it. Its provisions apply alongside the Council Procedure Rules (Section 26) and Access to Information Procedure Rules (Section 27) provisions included in the Constitution.

3. AMENDMENTS TO THE EXECUTIVE SCHEME OF DELEGATION

3.1 This Scheme of Delegation remains in force for the term of office of the Mayor unless and until it is amended or revoked by the Mayor in accordance with Rule 1.2 of the Executive Procedure Rules.

4. NON-EXECUTIVE DECISIONS

4.1 No delegated power in this Executive Scheme of Delegation applies to any decision that relates to a matter that is not an Executive function either by law or by the allocation of local choice functions under the Council's Constitution.

5. THE COMPOSITION OF THE EXECUTIVE

5.1 The Executive shall consist of ten (10) people, namely the Mayor and nine (9) Councillors as set out below:-

Name	Portfolio
Deputy Mayor for Housing (Statutory Deputy Mayor)	Cllr Sirajul Islam
Deputy Mayor for Planning, Air Quality and Tackling Poverty	Cllr Rachel Blake
Deputy Mayor for Community Safety and Equalities	Cllr Asma Begum
Children's, Schools and Young People	Cllr Danny Hassel
Adults, Health and Wellbeing	Cllr Amina Ali
Resources and the Voluntary Sector	Cllr Candida Ronald
Culture, Arts and Brexit	Cllr Sabina Akhtar
Work and Economic Growth	Cllr Motin Uz-Zaman
Environment	Cllr David Edgar

6. DELEGATIONS TO THE EXECUTIVE

- 6.1 The Mayor has not delegated any decision-making powers to the Executive acting collectively.
- 6.2 The Mayor may, in accordance with Rule 1.2 of the Executive Procedure Rules, appoint such committees of the Executive as he considers appropriate from time to time and he appoints the following at this time:
- King George's Fields Charity Board
 - The Grants Determination Sub-Committee
- 6.3 Subject to the Mayor's prerogative to make decisions on all matters relating to all his statutory powers, the Mayor delegates to each Cabinet Member individually the power to make decisions on matters within their portfolio after consultation with the Mayor and subject to the Mayor raising no objection to the proposed decision. Any such decision by a cabinet member will be subject to a written report and the same procedure as applies to mayoral executive decisions.
- 6.4 In accordance with section 14(6) of the Local Government Act 2000 (as amended), any arrangements made by the Mayor for the discharge of an executive function by an executive member, committee or officer are not to prevent the Mayor from exercising that function.

7. DELEGATIONS TO OFFICERS

- 7.1 The Mayor has delegated to officers decision making powers in relation to Executive functions as set out at Parts B and D of the Council's Constitution.

8. OTHER DELEGATIONS

- 8.1 The Mayor has not delegated any powers to any area committee, or to any ward Councillor in accordance with section 236 of the Local Government and Public Involvement in Health Act 2007.
- 8.2 The Mayor has delegated powers to joint arrangements with other local authorities as set out in Part A, Section 12 and Part B Section 21 of the Council's Constitution
- 8.3 Subject to paragraph 8.2 above, the Mayor has not delegated any powers to any other local authority.

9. PROCESS FOR EXECUTIVE DECISION MAKING BY THE MAYOR OR A CABINET MEMBER

- 9.1 The process for taking individual executive decisions, including Key Decisions, is set out in Part D Section 53.

30 Overview and Scrutiny Procedure Rules

STATUTORY SCRUTINY OFFICER

1. As required under Section 9FB Local Government Act 2000, the Council will appoint a Statutory Scrutiny Officer whose role is to oversee the arrangements for the Overview and Scrutiny function.
2. The Statutory Scrutiny Officer shall be the officer holder of the following post:
 - Divisional Director, Strategy, Policy and Performance.

THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

3. Council will appoint an Overview and Scrutiny Committee (OSC) to discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).
4. There will be one standing Scrutiny Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 and OSC may also appoint such other Sub-Committees as the Committee considers appropriate to carry out its work programme.
5. The role of Overview and Scrutiny is to:
 - (i) Any officer decision resulting in (revenue or capital) expenditure or savings of over £250,000 must be published on the Council's website 'as soon as practicable' (and following any guidance from the Monitoring Officer) after the decision has been taken.
 - (ii) Review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.
 - (iii) Make reports or recommendations to Council and/or the Mayor or the Executive in connection with the discharge of any functions which are the responsibility of the Executive.
 - (iv) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive.
 - (v) Make reports or recommendations to Council and/or the Mayor or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive.
 - (vi) Make reports or recommendations to Council and/or the Mayor or the Executive on matters affecting the Council's area or its inhabitants.

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

THE OVERVIEW AND SCRUTINY COMMITTEE

5. The Overview and Scrutiny Committee will comprise nine Members of the Council and up to six co-opted members. Up to three substitutes per political group may be appointed. Its terms of reference are set out in detail in Section 19 of the Constitution but they include:
 - (a) The performance of all overview and scrutiny functions on behalf of the Council.
 - (b) The appointment of such Scrutiny Sub-Committees as it considers appropriate to fulfil those functions; determining those Sub-Committees' composition (including any co-opted Members); and the terms of reference of those Sub-Committees/ Panels.
 - (c) To have a strategic and co-ordinating role over the Council's scrutiny function and to approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Sub-Committees it appoints to ensure that there is efficient and effective use of the Committee's time and the time of its Scrutiny Sub-Committees.
 - (d) To advise the Mayor and Cabinet of key issues/questions to be considered in relation to reports due to be considered by the Executive.
 - (e) To exercise the right to call in for reconsideration any executive decisions taken but not yet implemented.
 - (f) To determine whether to request Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.
 - (g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.
 - (h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.
 - (i) To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007.
 - (j) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

SCRUTINY SUB-COMMITTEES

6. The Overview and Scrutiny Committee may establish such Sub-Committee as it considers appropriate. At this time the following sub-committees have been established:
 - Children and Education Scrutiny Sub-Committee
 - Health and Adults Scrutiny Sub-Committee
 - Housing and Regeneration Scrutiny Sub-Committee

7. The Health and Adults Scrutiny Sub-Committee will undertake the Council's functions under the National Health Service Act 2006 and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:
 - (a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
 - (b) To respond to consultation exercises undertaken by an NHS body; and
 - (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.

8. The membership of individual Scrutiny Sub-Committees and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:
 - (a) To investigate, scrutinise, monitor and advise in relation to:
 - (i) How services are being delivered and the Council's functions discharged.
 - (ii) How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, antipoverty and crime and disorder).
 - (iii) The development of relevant policy.
 - (iv) How resources are being used, spent and managed.
 - (v) Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.

9. it is expected that Scrutiny Sub-Committees would meet at least four times a year.

WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY SUB-COMMITTEES

10. The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Sub-Committees will be drawn from among the Councillors sitting on the Committee.
11. Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If Council does not, and subject to the requirement at 10. above, the Committee may appoint such a person as it considers appropriate as Chair.
12. The Overview and Scrutiny Committee will appoint the Chair and Members of any Sub-Committees. The Vice-Chair of each Committee and Sub-Committee shall be appointed by the Committee or Sub-Committee itself.

SCRUTINY LEAD MEMBERS

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

Overview and Scrutiny Committee's Chair's Portfolio
Children & Education*
Community Safety and Environment
Health & Adults*
Housing & Regeneration*
Resources and Finance

*To Chair the related Scrutiny Sub-Committee.

These themes may be subject to change from time to time.

WHO MAY SIT ON OVERVIEW AND SCRUTINY?

14. All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Sub-Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

CO-OPTEES

15. The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Sub-Committees. Co-opted Members will be non-voting except in relation to Education matters only (see 'Education Representatives' below).

EDUCATION REPRESENTATIVES

16. The Children and Education Scrutiny Sub-Committee must include in its membership the following voting representatives in respect of education matters:
 - (a) 1 Church of England diocese representative;
 - (b) 1 Roman Catholic diocese representative; and
 - (c) 3 parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.
17. The Committee may also include a Muslim representative who can also vote in respect of education matters.
18. These Members may speak but not vote on any other (i.e. non educational) matters.
19. Rules 16 to 18 also apply to any other Scrutiny meeting where an education matter is to be discussed.
20. These Members may also receive the same Executive unrestricted and restricted agenda papers in relation to executive decision making as the Councillor Members of the Committee/Sub-Committee to which they are appointed.

MEETINGS

21. The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules (see Section 27 of the Constitution).
22. The Scrutiny Sub-Committees shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of the Overview and Scrutiny Committee may decide to lead any Scrutiny Sub-Committees.
23. The Overview and Scrutiny Committee and its Sub-Committees will generally meet in public and will conduct their proceedings in accordance with these procedure rules and the Access to Information Rules at Section 27.

QUORUM

24. The quorum for the Overview and Scrutiny Committee and the Scrutiny Sub-Committees shall be three voting Members.

WORK PROGRAMME

25. The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

AGENDA ITEMS

26. Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Sub-Committee shall be entitled to give notice to the Monitoring Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Monitoring Officer will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.
27. The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two meetings following receipt of the report. If the matter is relevant to the Council only then will they consider the report at their next meeting.
28. Any Council Member may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to Council or the Executive on the matter.
29. A “local government matter” at 28 above is one that:
 - (a) relates to the discharge of any function of the authority;
 - (b) affects all or part of the Member’s electoral area or any person who lives or works in that area; and
 - (c) is not an excluded matter.

Excluded matters are:

- any matter relating to a planning decision;
 - any matter relating to a licensing decision;
 - any matter relating to an individual in respect of which the individual has a right of appeal; and
 - any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Sub-Committee.
30. If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 28 above, it shall notify the Member who referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the authority or the executive on the matter referred, it shall provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Local Government Act 2000 regarding confidential or exempt information.

SPECIFIC ROLE OF THE SCRUTINY COMMITTEE AND SUB-COMMITTEES

- a) Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and/or particular service areas.
- b) Question the Mayor, members of the Executive and/or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- c) Make recommendations to the Mayor/Executive as well as appropriate Committees and/or Council arising from the outcome of the scrutiny process.
- d) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant scrutiny body and local people about their activities and performance.
- e) Question and gather evidence from any person.
- f) **Pre-Scrutiny.** The Overview and Scrutiny Committee may consider a matter prior to its consideration and make comments in connection with the issue so that such comments can be taken into account by the decision maker when making the decision on the matter.
- g) **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.
- h) **Petitions.** The Overview and Scrutiny Committee will consider requests for reviews on petitions as set out in the Council's Petitions Scheme.
- i) **Annual Report.** The Overview and Scrutiny Committee must report annually to Council on its work.

POLICY REVIEW AND DEVELOPMENT

31. The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules (see Part B Section 28 of the Constitution). A summary is set out below:
 - (i) Assist the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues.
 - (ii) Conduct research, consultation with the community and other consultation in the analysis of policy issues and possible options.
 - (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
 - (iv) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
 - (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
32. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Mayor or Executive for developments in so far as they relate to matters within its terms of reference.
33. The Overview and Scrutiny Committee or any Scrutiny Sub-Committee established for this purpose may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

REPORTS FROM OVERVIEW AND SCRUTINY

34. The Overview and Scrutiny Committee will report to Council, Cabinet or the Mayor or appropriate Cabinet Member and make recommendations as appropriate. All reports from Scrutiny Sub-Committees must first be considered by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Mayor or Executive (if the proposals are consistent with the existing budgetary and policy framework) or to Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

35. The Executive shall consider the report of the Overview and Scrutiny Committee at one of its next two meetings following submission of the report to the Monitoring Officer. The Council will consider the report at its next ordinary meeting if appropriate.

SCRUTINY TASK GROUPS

36. The following rules apply to reports prepared by Scrutiny Task Groups replacing the general rules set out above. The Overview and Scrutiny Committee or its Sub-Committee may set up a 'Task Group' to examine a particular service or issue. The Task Group will incorporate Scrutiny Members and internal and external experts as required. At the conclusion of its work the Task Group will report back to its parent Committee/Sub-Committee with its findings and recommendations.
37. The parent Committee/Sub-Committee will then consider those findings and recommendations. It may, should it wish then refer those recommendations to the Mayor and Executive or the Council for a response.
38. If, following consultation with the Mayor and Executive, officers are in agreement with the proposed recommendations set out, then the report shall be accepted by the relevant Corporate Director under delegated authority. This determination must take place within one month of receipt of the report.
39. If no decision under 38 is taken, there is a challenge to the recommendations, or the Mayor and Executive specifically wish to comment on the report, then the Executive shall consider the report of the Overview and Scrutiny Committee at one of its next two meetings following submission of the report to the Monitoring Officer. The Council will consider the report at its next ordinary meeting if appropriate.

MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE

40. Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Monitoring Officer who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.
41. If the Monitoring Officer refers the matter to Council, they may first refer it to the Mayor or Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations. The Mayor or Executive will then refer the report, along with their own additional comments and recommendations, to Council. When Council does meet to consider any referral from an Overview and Scrutiny Committee, it shall also consider any additional comments or

recommendations of the Mayor or Executive to the Overview and Scrutiny Committee proposals.

42. For the avoidance of doubt, the Mayor or Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if Council does not agree with the Mayor's or Executive's recommendations, the disputes resolution procedure in Rule 2 of the Budget and Policy Framework Procedure Rules (see Section 28 of the Constitution) will apply.
43. If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the Monitoring Officer, the Mayor or Executive will have two weeks in which to consider the matter and respond to the overview and scrutiny report.
44. Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the Mayor or Executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or Mayor or Executive:-
 - (a) to consider the report or recommendations;
 - (b) to respond to the Overview and Scrutiny Committee indicating what (if any) action the authority propose, or the Mayor or Executive proposes, to take;
 - (c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,
 - (d) if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules then it is to provide that Member with a copy of the response, and to do so within two months beginning with the date on which the authority or Mayor or Executive received the report or recommendations or (if later) the notice.
45. It is the duty of the authority or Mayor or Executive to which a notice is given under 44 above to comply with the requirements specified in the notice.

RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

46. In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Sub-Committee have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules (see Part B Section 27 of the Constitution).

47. Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

MEMBERS AND OFFICERS GIVING ACCOUNT

48. The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling their role, they may require the Mayor, any other Member of the Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy; and/or
 - (c) their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.
 - (d) any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.
49. Where the Mayor, any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Sub-Committee under this provision, the Chair of the Committee or Sub-Committee will inform the Chief Executive. The Chief Executive shall inform the Mayor, Member or officer in writing giving at least fifteen working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee or Sub-Committee. Where the account to be given to the Committee will require the production of a report, then the Mayor, Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
50. Where, in exceptional circumstances, the Mayor, Member or officer is unable to attend on the required date, then the Committee or Sub-Committee shall in consultation with the Mayor, Member or officer arrange an alternative date for attendance, to take place within a maximum of twenty-one working days from the date of the original request.
51. Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure.

ATTENDANCE BY OTHERS

52. The Overview and Scrutiny Committee or a Scrutiny Sub-Committee may invite people other than those people referred to in 'Members and Officers Giving Account' above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

CALL-IN

53. When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
54. The decision publication and call-in deadlines are all published in advance on the Council's website. Decisions will come into force, and may then be implemented at 5pm on the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Monitoring Officer calls the decision in.
55. During that period, the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:
- (a) Not fewer than five Members of the Council; or
 - (b) Two voting church, faith or parent governor representative in respect of any education matters only;
 - (c) The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.
56. The Monitoring Officer shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as they may determine, where possible after consultation with the Chair of the Committee, and in any case within five clear working days of the decision to call-in. However, the Monitoring Officer will not call-in:
- (a) Any decision which has already been the subject of call-in;
 - (b) A decision which is urgent as defined in Rule 64 below and has to be implemented prior to the completion of any review. In such

circumstances the decision-taker(s) shall give reasons to the Overview and Scrutiny Committee; and

- (c) Decisions by regulatory and other Committees discharging non-executive functions;
 - (d) Day to day management and operational decisions taken by officers;
 - (e) A resolution which merely notes the report or the actions of officers;
 - (f) A resolution making recommendations to Council.
57. Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.
58. The Monitoring Officer shall then notify the decision taker of the call-in, who shall suspend implementation of the decision.
59. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Mayor or Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to Council. If referred to the decision-maker they shall then reconsider within a further five clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.
60. For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.
61. If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five working day period, whichever is the earlier.
62. If the matter was referred to Council and Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if Council does object, then Council will refer any decision to which it objects back to the decision-making person or body together with Council's views on the decision. That decision-making person or body shall decide whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five clear working days of the request. Where the decision was made by an individual, the individual will also reconsider within five clear working days of the request.

63. If Council does not meet, or it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of Council or expiry of the period in which the meeting should have been held, whichever is the earlier.

CALL-IN AND URGENCY

64. The call-in procedure set out above shall not apply where the decision being taken by the Mayor, the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
65. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
66. The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Speaker's consent shall be required. In the absence of both, the consent of the Deputy Speaker or the Head of Paid Service or her/his nominee shall be required.
67. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.
68. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

THE PARTY WHIP

69. The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Sub-Committees is inappropriate and should not be used.
70. In this rule "a party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before Council or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should they speak or vote in any particular manner.

PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

71. The Overview and Scrutiny Committee and the Scrutiny Panels shall consider the following business:

- (a) Minutes of the last meeting;
 - (b) Declarations of interest;
 - (c) Consideration of any matter referred to the Committee for a decision in relation to call-in;
 - (d) Responses of the Executive to reports of Overview and Scrutiny;
 - (e) The business otherwise set out on the agenda for the meeting.
72. Where the Overview and Scrutiny Committee or a Scrutiny Sub-Committee conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:
- (a) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
73. Following any investigation or review, the Committee or Sub-Committee shall prepare a report, for submission to the Mayor/Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

SUSPENSION

74. Any part of these Rules may be suspended in accordance with Council Procedure Rule 23 of Part B Section 26 of this Constitution provided such suspension is not contrary to the law.

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Part C – Codes and Protocols

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31 Code of Conduct for Members

Application of the Code

1. The Code applies to the Mayor, councillors and co-opted members of the Council, collectively referred to as member(s) in the remainder of this document.
2. It applies in all aspects of your activities as a member, including when acting on Council business or when you are perceived by the public to be acting as a member. The Code does not seek to regulate what you do in your private and personal life.
3. The obligations set out in this Code are complementary to related Codes and Protocols which form part of the Council's governance arrangements.

Purpose of the Code

4. The Code of Conduct will assist you in the discharge of your obligations to the Council, local communities and the public at large by:
 - a) setting out the standards of conduct that are expected of you; and
 - b) providing the openness and accountability necessary to ensure public confidence in the way in which you perform your public duties.

General Expectations of Conduct

5. You are expected to observe the following general principles of conduct. These principles will be taken into consideration in determining allegations of a breach of this Code.
 - a) **Selflessness:** you should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - b) **Integrity:** you should not place yourself in situations where your integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
 - c) **Objectivity:** you should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.
 - d) **Accountability:** you are accountable to the public for your actions and the manner in which you carry out your responsibilities and should co-operate fully and honestly with any scrutiny appropriate to your particular office.
 - e) **Openness:** you should be as open as possible about your actions and those of the council and be prepared to give reasons for those actions.

- f) **Honesty:** – you should be truthful in your council work and avoid creating situations where your honesty may be called into question.
- g) **Leadership:** you should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

Rules of Conduct

- 6. You must act solely in the public interest. You should promote equality and not discriminate unlawfully against any person. You should treat all people with respect, you should not bully or harass any person and you should respect the impartiality and integrity of the Council's officers.
- 7. You should not improperly confer (or seek to confer) an advantage or disadvantage on any person. You should not act to gain financial or other benefit for yourself, your family, your friends or your business associates.
- 8. You should not place yourself under a financial or other obligation to any individual or organisation that might seek to influence the performance of your duties as a member.
- 9. You should act to ensure Council resources are used prudently. When using or authorising the use by others of Council resources, you must ensure that they are used only for legitimate Council purposes and not for any other purpose. In particular, they must not be used improperly for political purposes (including party political purposes).
- 10. You should promote and support high standards of conduct by leadership and example.
- 11. You should make decisions on merit, including when awarding contracts, making appointments, or recommending individuals for rewards or benefits.
- 12. You are accountable to the public for your actions and the manner in which you carry out your responsibilities and should co-operate fully and honestly with any scrutiny appropriate to your office.
- 13. You should be as open as possible about your decisions and actions and those of the Council. You should be prepared to give reasons for decisions and have regard to the advice of the Council's statutory officers before making any decision.
- 14. You should take account of the views of others, including your political group, but you must reach your own conclusions and act in accordance with those conclusions.

15. You must not disclose confidential information unless you are required by law to do so, or you have the consent of the person authorised to give it, or disclosure is reasonable and in the public interest and made in good faith and not for an ulterior motive.
16. You must ensure that your use of allowances, facilities and services provided at public expense is strictly in accordance with any rules or requirements set by the Council.
17. You must comply with any formal standards investigation and you should not make trivial or malicious allegations of breach of this Code.
18. You must comply with the Council's Social Media Policy.

Members' Interests

19. There are two categories of interest that you must register with the Monitoring Officer. These are:
 - Disclosable pecuniary interests (DPI's); and
 - Non-DPI interests that the Council has decided should be registered (Non-DPI's)
20. A DPI is defined by statutory regulation. You must within 28 days of taking office as a member, notify the Monitoring Officer of any DPI to be included in the Register of Members' Interests. If you fail to register a DPI it is a criminal offence.
21. DPI's also includes your partner's interests. A partner is your spouse or civil partner, a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners. You and your partner are referred to in the statutory definition of a DPI as 'relevant person'.
22. **The categories of DPI are:**
 - (a) Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on by a relevant person for profit or gain.
 - (b) Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the 12 months prior to the date of giving notice of interest for inclusion in the register in respect of any expenses

incurred by the member in carrying out duties as a member, or towards the election expenses of the member.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(c) Contracts

Any contract which is made between a relevant person (or a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest) and the relevant authority:-

under which goods or services are to be provided or works are to be executed and which has not been fully discharged.

(d) Land

Any beneficial interest in land which is within the Borough.

(e) Licences

Any licence (alone or jointly with others) to occupy land in the borough for a month or longer.

(f) Corporate tenancies

Any tenancy where (to the member's knowledge):-

the landlord is the Council; and

the tenant is a body in which the relevant person is a firm in which they are a partner, or a body corporate in which they are a director or in the securities of which body corporate they have a beneficial interest.

(g) Securities

Any beneficial interest in securities of a body where:-

that body (to the member's knowledge) has a place of business or land in the borough; and

either:-

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

23. **Non DPI's - other interests that the Council has decided should be registered.** You must also within 28 days of taking office as a member, notify the Monitoring Officer of such Non DPI interests that the Council has decided you should be included in the register of Members' Interests. These are:

(a) Membership or position of control or management in:-

Any body to which you have been appointed or nominated by the Council;
and/or

Any body exercising functions of a public nature (described below) or directed to charitable purposes, or whose principal purposes include the influence of public opinion or policy, including any political party

There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-

- carry out a public service, or
- take the place of local/central government (including through outsourcing); or
- carry out a function under legislation or in pursuit of a statutory power;
- or
- can be judicially reviewed,

are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies and school governing bodies.

24. You must ensure that your entries in the Register of Members' Interests are kept up to date and must notify the Monitoring Officer of any change to your interests within 28 days of the change arising. For a DPI remember this also includes your partner's interests.

Gifts and Hospitality

25. Any gift or hospitality offered to you (even if declined) with an estimated value of £25 or more must be included in the Register of Gifts & Hospitality kept by the Monitoring Officer within 28 days of the offer being made.

Declaration of Interests – DPI's

26. If you have a DPI in an item of Council business you may not participate in any discussion of, vote on, or discharge any function relating to the matter, unless a dispensation has been granted under Section 33 Localism Act 2011.
27. If you are present at a meeting where you have a DPI in an item of business on the agenda you must:

- (a) Disclose to the meeting the existence and nature of the interest at the start of the meeting and specify the agenda item to which the interest relates. You must also leave the room (including any public viewing area) for the duration of consideration and decision on the agenda item and not seek to influence the debate or decision in respect of the item of business.
- (b) If the DPI is not already included in your register of interests you must within 28 days of the meeting notify the Monitoring Officer of the interest for inclusion in the register.

N.B. If you fail to disclose a DPI it is a criminal offence.

Declaration of Non-DPI's

- 28. If you are present at a meeting and have registered a non-DPI in a matter which is to be discussed at the meeting, you must declare the nature of the interest at the earliest opportunity and before the matter is considered. You may stay in the room and participate in consideration of the matter and vote on it unless:
 - (a) a reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. If so, you must withdraw and take no part in consideration or discussion of the matter.

Declaration of Interests not included in the Register of Members' Interests

- 29. Occasions may arise where you have an interest in a matter being considered at a meeting which is not a DPI or Non-DPI that you are required to include in the Register of Members' Interests. An example would be where the decision on the agenda item would affect the wellbeing of you, your family, or a close friend or associate of yours more than it would anyone else living in the local area.
- 30. In this situation you should consider whether a reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. If so, you must withdraw and take no part in consideration or discussion of the matter.

Note: The provisions of paragraphs 26 - 30 apply not only to meetings but to circumstances where a member makes a decision alone.

Sensitive DPI's

- 31. You should notify the Monitoring Officer if you feel that a DPI you are required to register should be treated as sensitive. The Monitoring Officer may agree

to treat the DPI as sensitive if satisfied that registration/declaration of the DPI could lead to you, or a person connected with you, being subject to violence or intimidation. If the Monitoring Officer agrees the DPI is sensitive you will be obliged to register it but details will not be disclosed in the published version of the register and when attending a meeting you will only need to declare that a DPI exists and will not be required to give details of the interest itself.

DPI Dispensations

32. If you have a DPI in a matter coming before a meeting of the authority, you can make a written request to the Monitoring Officer beforehand for a dispensation, which may allow you to participate in the discussion and vote. A dispensation may be granted in the following circumstances:
- (a) Where members of the decision-making body have disclosable pecuniary interests in a matter that would “impede the transaction of the business”.
 - (b) That without the dispensation, the representation of different political groups on the body conducting the business would be so upset as to alter the outcome of any vote on the matter.
 - (c) That the authority considers that the dispensation is in the interest of persons living in the authority’s area.
 - (d) That the authority considers that it is otherwise appropriate to grant a dispensation.
33. Any grant of dispensation must specify how long it will last, up to a maximum of 4 years. Dispensations under (a) and (b) above shall be decided by the Monitoring Officer, those in (c) and (d) shall be decided by the Monitoring Officer in consultation with the Chair of the Standards (Advisory) Committee.

Access to Information

34. You must not disclose confidential information given to you in the course of your duties without the consent of the person entitled to give it unless:-
- there is a legal requirement to disclose the information, or
 - the disclosure is to a third person for the purpose of obtaining professional advice and the third party agrees not to disclose it, or
 - the disclosure is reasonable, in the public interest, made in good faith and made in accordance with any reasonable requirements specified by the Council in relation to the disclosure.
35. You must not prevent access to information to which another is entitled by law.

Protocols

36. This Code should be read in conjunction with the following additional Codes and Protocols which have been approved by the Council:
- Planning Code of Conduct
 - Licensing Code of Conduct
 - Member/Officer Protocol
 - Employees' Code of Conduct

Complaints

37. Any alleged breach by a member of the provisions of this Code will be dealt with in accordance with the arrangements set out in Appendix A to the Code.

NB a breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. If you need of advice about the application of this Code you should contact the Monitoring Officer.

LONDON BOROUGH OF TOWER HAMLETS
ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THE
CODE OF CONDUCT FOR MEMBERS
Arrangements agreed by Council on 5th December 2016.

Introduction

The Council has adopted a Code of Conduct for Members which is available on the Council's website and on request from the Monitoring Officer.

In accordance with section 28 of the Localism Act 2011, these arrangements set out how an allegation may be made that the Mayor, an elected Member or a Co-opted Member of the London Borough of Tower Hamlets has failed to comply with the Council's Code of Conduct for Members and how the Council will deal with such allegations.

These arrangements also require that the Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person for the purposes of meeting the statutory requirements of the Localism Act 2011.

Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer. The timelines set out are for guidance and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.

Complaints

1. Allegations concerning possible breaches of the Code of Conduct for Members should be made in writing to the Monitoring Officer.
2. On receipt of a complaint the Monitoring Officer shall within five working days acknowledge receipt to the complainant. The Monitoring Officer will also within five working days and on a confidential basis, inform the subject Member of the substance of the complaint and the identity of the complainant (unless the Monitoring Officer considers that such notification would prejudice the proper consideration and investigation of the complaint).
3. Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is

capable of investigation without the need to ascertain the complainant's identity.

4. A complainant when making an allegation should specify the identity of the person(s) alleged to have breached the Code, the conduct that is alleged to give rise to the breach, the evidence that supports the allegation and the names (and contact details) for any potential witnesses able to give direct evidence of the events complained about.

Assessment of Complaints

5. The Monitoring Officer shall, after consultation with the Independent Person and within ten working days of receiving the complaint:
 - a) Decide whether or not a complaint merits formal investigation and where appropriate arrange for an investigation; OR
 - b) Decide to attempt to facilitate informal resolution of the complaint (such attempt shall be subject to a four week time limit).
6. In making this determination the Monitoring Officer may at their discretion report the matter to the Investigation & Disciplinary Sub-Committee (IDSC) of the Standards (Advisory) Committee for consideration and/or consult other persons as appropriate.
7. The Monitoring Officer may decide not to refer the matter for investigation where:
 - (a) The allegation does not demonstrate any potential breach of the Code (because for example it relates to dissatisfaction with a Council decision/service or relates to events which occurred when the person complained about was not acting in an official capacity).
 - (b) The event(s) complained about took place more than six months ago and there are no valid reasons for the delay in bringing the complaint, such as fresh evidence not available at the earlier date or only recently discovered.
 - (c) The allegation is about someone who is no longer the Mayor or a Member/Co-opted Member.
 - (d) The complainant has failed to provide the information specified in paragraph 4 above or any other information reasonably requested by the Monitoring Officer.
 - (e) The same or a similar allegation has been investigated and determined.
 - (f) The Mayor, Member or Co-opted Member has already accepted they made an error in their conduct and/or has apologised for their conduct and the Monitoring Officer considers the matter would not warrant a more serious sanction.

- (g) The allegation is politically motivated and/or 'tit for tat'.
 - (h) The allegation is not considered sufficiently serious to merit the cost to the public of carrying out an investigation.
 - (i) The Monitoring Officer has facilitated an informal resolution of the complaint (see below) and the Mayor or Member/Co-opted Member complained about has offered to take remedial action that the Monitoring Officer considers appropriate in all the circumstances (for example by apologising to the complainant and/or undertaking training or issuing a statement of factual correction).
8. Where the Monitoring Officer decides to reject a complaint they shall inform the complainant in writing giving the reasons for rejection.

Investigation and Monitoring of Complaints

9. If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation him/herself. Such investigation should whenever possible be completed within two months of the decision to refer the matter for investigation. The Monitoring Officer may extend this period by up to a further two months where they feels it is necessary to ensure a proper and adequate investigation.
10. The Monitoring Officer will keep the complainant and the subject Member informed as to progress at appropriate intervals and shall inform them of any extension to the period for the investigation.
11. The Monitoring Officer will report quarterly (or less frequently if there are no complaints to report) to the Standards (Advisory) Committee on the number and nature of complaints received and action taken as a result. This will include details of complaints that have been rejected by the Monitoring Officer and any extension made to the period for an investigation of a complaint.
12. Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall within four weeks of receipt of the investigation report, consult with the Independent Person and decide whether the matter should be closed without reference to a Hearings Sub-Committee. The Monitoring Officer shall provide a copy of the report and findings of the investigation which shall be kept confidential to the complainant and to the Member concerned and shall report the matter as part of the quarterly report to the Standards (Advisory) Committee for information. The Monitoring Officer may also seek advice from the IDSC before deciding that a matter should be closed without reference to the Hearings Sub-Committee.

13. Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer following consultation with the Independent Person, may seek local resolution of the complaint. If local resolution succeeds the Monitoring Officer shall report the matter as part of the quarterly report to the Standards (Advisory) Committee. If local resolution does not succeed or if following consultation with the Independent Person, the Monitoring Officer considers that it is not appropriate to seek local resolution, the Monitoring Officer shall report the investigation findings to a Hearings Sub-Committee of the Standards (Advisory) Committee for local hearing and determination. The Hearings Sub-Committee will whenever practicable be convened within one month of the Monitoring Officer receiving the investigation report.

Hearings Sub-Committee

14. The Hearings Sub-Committee will consider the investigation report and any submissions from the subject Member and determine:
- (a) If there has been a breach of the Code of Conduct having taken into account the views of the Independent Person; and if so
 - (b) Whether any sanction is appropriate having taken into account the views of the Independent Person.
15. Possible sanctions may include any of the following:-
- (a) Publication of the Sub-Committee's decision.
 - (b) Reporting the Sub-Committee's decision to Council.
 - (c) Requesting the Monitoring Officer to arrange training for the Member (subject to the Member's agreement).
 - (d) Issuing a censure or reprimand which may also be reported to Council.
 - (e) Requiring the Member to contact the Council and officers via specified point(s) of contact.
 - (f) Withdrawing facilities provided to the Member by the Council, such as a computer or internet access.
 - (g) 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 (as appropriate).
 - (h) Recommending to the Member's Group Leader that they be removed from any or all Committees or Sub-Committees of the Council.
 - (i) Recommending to the Mayor that the Member be removed from the Executive, or removed from particular portfolio responsibilities.

- (j) Recommending to Council or the Mayor as appropriate the removal from outside appointments to which the Member has been appointed or nominated.
 - (k) Recommending to Council that the Member be removed from any or all Council Committees or Sub-Committees.
16. In determining any recommended sanction the Hearings Sub-Committee may take into account any previous breach by the Member concerned and/or their compliance with any previous sanction applied.

32 Member / Officer Relations' Protocol

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1. INTRODUCTION

- 1.1 Councillors and officers are indispensable to one another and mutual respect between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Councillors provide a democratic mandate to the Council, whereas officers contribute the professional expertise needed to deliver the policy framework agreed by Councillors.
- 1.2 The protocol is part of the Council's ethical framework and should be read in conjunction with the Council's Constitution, the Code of Conduct for Members, disciplinary codes which regulate the conduct of officers and other relevant codes and guidance.
- 1.3 This Protocol seeks to define what should be considered a proper working relationship between Councillors and officers in Tower Hamlets and to provide a framework within which confidence in the machinery of local government can be maintained. It contains interpretation and guidance on some of the issues which commonly arise. It cannot cover every matter which will arise in council life but it reflects an approach and sets standards which will serve as a guide to dealing with other issues. It is intended to guide Councillors and officers and explain what they can expect of each other. It also explains what to do when things go wrong.

- 1.4 This protocol also applies to co-opted members of committees and also to consultants and agency staff working for the Council, to whom a copy will be supplied. With regard to associates from partnership organisations, where their organisation has no code of conduct, it is expected they will abide by the principles of Tower Hamlet's code and this protocol.
- 1.5 Councillors appointed to outside bodies or partnership organisations as representatives of Tower Hamlets Council need to be aware that the Code of Conduct for Members applies to these appointments. However, Councillors are advised to be aware that other conduct arrangements of the outside body are likely to exist. In those circumstances, Councillors should comply with both sets of conduct arrangements, unless the Code of Conduct for Members conflicts with the lawful obligations of the outside body.
- 1.6 A failure to abide by this Protocol by Councillors is likely to be a breach of the Code of Conduct for Members and may result in a complaint being made to the Monitoring Officer. As to officers, a failure to abide by this Protocol may result in a disciplinary investigation.
- 1.7 Any reference to 'Councillor' or 'Councillors' in this Protocol, or any appendices or related Codes/ Protocols, means the Mayor, elected and co-opted members. This Code applies at all times when Councillors act in their capacity as Councillors (or claim to act or give the impression of acting in their capacity as a Councillor).
- 1.8 'Officers' and 'staff' mean all persons employed by the Council: whether full or part time; fixed term contract; agency; or consultant.
- 1.9 A Councillor in need of advice about the application of this Protocol should contact the Monitoring Officer, whereas an officer in need in need of advice about the application of this Protocol should contact their line manager in the first instance.

2. ROLES OF COUNCILLORS AND OFFICERS

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

Councillors

- 2.2 Councillors are democratically accountable to residents of their Wards and serve only so long as their term of office lasts. The overriding duty of

Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

- 2.3 All Councillors have responsibilities to determine the policy of the Council, monitor its performance, represent the Council externally and act as advocates on behalf of their constituents.

Officers

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

3. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

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

Obtaining or granting favours

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

Councillor involvement in officer issues

- 3.3 Issues relating to the appointment, management and dismissal of most officers are reserved by law to the Head of Paid Service and officers

appointed by him/her. Councillor involvement in employment issues generally, including where they relate to senior officers, is set out in the Local Authorities (Standing Orders) (England) Regulations 2001.

- 3.4 Occasions may arise where officers try to involve Councillors in day-to-day staff/ management issues. Councillors should strongly discourage such approaches. Officers should be advised to pursue matters with their management through the established procedures for resolving grievances etc. Officers must not raise matters concerning their employment with individual Councillors; to do so may result in disciplinary action being taken.

Personal Familiarity

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

Courtesy

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

Bullying

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

Lines of conduct between Councillors and officers

- 3.13 Councillors must remember that Officers within Directorates are accountable to their chief officer. Chief officers, through their senior management, are responsible for the allocation and prioritising of work by their staff. Councillors should not seek to influence such decisions.
- 3.14 A Councillor is free to approach any Council Department to provide them with such information, explanation and advice about the Department’s functions as they may reasonably need as a Councillor. This can range from a request for general information or documentation about some aspect of the Department’s activities, to a request for specific information on behalf of a constituent.
- 3.15 In making such an approach, the request should be made to the Chief Officer or Divisional Director for the Department concerned. If access is denied or the Chief Officer/ Divisional Director is in doubt, the matter must be referred to the Monitoring Officer for determination.
- 3.16 Councillors should raise constituents’ queries or concerns through the proper channels and not go direct to junior officers. Further in seeking to deal with

constituents' queries or concerns, Councillors should not seek to jump the queue, but should respect the Council's procedures. Officers have many pressures on their time and officers may very well not be able to carry out the work required by Councillors in the requested timescale. Councillors should respect this. The Council does operate a Member's Enquiries system (see section 8.1 for more details).

- 3.17 Where Councillors and officers share an office building particular care needs to be taken to maintain appropriate lines of contact. Councillors and officers are reminded that within an open plan environment office certain standards are expected to be maintained. In particular meetings should not be held at workstations, Councillors and officers should use the meeting facilities provided and sensitive or confidential issues should not be discussed in the open plan environment.
- 3.18 Officers within a Directorate are accountable to their Corporate Director and whilst officers should always seek to assist a Councillor, they must not go beyond the bounds of whatever authority they have been given by their Corporate Director.

4. COUNCILLOR TO COUNCILLOR EXPECTATIONS

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

5. COUNCILLORS AND LEGAL ACTION BY OR AGAINST THE COUNCIL

- 5.1 There is a whole range of circumstances where the Council as a corporate body may be involved in legal proceedings. This could be against residents or other individuals, organisations and companies, and across the whole range of service areas including housing, planning, highways, etc. Councillors have a clear role in representing residents' and general public interests. In this representative capacity, Councillors will inevitably become involved in issues where the Council is considering, or is in the process of taking legal action, or where the Council is the defendant to legal actions brought by third parties.

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

6. REPORTS

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

7. OFFICER ADVICE TO PARTY GROUPS

- 7.1 It must be recognised by all officers and Councillors that in discharging their duties and responsibilities officers serve the Council as a whole and not exclusively any political group, combination of groups or any individual Councillor. Special rules apply to Political Group Assistants and the Mayor's Assistant and those post holders are made aware of them through separate guidance.

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

rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

- (v) It must not be assumed by any political group or Councillor that any Officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.
- (vi) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Councillor thereof. However, Councillors should be aware that this would not prevent officers from disclosing such information to other officers of the Council so far as is necessary to perform their duties.
- (vii) Where officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the officers have a statutory duty to provide all necessary information and advice to the Mayor or Cabinet or relevant Committee/ Sub-Committee when the matter in question is considered.

8. MEMBERS' SERVICES AND THE USE OF COUNCIL FACILITIES

Members' Services and Members' Enquiries

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

Council Facilities

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

Political Party Workers

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

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

Use of IT

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

9. POLITICAL ASSISTANTS

- 9.1 Section 9 of the Local Government and Housing Act, 1989 gives councils a power to appoint political assistants to qualifying political groups. Whilst the Act allows the political affiliation of an individual to be taken into account in the appointment of any Political or Mayor's Assistant, they remain officers of the Council and must therefore not undertake any activity, which may be deemed unlawful. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council business and although it may require liaison with political parties, at both local

and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.

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

10. COUNCILLORS' ACCESS TO INFORMATION

General

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

- Relevant legislation including the Local Government Act 1972; the Data Protection Act 1998; the Freedom of Information Act 2000; and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)
- Local Government Transparency Code 2015
- Open and accountable local government: plain English guide
- Access to Information Procedure Rules (Part B Section 27 of the Constitution)
- Relevant case law

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

Access to Committee Papers for Forthcoming Meetings

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

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

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

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

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

Use of Council Information – Confidentiality

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

Advisory Committee that they have contravened the Code of Conduct for Members.

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

11. WHEN THINGS GO WRONG

Procedure for officers

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

Procedure for Councillors

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

11. REVIEW

- 11.1 The Standards Advisory Committee and the Monitoring Officer will jointly keep this Protocol under review and make recommendations for changes as appropriate. A review will take place annually in any event.

33 Employee Code of Conduct

INTRODUCTION

1. This code aims to guide all employees on their conduct inside work and outside work where this has a bearing on their position within the Council. It is the responsibility of all Council employees to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your line manager or Human Resources.
2. As an employee you should read this Code in conjunction with other relevant parts of the Constitution, Council policies and procedures relevant to your work and more detailed operational guidelines for example in areas such as computer use, The Code, in setting out our values, rules and principles, should not be interpreted as a complete list of what you can and cannot do, but rather to enable you as an employee to understand the ground-rules that all must observe, and the differences in the roles and duties of Members (the Mayor and Councillors) and employees.
3. Any breach of this Code may lead to disciplinary action and may in some instances constitute gross misconduct.

GENERAL CONDUCT

4. The public is entitled to demand the highest standards of conduct from all local government employees.
5. The Council is extremely conscious that public confidence can be damaged where the integrity of a Council employee is called into question and they are suspected of being influenced by improper motives.
6. Paragraphs 2.1 and 2.2 of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of the Service states:
 - “Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained
 - Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.”

The Council believes:

- (a) The public is entitled to demand of a Local Government Officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives.

- (b) An Officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty to his private interests conflict. The employing Authority should not attempt to preclude Officers from undertaking additional employment, but any such employment must not, in the view of the Authority conflict with or react detrimentally to the Authority's confidence in the conduct of the Authority's business.
- (c) The Officer should not be called upon to advise any political group of the employing Authority either as to the work of the group or as to the work of the Authority, neither shall he be required to attend any meeting of any political group.

WORKING RELATIONSHIPS, EQUALITIES AND THE CUSTOMER PROMISE

- 7. The Council expects all employees to deal with one another, the public, clients and elected Members in a courteous and civil manner. This may be in the exercise of their duties but can cover other circumstances, e.g. when in the role of Trade Union Representative. Employees should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability.
- 8. It is important that there is clarity about the respective roles of elected Members and employees and that the relationship between the two is clearly understood by everyone concerned. To achieve this the Council has adopted the Member/Officer Protocol which applies to all Members (the Mayor and Councillors) and employees and should be read in conjunction with this document.
- 9. You must always remember your responsibilities to the community that you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council. All employees are required to be familiar with and implement the Council's policies, particularly those relating to Equalities and the Customer Promise and to ensure that the principles within those policies and other policies are followed.
- 10. The Council expects relationships between work colleagues (including those between managers and team members) to be supportive, co-operative and respectful. Employees should behave in a way that enhances the performance and well-being of others and the effectiveness of Council services. Employees should not have managerial responsibility for those with whom they have close private relationships (e.g. partners and family). If such a relationship arises, during the course of your employment, it must be declared to your divisional director or chief officer.

11. Other organisations and agencies support, assist and partner the Council in the provision of services. Employees must work within the terms of the contracts/agreements made between contractors/suppliers/partners and the Authority.

DUTY TO DECLARE INTERESTS

12. You are responsible for declaring interests which conflict with the impartial performance of your duties or put you under suspicion of improper behaviour. These interests may be financial or personal/social interests (e.g. interests of family and friends, commercial or voluntary associations). The interest may be advantageous or have a detrimental effect on you (an example of a detrimental interest may be a situation where you experience threats or pressure from family or friends to act in a particular way in your official capacity).
13. You must declare in writing to your divisional director any financial or personal/ social interests that you consider could bring about conflict with the Council's business or interests. You are reminded in particular that you must comply with Section 117 of the Local Government Act 1972 regarding the disclosure of pecuniary interests in contracts relating to the Council. Orders and contracts must be awarded on merit and no special favour should be shown to businesses in which you have a financial interest or which are run by, for example, friends, partners or relatives. If you have such an interest you must not be involved in any way in the negotiation of agreements or the letting of contracts with these contractors/firms.
14. Interests, relationships and associations must also be declared when dealing with recruitment, management responsibilities, the allocation of resources and services, the provision of services and access to confidential information. Interests, friendships and associations, which could conflict with your professional roles and responsibilities, must also be declared to your divisional director.
15. Each directorate maintains a confidential register of declarations which must be in writing, giving information about the nature of the interest and the names of the parties and the functions involved. Chief officers and divisional directors are also required to complete returns to be included in a confidential register maintained by Human Resources. These records may be accessed, on application to the monitoring officer, during the process of an investigation if the conduct of an employee is brought into question.

THE COUNCIL'S BUSINESS INTERESTS

16. All employees are bound by a duty of fidelity not to breach confidence and not to participate in competing activities. The Council has the right to take necessary and reasonable steps to protect its legitimate business interests.
17. The Council can legitimately seek to restrict the work activity of certain ex-employees (for a specified period of time after the end of their employment and within a specified geographical area) where the individuals could use contacts and information derived from the Council to compete with the Council for work. These restrictions would take the form of a loyalty clause (or restrictive covenant) within the employee's contract of employment.
18. The Council retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software developments or similar work, when created in the course of an employee's normal duties, remain the property of the Council. These should not be removed from Council premises or passed on to a third party by any employee acting in a private capacity without the express consent of the Council.

GIFTS AND HOSPITALITY

19. The acceptance of gifts and hospitality, even on a modest scale, may arouse suspicion and must be capable of public justification. A register of gifts and hospitality is therefore kept for each of the Council's directorates containing the following information:
 - The name of the person or body making an offer of a gift or hospitality.
 - The name of the employee to whom the offer was made.
 - The gift or hospitality offered.
 - The circumstances in which the offer was made.
 - The action taken by the member of staff concerned.
 - The action taken (if any) by the divisional director or chief officer.
20. Where it is in the Council's interests to offer hospitality to organisations on Council premises such arrangements must only be made with the express permission of the divisional director or chief officer and be on a scale appropriate to the occasion.
21. You are strongly advised to refuse or return any gifts, hospitality or other favours from persons inside or outside the Council as any such acceptance could well put you in a compromising position and could render you liable to accusations by other parties who become aware of this. You should bear in mind how the acceptance of a gift or a free meal would look to a third party and how this could appear to compromise your professional judgement even

if it is accepted in all innocence. When declining a gift or hospitality you should courteously but firmly inform those making the offer of the procedures and standards operating within the Council.

22. Under no circumstances should you ask for a reward, tip, gift, "Christmas box" or any other inducement. You should also not put yourself in debt to someone where this would be likely to influence your work.
23. It is a serious criminal offence for employees of the Council to corruptly receive or give any gift, loan, fee, reward or advantage in order to influence official conduct. If an allegation is made, it is for the employee to demonstrate that any such rewards have not been corruptly obtained. It is also an offence to accept any gift or consideration in the knowledge or belief that it is intended as inducement or reward, whether the employee receiving it is influenced or not.
24. There may be occasions where refusal of personal hospitality or a small token gift (e.g. at Christmas or another notable religious occasion) would clearly cause offence or be impracticable for cost or other reasons. The dividing line between what is and what is not acceptable is not a clear one and you should always exercise extreme caution. If you are considering acceptance, you should discuss the matter with your line manager before doing so and seek approval from your divisional director or in their absence your chief officer.
25. Before accepting a gift or hospitality staff should consider:
 - The timing of decisions for letting contracts for which a provider may be bidding (under no circumstances should gifts or hospitality be accepted from a contractor during a tendering period).
 - Whether the gift or hospitality is appropriate e.g. an inexpensive promotional pen or diary may be accepted but more expensive items, such as a bottle of whisky, must be declined. Similarly, lunch at on-site cafeterias or invitations to local cultural events as a representative of the Council may be appropriate whereas invitations to prestigious sporting events, theatre tickets or personal invitations where you are not attending in an official capacity are not appropriate.
26. Where the refusal of an unsolicited gift may cause offence, the gift may be donated to the Speaker of the Council's official charity and the donor informed accordingly in writing.
27. You should exercise discretion in offering and accepting hospitality. You should bear in mind how it might affect your relations with the party offering it and how it might be viewed by elected Members, other potential suppliers/contractors, the public and other officers. The criteria which

determine whether you should accept hospitality from firms or other organisations include:

- Whether the invitation comes from a firm likely to benefit from the goodwill of the
 - Council or from a charity or other organisation which may not have the same kind of vested interest in the outcome;
 - Whether the firm is seeking a contract, or one has already been awarded;
 - Whether the visit is genuinely instructive or constitutes more of a social function;
 - The scale and location of hospitality, and whether it falls in working hours;
 - The frequency of the hospitality;
 - Whether it is directed just at you or to a group.
28. With the exception of minor gifts such as inexpensive calendars, pens or small stationery items, or hospitality such as refreshments during a site visit or an inexpensive working lunch, the acceptance of gifts and/or hospitality must be authorised in advance by a divisional director or chief officer and recorded in writing in the directorate register. Offers that are declined must also be recorded in the register. Divisional directors and chief officers are also required to complete the register although they are not required to seek prior authority for any action they decide to take.

LEGACIES

29. On occasion members of the public or clients may wish to express their appreciation of Council officers or services of a particular employee by leaving money/gifts in their will. Members of the public should be discouraged from doing this.
30. Where an employee has notice that they are to be bequeathed money/gifts from a member of the public or client they must report this to their chief officer.
31. Details of the amount involved, the reason for the legacy and the service provided must be forwarded to the chief officer before the employee accepts the legacy.

CONFIDENTIAL AND OTHER INFORMATION

32. The Council expects all employees to safeguard confidential information, including when they leave the Council's service. Information which can be classified as 'confidential' can broadly be grouped into the following areas:

- Information of a specific and personal nature about employees, potential employees, service users, customers, individuals and organisations who come into contact with the Council.
 - Sensitive organisational information.
 - Business/commercial information e.g. pricing, quotes, matters affecting negotiations with suppliers, trade unions etc.
33. Exempt committee papers (i.e. those on Part II of any Agenda) must not be released to the public or a fellow officer (unless they have a clear right of access) without the consent of the Divisional Director HR & Transformation.
34. You must not use any information obtained in the course of your employment for personal gain or benefit. You must not pass on such information to others who might use it in a similar way. All employees are under an obligation not to access or attempt to access information which they are not authorised to have.
35. Employees are bound by their contracts of employment to maintain confidentiality. Any deliberate breach of confidentiality, improper disclosure of information or misconduct in relation to official documents will be treated as a serious matter and will lead to disciplinary action.

OUTSIDE AND ADDITIONAL WORK

36. Employees must comply with Section 107 of the Local Government Act 1972 regarding the non-acceptance of any fees or rewards whatsoever other than their proper remuneration. It is a criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. If an allegation is made, it is for you to demonstrate that any such rewards have not been obtained corruptly. You must therefore ensure that any reward or fee that you receive from employment outside the Council has been authorised in advance in accordance with this Code.
37. Any additional work (whether paid or unpaid) you wish to undertake must not conflict with the Council's interests or in any way weaken public confidence in the Authority. Accordingly, all employees of the Authority are required to obtain consent, in writing (to be retained on their HR file), from their chief officer in advance, and on each occasion, if they wish to engage in any other business, take up additional employment or work outside the Authority. This provision also applies to chief officers who will require the prior consent of the Chief Executive should they wish to engage in such activity.
38. Also you must not undertake any duties/work (whether for payment or otherwise) of a type that you normally undertake for the Council on behalf of:

- Any other Council employee, without the prior written agreement of your chief officer who shall, if agreement is given, notify the Divisional Director, HR & Workforce Development; or
 - Your chief officer, without the prior written agreement of the Chief Executive.
39. Employees do not need approval to undertake voluntary work or work for trade unions or political parties (subject to the provisions of the 1989 Local Government Housing Act as set out below), provided this work does not conflict with the Council's interests as specified in paragraph 37.
40. The Council will generally not give approval for additional or outside work if it:
- Is for anyone who is in a supervisory or managerial relationship with an employee.
 - Places the employee in a position where their official duties and private interests may conflict.
 - Affects the employee's health or ability to maintain acceptable standards of work.
 - Might weaken public confidence in the conduct of the Council's business.
 - Involves the employee being in direct competition with the Council.
41. Where approval has been given to undertake additional or outside work, employees must not:
- Use Council accommodation or facilities (vehicles, computing equipment, photocopiers, telephones etc.).
 - Submit applications of any description to the Council on behalf of any other person without written permission from their chief officer.
 - Use their knowledge of the Council or staff to help secure particular decisions or outcomes.
 - Undertake private work in office hours or when they are absent due to ill health.
 - Portray themselves as employees or agents of the Council when undertaking additional or outside work.
42. Outside work should not be undertaken for any person, company or contractor who is known by the employee to have a contractual relationship with the Council, or who is seeking work from the Council.

APPOINTMENTS AND RELATED EMPLOYMENT MATTERS

43. The Council recruits on merit and requires that its appointments are made without bias, on the basis of clear assessment criteria. If you are responsible for appointing employees, it is unlawful for you to make an appointment other than on the basis of merit. It would be unlawful for you to make an appointment based on anything other than the ability of the candidate to meet the present and future needs of the Council. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work. You must not canvas on behalf of any applicant.
44. Similarly, you must not be involved in decisions relating to discipline, promotion or pay adjustments for another employee who is a relative, partner, close friend, or where you have some other close personal relationship.
45. As an employee/potential employee you must ensure that you:
- are open and honest at any interview;
 - are open and honest on any application form;
 - disclose all criminal convictions*;
 - disclose any pending criminal charges;
 - disclose if you are a friend or relative of (or have other links with) a Member or an employee who may influence your appointment;
 - disclose if you are the tenant or landlord of someone who may influence your appointment;
 - do nothing to seek undue favour from employees or Members in Council selection procedures.

[* Although under the terms of the Rehabilitation of Offenders Act 1978 certain offences are categorised as being “spent” for employment purposes this exemption does not apply to certain posts, for example where the individual is engaged in work that entails contact with children.]

LOCAL GOVERNMENT AND HOUSING ACT 1989

46. As a result of provisions introduced under the Local Government and Housing Act 1989 to ensure the political impartiality of local government employees, some employees’ posts are subject to political restriction. This means that the postholders are prohibited from involvement in political activities as these could conflict with the responsibilities at work.
47. The Local Government and Housing Act 1989 requires that anyone who is employed by a local authority in a politically restricted or sensitive post is disqualified from being elected as a Member in another local authority or as a Member of Parliament or as a Member of the European Parliament.

Employees holding politically restricted posts are also unable to undertake certain political activities within the following broad categories:-

- Writing or speaking publicly on politically controversial issues.
 - Canvassing at any election on behalf of a political party or at elections for MPs, MEPs, Mayor or Councillors.
 - Holding office in any political party.
 - Publicly declaring themselves a candidate for Mayor, Councillor, MP or MEP.
48. The Act requires that employees holding the following posts should be politically restricted:
- Employees giving regular advice to Committees or Sub-Committees.
 - Employees who regularly speak to journalists or broadcasters on behalf of the Council.
49. A list of politically restricted posts is held by the Corporate Director, Governance. It contains the post designations and the section of the Act relating to their inclusion on the list
50. Under the Local Government (Political Restrictions) Regulations 1990, the failure of a postholder holding a politically restricted post to comply with the restriction will result in disciplinary action being taken on the grounds of misconduct.

POLITICAL NEUTRALITY AND CONTACT WITH MEMBERS

51. Employees serve the Authority as a whole. It follows that they must serve all Members (the Mayor and all Councillors, not just those of the ruling political group) and must ensure that the individual rights of all Members are respected treating political groups and individual Members in a fair and even handed manner. Insofar as employees may be required to advise political groups, they must do so in ways that do not compromise their own political neutrality. This subject is covered in detail in the Member/Officer Protocol which governs relations between elected Members and Council officers.
52. It is important that Members' enquiries should be dealt with efficiently and effectively within the established policy and procedures for the service area concerned. If employees consider that unreasonable Member pressure is being brought to bear with a particular issue outside of established procedures and policies, the relevant details must be referred to your chief officer. It is the Chief Executive's responsibility to determine whether the incident concerned should be reported to the Group Secretaries.

53. Lines of communication between Members, employees and members of the public should accord with defined and established management practice, be readily identifiable and respected by all concerned.
54. Individual employees should not approach elected Members directly on employment matters.
55. Representations to Members should be made through chief officers or normal Trade Union/Member communication forums.
56. Employees must not disrupt official meetings of the Council or of its Cabinet, Committees, Sub-Committees, etc.

PUBLICATIONS - BROADCASTS

57. Employees who are broadcasting on a subject connected with the work of the Council are required to obtain permission from the Chief Executive and their chief officer in advance and to submit where possible a copy of the script of the broadcast or otherwise advise on general subject matter.
58. Employees should not publish, or authorise without the permission of their chief officer the publication of any book or article by them or with others which indicates that the writer is an employee of or connected with the London Borough of Tower Hamlets.
59. Similarly, employees should not, without permission from the Council, make any communication to a newspaper or other journal in which there is any indication that they are an employee or otherwise connected with the London Borough of Tower Hamlets. Employees acting in either a personal capacity or as a spokesperson for outside groups should not bring the Council into disrepute by publicising material adverse to the Council or other employees. This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities.
60. The Council has established a Communications Section, which is responsible for all official press releases and statements. Individuals who are asked by the media to make comments should refer such requests direct to that section.
61. Employees should consider whether their public statements made about the Council (whether as a spokesperson for an organisation or as an individual) could reflect in some unacceptable way upon the employer-employee relationship.

WHISTLEBLOWING

62. The Council expects employees who witness, or have their suspicions raised, or are approached to become party to potentially fraudulent, corrupt, dangerous or improper behaviour, to report these incidents or concerns either to their line manager or other council manager or through the agreed whistleblowing procedures. Failure to do so could implicate you in the misconduct.
63. The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take appropriate action to protect employees who raise a concern in good faith.
64. Employees who are subject to procedures (such as but not limited to disciplinary or redundancy) will not have those procedures halted as a result of raising concerns under this procedure.
65. Concerns should normally be raised initially with your line manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the misconduct/ malpractice. If for any reason you do not feel that it is appropriate to express your concerns in this way, the Council's whistleblowing policy explains the other routes available to you.
66. Malicious allegations i.e. deliberately raising false complaints with the intention of harming someone will be regarded as serious misconduct.
67. Raising concerns through the media is not an appropriate or effective channel and may result in an employee breaching obligations under this Code resulting in disciplinary action. The Council's whistleblowing policy gives details of how to raise concerns with more appropriate and independent organisations outside the Council.

COUNCIL POLICIES, PROCEDURES AND OPERATING GUIDELINES

68. In addition to this Code of Conduct, the work of Council employees is governed, in most areas, by established policies, procedures and operational guidelines which ensure:
 - (a) that the Council meets its statutory obligations,
 - (b) that service standards are maintained,
 - (c) that staff operate within their approved authority, and
 - (d) that proper monitoring and auditing processes can be applied.

69. Whilst your manager will assist you, employees also have a personal responsibility to ensure that they are familiar with their responsibilities under the Council's Constitution and work within Council policies, procedures and operating guidelines.
70. Allegations of any failure to meet the requirements of this Code may be dealt with under the Council's Disciplinary Procedure.

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1. INTRODUCTION

- 1.1 The Licensing Code of Conduct has been adopted by Tower Hamlets Council to regulate the performance of its licensing functions that fall within the Terms of Reference for the Licensing Committee. Its major objectives are to guide Councillors and officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing functions. Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-Committees and the expression "Licensing Committee" should be interpreted accordingly.
- 1.2 The Licensing Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. Whilst most decisions taken by Councillors are administrative in nature, the work of the Licensing Committee is different in that its proceedings are quasi-judicial and the rules of natural justice apply. This imposes a new and higher set of standards on those Councillors who are involved in the decision-making process.
- 1.3 The provisions of this Code are designed to ensure that licensing decisions are taken on proper licensing grounds, in a fair consistent and open manner and that Councillors making such decisions are, and are perceived as being, accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from applicants, licensees and objectors and is intended to ensure that the integrity of the decision-making process is preserved.
- 1.4 This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.
- 1.5 **If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.**

2. HUMAN RIGHTS ACT

- 2.1 The Human Rights Act 1998, which came into full effect on 2nd October 2000, incorporated the key articles of the European Convention on Human Rights into domestic law. The Convention guarantees certain basic human rights. As far as possible legislation (including the licensing laws) must be interpreted in such a way as to conform to Convention rights. Decisions on licensing

issues are actions of a public authority and so must be compatible with Convention rights.

- 2.2** Councillors of the Committee need to be aware of the rights contained in the Convention when making decisions and in particular:

Article 6: Right to a fair trial

In the determination of a person's civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8: Right to respect for family and private life

1. Everyone has a right to respect for his or her private life, and his or her home and correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 1: of the First Protocol: Protocol of property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his or her possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 14: Prohibition of discrimination

The enjoyment of the rights and freedoms in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

- 2.3** Article 6 is an 'absolute' right and cannot be interfered with. This means that these rights can never be detracted from because it is considered to be fundamental to the rights of people. The Licensing Committee's decisions on most licensing functions are subject to independent tribunals, usually the Magistrates' Court, so satisfying the provisions of Article 6. The Licensing Committee must however conduct a fair hearing in accordance with the rules of natural justice.

- 2.4** Article 8 and Article 1 of the First Protocol are both qualified rights and the Council can interfere with these provided that such interference had a clear legal basis. In therefore deciding whether to interfere with this right, Councillors should consider the matter within the framework of a ‘fair balance’ test. This requires that a balance be struck between the protection of the right of property and the general interests of the community. An interference with a person’s rights must be proportionate and go no further than is necessary.
- 2.5** Specifically as to Article 1 of the First Protocol, an existing licence is a possession under this Article and therefore if a person does not currently hold a licence then it will not apply. Article 1 of the First Protocol also has relevance in respect of any third parties objecting to a licensing application, because of their right to the enjoyment of their property.
- 2.6** As to Article 14, whilst this is also an ‘absolute’ right it does not create an independent right as it only operates to prevent discrimination in the exercise of other convention rights. If there is discrimination however in respect of a particular protected right then there is no need to show a violation of the article giving such right for there to be a breach of Article 14. All it is necessary to show is that there has been discrimination. Accordingly, in exercising its Licensing Functions, the Council must not treat persons differently where such persons are placed in an analogous situation.

3. QUASI-JUDICIAL HEARINGS

- 3.1** A quasi-judicial hearing is one:
- which affects a person’s livelihood;
 - which involves disciplinary action; or
 - which affects property
- 3.2** These hearings are subject to the rules of natural justice. Properly applied, the rules of natural justice will ensure that the requirements of the Convention that a hearing is both “fair” and presided over by an “independent and impartial tribunal” are met.
- 3.3** There are two principles underlying the rules of natural justice. First, all parties must be given a chance to put their case under conditions which do not put one party at a substantial disadvantage to the other party. All parties should be given sufficient notice of the hearing and the applicant should have disclosure of the nature of the objections/ representations as well as knowing who is objecting/ making a representation so that they can prepare a response to the points raised in such objections/ representations.
- 3.4** The rules of natural justice could also include asking questions of other parties. In respect of ‘Alcohol and Entertainment Licensing’ however, the Licensing Act 2003 (Hearings) Regulations 2005 (‘the 2005 Regulations’) provide that the hearing should take the form of a discussion led by the authority and cross-examination should not be permitted unless the Licensing

Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

- 3.5 As to sufficient notice of the hearing, in respect of 'Alcohol and Entertainment Licensing', the 2005 Regulations also address this point as they specify the **period of time within which a hearing must be commenced; the minimum time before the hearing that notice should be given; persons to whom notice of hearing is to be given; and the documents to accompany notice of hearing.** The 2005 Regulations **do provide that a failure to comply with the Regulations does not of itself render the proceedings void but** where there is such an irregularity, the authority shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination.
- 3.6 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.7 Second, a person who has an interest in an application must be disqualified from considering it. The Licensing Committee must be impartial – not only must there be no actual bias but there must be no perception of bias.
- 3.8 The procedure rules which govern hearings of the Licensing Committee reflect the requirements of the Human Rights Act and the rules of natural justice. To avoid any allegations of bias or perceived bias, Councillors sitting on the Licensing Committee must strictly observe those procedure rules.
- 3.9 The use of a party political whip is inconsistent with the rules of natural justice and must be avoided by Councillors sitting on the Licensing Committee.

4. **PREDISPOSITION, PREDETERMINATION OR BIAS**

- 4.1 Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 4.2 As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is they have made up their mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should

decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing their mind to the merits of the decision.

4.3 Councillors must not make up their mind on how they will vote on any licensing matter prior to formal consideration of the matter at the meeting of the Licensing Committee and the Councillor hearing the evidence and arguments on both sides. A Councillor should not make comments on Licensing policy or procedures, or make any commitment in advance as to how they intend to vote on a matter, which might indicate that they have closed their mind.

4.4 Any licensing decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the council to the risk of legal challenge.

4.5 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).

4.6 If a Councillor considers that they do have a bias or cannot be impartial then they should withdraw from being a Member of the Licensing Committee for that application.

4.7 Councillors should note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 5 below), they will not appear to be predetermined through-

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to prejudging the issue and the Councillor makes clear that they are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/ local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

4.8 The following advice applies:

- Councillors must not make up their mind, or appear to have made up their mind on how they will vote on any licensing matter prior to formal consideration of the matter at the meeting of the Licensing Committee and of the Councillor hearing evidence and arguments on both sides. This includes deciding or discussing how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Licensing Committee on how to deal with this.
- It must be noted that if a Councillor is predetermined then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would arise where that through the Councillor's significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its licensing merits.
- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to licensing policies of the Council or to licensing policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has, due to his/ her political membership, predetermined a particular matter.
- When considering a licensing application, Councillors must:
 - act fairly and openly;
 - approach each application with an open mind; carefully weigh up all relevant issues; and
 - determine each item on its own licensing merits
- And Councillors must not:
 - take into account irrelevant issues;
 - behave in a manner that may give rise to a public perception that they may have predetermined the item; and
 - behave in such a manner which may give rise to a public perception that they may have been unduly influenced in reaching a decision.

5. INTERESTS

- 5.1** In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the hearing.

- 5.2** There are three (3) categories of interests, namely:
- Disclosable pecuniary interests (DPIs);
 - Other registerable interests; and
 - Non registerable interests.
- 5.3** Chapter 7 of the 2011 Act places requirements on Councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 3.4 of the Code of Conduct for Members. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. These interests can be either an interest of the Member or an interest (of which the Member is aware) of a spouse, civil partner or a person that the Member is living with as a spouse or civil partner. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes.
- 5.4** A failure to register or declare a DPI or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.
- 5.5** A DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Licensing Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.
- 5.6** Having regard to the rules of natural justice and the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must also be given to other non-DPI personal interests that are either registrable as required by the Code of Conduct for Members or are personal interests that do not require registration.
- 5.7** A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the Council's area) the well-being or financial position of the Councillor, a relative or a friend or
- the employment or business carried out by those persons, or in which they might be investors (above a certain level);
 - any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.
- 5.8** If a Councillor has a personal interest in any licensing application or other matter before the Licensing Committee then the Member shall, if present, disclose the existence and nature of the interest at the start of the meeting

and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion or voting provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 5.9 below).

- 5.9** The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are working closely with an applicant or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a licensing matter with the Council; or generally declaring voting intentions ahead of the meeting etc.
- 5.10** A Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. They cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions, or give evidence, then a Councillor will have the same right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.
- 5.11** Being a Councillor for the ward in which particular premises are situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. Councillors should remember, however, that their overriding duty is to the licensing objectives and not to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Member feels that they cannot do this then the Member must leave the room when the discussion on the item begins.
- 5.12** More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part C Section 31 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer or the Service Head Legal Services are available to give advice if required.

6. TRAINING OF COUNCILLORS

- 6.1** As the technical and propriety issues associated with licensing are not straightforward, Councillors on the Licensing Committee must participate in a

programme of training on the licensing system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. The aim of the training is to assist Members in carrying out their role properly and effectively. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of the Licensing Committee.

- 6.2** Councillors should be aware that training is particularly important for Councillors who are new to the Licensing Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of licensing issues.
- 6.3** Where a Member has a genuine difficulty in attending any particular training session officers will try when practicable to accommodate a request for an individual or repeat session.

7. APPLICATION BY A COUNCILLOR OR OFFICER

- 7.1** The Licensing Committee may need to determine an application submitted by a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-
- (a) On receipt of such an application, a copy of the application will be referred to the Corporate Director.
 - (b) The Corporate Director will pass a copy of the application to the Monitoring Officer who will satisfy himself/ herself that the application can be, and is being, processed and determined without suspicion or impropriety.
 - (c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.
 - (d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent their views.
 - (e) Councillors of the Licensing Committee must consider whether the nature of any relationship with the person (either a Member or an officer) making the application requires that they make a declaration of interest and if necessary also withdraw from the meeting.
 - (f) In respect of former Councillors or former officers the above requirements shall apply for a period of three years following their departure from the Council.

8. APPLICATION BY THE COUNCIL (OR WHERE THE COUNCIL IS THE LANDOWNER)

- 8.1** Councillors may need to determine an application submitted by the Council for the Council's own land or in respect of land where the Council is the landowner. It is perfectly legitimate for such applications to be submitted to and determined by the Licensing Authority. Applications should be treated with the same transparency and impartiality as those of other applicants so as not to give rise to suspicions of impropriety.
- 8.2** If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Licensing Committee.

9. LOBBYING

- 9.1** Councillors may be approached or lobbied by an applicant, agent or objector about a particular licensing application. This can happen prior to an application being made or at any time after the application is made. Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the relative merits of all the evidence presented at the hearing.
- 9.2** To avoid such perception, if a Member is approached then they should:
- (a) inform such applicant or agent or interested party/ objector that such approach should be made to officers or to elected Councillors who are not Councillors of the Licensing Committee;
 - (b) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Member concerned; and
 - (c) keep an adequate written record so as to enable the Member to disclose the fact and nature of such an approach at any relevant meeting of the Licensing Committee.
- 9.3** If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental. As stated in 9.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Member to disclose the fact and nature of such an approach at any relevant meeting of the Licensing Committee.

- 9.4** If a Councillor who is not a Councillor of the Licensing Committee is contacted by an applicant, objector or interested party then that Councillor can discuss the issues raised by their constituent with the appropriate licensing officer and may forward any representations or evidence to that officer, who will, provided it is lawful, include the relevant information in the report to the Licensing Committee. If a Councillor wishes to make their own representations about a matter they should likewise make those representations to the appropriate Licensing officer.
- 9.5** When attending a public meeting at which a licensing issue is raised, a Councillor of the Licensing Committee should take great care to maintain an impartial role and not express a conclusive view on any pre-application proposals or submitted application. As stated in 9.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Member to disclose the fact and nature of such an approach at any relevant meeting of the Licensing Committee
- 9.6** Correspondence received by any Councillor (whether on the Licensing Committee or not), should be passed without delay to the Corporate Director so that all relevant views can be made available to those Councillors or officers responsible for determining the application. A reply by a Councillor should, as a rule, simply note the contents of the correspondence and advise that it has been passed to officers.
- 9.7** Councillors should not accept gifts or hospitality from any person involved in or affected by licensing application. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.
- 9.8** Councillors should not become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose licensing applications. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.
- 9.9** Councillors must also not lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any licensing decision is to be taken.

10. PRE HEARING DISCUSSIONS

- 10.1** Discussions between a potential applicant and representatives of the Council may be of considerable benefit to both parties. Similarly, a meeting between the Council and potential objectors may also be beneficial. However, it would be easy for such discussions to become or be seen (especially by objectors) to become part of a lobbying process. In the circumstances, pre-application discussions should be avoided by Councillors of the Licensing Committee.

- 10.2** Generally, any contact with applicants and/ or objectors should only be conducted with and through officers and should always be reported to the Licensing Committee. Requests to a Councillor for a meeting should be passed to the Corporate Director.

11. SITE VISITS

- 11.1** If a site visit takes place, its purpose is to gain information relating to the premises which are the subject of the licensing application or revocation to be considered by the Licensing Committee. A site visit may also assist Councillors in matters relating to the context of the application or revocation, the characteristics of the premises and the surrounding area. Councillors should avoid expressing opinions during site visits to any person present, including other Members. Councillors can, of course, rely upon their own local knowledge.
- 11.2** During site visits, Councillors of the Licensing Committee shall not engage individually in discussion with applicants or objectors.
- 11.3** On site visits applicants, agents, objectors or other interested parties shall only be permitted to point out to Councillors features to look at either on the premises or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application or revocation.
- 11.4** A Councillor of a Licensing Committee may request a site visit, prior to the meeting of the Committee, in which case their name shall be recorded. They shall provide and a record be kept of:
- (i) their reason for the request; and
 - (ii) whether or not they have been approached concerning the application and if so, by whom

and unless the Councillor provides these at least one week prior to the relevant meeting, a site visit will not proceed.

- 11.5** If any Councillor of the Licensing Committee wishes to informally view an application's site then that viewing must only take place if it can be done from a public place. Councillors of the Licensing Committee shall not enter any premises which are the subject of a licensing application or known by them to be likely to become such in order to meet the agent, applicant, licensee or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances such as where a Councillor is unable to attend an official site visit that has been arranged, a site visit by an individual Councillor may be carried out provided that the Councillor is accompanied by a licensing officer.

12. RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 12.1** Councillors of the Licensing Committee shall not attempt in any way to influence the terms of the officers' report upon any application.
- 12.2** Any criticism by Councillors of the Licensing Committee or an officer in relation to the handing of any licence application should be made in writing to the Corporate Director and/ or the Monitoring Officer and not to the Officer handling the application.
- 12.3** If any officer feels or suspects that pressure is being exerted upon him/ her by any Councillor of the Council in relation to any particular application, they shall forthwith notify the matter in writing to the Monitoring Officer.
- 12.4** If any officer of the Council who is involved in dealing with any licensing application has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Licensing Committee meeting.
- 12.5** No officer of the Council shall engage in any paid work for any licensing matter for which Tower Hamlets is the Licensing Authority other than on behalf of the Council.

13. CONDUCT AT THE HEARING

- 13.1** The essence of the rules of natural justice is that Councillors not only act fairly but are also seen to act fairly. Councillors must follow agreed procedures at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the hearing Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.
- 13.2** Councillors of the Licensing Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations. Councillors shall be respectful to the Chair and to each other and to officers and Members of the public including applicants, their agents and objectors and shall not bully any person.
- 13.3** When questioning witnesses at a meeting of a Licensing Committee, Councillors shall ensure that their questions relate only to licensing considerations relevant to the particular application.

- 13.4** Councillors must ensure that they hear the evidence and arguments for and against the application, in accordance with the rules of natural justice. Councillors must ensure that both the applicant and the objectors receive a fair hearing. Applicants must have the opportunity in advance of the hearing to prepare their case in answer to the objectors/ interested parties/ responsible authorities.
- 13.5** If a Councillor of the Licensing Committee arrives late for a meeting, they will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has to leave the meeting for any length of time, they will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, they should ask the Chair for a short adjournment
- 13.6** It is permissible for the Chair of the meeting to curtail statements of parties or witnesses, if they are merely repeating matters which have already been given in evidence.
- 13.7** In considering objections/ representations Councillors are advised that if such are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then they carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.
- 13.8** Also in considering the application, it may well be that hearsay evidence is presented. Councillors are advised that the strict rules of evidence do not apply in licensing applications and therefore hearsay is admissible. Indeed, hearsay might by its source, nature and inherent probability carry a greater degree of credibility than first hand evidence. What must be discounted, however, are gossip, speculation and unsubstantiated innuendo. In considering hearsay evidence, it should only be accepted where it can fairly be regarded as reliable although Councillors must give the other side a fair opportunity of commenting on it and contradicting it. Ultimately, hearsay evidence must be treated with great reservation by Councillors, who must make an assessment of its weight and credibility.
- 13.9** When new matters are raised as objections by any person at a hearing, the Licensing Committee is not obliged to hear them. However, if Councillors feel that the new matter raised by the objector should be considered, but the applicant needs further time to consider their response then the applicant should be offered an adjournment of the meeting (either for a short period during the meeting itself or if necessary to a new date). (This paragraph does not apply to 'Alcohol and Entertainment Licensing' under the Licensing Act 2003 or 'Gambling Licensing' under the Gambling Act 2005, as new objections cannot be raised at the hearing).

14. COUNCILLORS WHO ARE NOT ON THE COMMITTEE

- 14.1** A Councillor who is not a member of the Committee may speak at the meeting, with the agreement of the Chair, as an advocate for either the applicant or the objectors. A Councillor wishing to speak should submit a written statement within the relevant consultation period. The applicant has the right to see any objections in advance. They also have a right of reply.
- 14.2** Councillors addressing the Committee should disclose any interests they may have, including the fact that they have been in touch with the applicant, the objectors or their respective agents and whether they are speaking on behalf of any of those people at the meeting.
- 14.3** A Councillor who is not on the Committee but who is at one of its meetings should normally sit apart from the Committee to demonstrate that they are not taking part in the discussion, consideration or vote. They should not communicate with Councillors on the Committee or pass papers or documents to them before or during the meeting. They may not attend briefings or accompany the Committee if it retires to deliberate in private..
- 14.4** Councillors who are opposed in principle to any category of application or form of public entertainment, either in their own ward or borough-wide, should not seek nomination to the Committee.

15. MAKING THE DECISION

- 15.1** The decision whether or not to grant a licensing application is a decision for the Councillors of the Licensing Committee only. The assessment of the weight and credibility of evidence is also for Councillors alone to decide.
- 15.2** Councillors shall retire to decide the matter in closed session. The Legal Officer and Democratic Services Officer present at the meeting will retire with them. During such closed session, the Legal Officer will only provide advice on legal issues relating to the application and will assist in the drafting of any proposed conditions to ensure that they are legally enforceable.
- 15.3** In accordance with regulations, Councillors considering applications relating to 'Alcohol and Entertainment Licensing' under the Licensing Act 2003 or 'Gambling Licensing' under the Gambling Act 2005 should disregard any information provided by any party which is not relevant to;
- a) their application, representations or notice (as applicable); and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the Police.
- 15.4** Councillors will normally return to open session to announce its decision and give reasons for the same but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within

that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

- 15.5** Written notice of the decision together with Councillors' reasons will always be given and such notice will set out any rights of appeal against the decision.
- 15.6** Councillors own knowledge of the circumstances surrounding an application is valid provided that they are put to the applicant for a response. In reaching their decision Councillors must have regard to the evidence presented at the hearing, both the documents circulated in advance and the oral evidence. The decision must be based on the evidence alone and Councillors have a duty to ensure that they have regard to all the relevant matters before them and only those matters.
- 15.7** Councillors considering an application have a duty to determine it only on the facts before them relating to that individual case and not decide it as a matter of general policy. Councillors must not make unreasonable decisions that no other reasonable licensing authority would arrive at, having regard to the legal principle of "Wednesbury reasonableness".
- 15.8** In considering applications, Councillors must also have due regard to any Council Policy (e.g. the Council's Statement of Licensing Policy) and any statutory guidance (e.g. Licensing Guidance issued under section 182 of the Licensing Act 2003). Any departure from such should be justified and based on the facts before them.
- 15.9** Councillors should be aware that an unreasonable decision taking into account the above criteria is unlikely to be sustained on appeal. In this instance, the authority foregoes the opportunity to attach terms and conditions to a licence and will likely have to pay costs. The role of officers is to point this out and advise Councillors as to the potential risk of losing an appeal and being required to pay the other parties costs as a consequence. This needs to be balanced with the Council's fiduciary duty towards the local taxpayer in terms of the Council being a public body spending public money.

16. APPEALS

- 16.1** The Licensing Committee's decision is not a final one and applicants (and in certain cases interested parties and responsible authorities) have the right to appeal to the Magistrates Court and beyond in certain cases.
- 16.2** An appeal must be lodged within a prescribed time of receiving written notification of the decision.
- 16.3** On such appeals the hearing takes on an increasingly formalised nature, based solely on the evidence given. The Council will only be able to sustain its defence if it can substantiate its grant or refusal of a licence by relevant admissible evidence. Councillors who consider basing the grant or refusal of

a licence on their personal knowledge should be prepared to testify to the relevant facts in any appeal proceedings.

- 16.4** Taking this factor into account along with the real risk of costs against the Council, Councillors must be wary of relying on any matters which could not readily be proved in evidence. Essentially, for Committee decisions to “stand up” on appeal and to avoid costs being awarded against the Authority, decisions to grant or refuse licences or impose conditions must be justified.

17. RECORD KEEPING

- 17.1** In order that licensing procedures are undertaken properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every licensing application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council’s Information Governance Framework and, specifically, the Council’s Records Management Policy.

18. SUMMARY DOS AND DO NOT’S

1. Councillors must:

- (a) Attend compulsory training sessions;
- (b) Be open minded and impartial;
- (c) Declare any actual interest;
- (d) Listen to the arguments for and against;
- (e) Carefully weigh up all relevant issues;
- (f) Ask questions that relate only to licensing considerations relevant to the particular application;
- (g) Make decisions on merit and on licensing considerations only;
- (h) Respect the impartiality and integrity of the Council’s officers;
- (i) Report any lobbying from applicants, agents, objectors or any other Councillor;
- (j) Promote and support the highest standards of conduct; and
- (k) Promote equality and not discriminate unlawfully against any person, and treat all people with respect.

2. Councillors must not:

- (a) Be biased or give the impression of being biased;
- (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;

- (c) Act to gain a financial or other benefit for themselves, their family, friends or close associates;
- (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member (e.g. by accepting gifts or hospitality from any person involved in or affected by a licensing application);
- (e) Place themselves in a position where their integrity might reasonably be questioned;
- (f) Participate in a meeting where they have a DPI;
- (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
- (h) Express opinions during any site visit to any person present, including other Members.

19. PROCEDURE NOTES

- 19.1** Appendix A to this Code of Conduct sets out the Rules of Procedure Governing Applications for Premises Licences and other permissions under the Licensing Act 2003. This is set out in Part D Section 53 of the Constitution.
- 19.2** Appendix B to this Code of Conduct sets out the Rules of Procedure Governing Applications for Sex Establishment Licences under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended). This is set out in Part D Section 53 of the Constitution.

35 Planning Code of Conduct

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1. INTRODUCTION

- 1.1** The Planning Code of Conduct has been adopted by Tower Hamlets Council to regulate the performance of its planning functions. Its major objectives are to guide Councillors and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.
- 1.2** The Planning Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. The purpose of this Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters.
- 1.3** Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.
- 1.4** This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.
- 1.5** This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.
- 1.6** **If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.**

2. PREDISPOSITION, PREDETERMINATION OR BIAS

- 2.1 Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.
- 2.2 As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is they have made up their mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing their mind to the merits of the decision.
- 2.3 Any planning decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the Council to the risk of legal challenge.
- 2.4 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).
- 2.5 If a Councillor considers that they do have a bias or cannot be impartial then they **must** withdraw from considering that application.
- 2.6 Councillors should note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 3 below), they will not appear to be predetermined through-
- listening or receiving viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to

prejudging the issue and the Councillor makes clear that they are keeping an open mind;

- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

2.7 The following advice applies:

- Councillors must not make up their mind, or appear to have made up their mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Committee and of the Councillor hearing the officer's presentation and evidence and arguments on both sides. This includes deciding or discussing how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Committee on how to deal with this.
- It must be noted that if a Councillor is predetermined then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would amount to more than a matter of membership of both the Cabinet and Development Committee, but that through the Councillor's significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits. (See Section 6 below for guidance on applications submitted by the Council).
- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to planning policies of the Council or to planning policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has due to his/ her political membership predetermined a particular matter. (See Section 7 below relating to Lobbying).

- When considering a planning application or any other planning matter Councillors must:
 - act fairly and openly;
 - approach each planning issue with an open mind; carefully weigh up all relevant issues; and
 - determine each item on its own planning merits
- And Councillors must not:
 - take into account irrelevant issues;
 - behave in a manner that may give rise to a public perception that they may have predetermined the item; and
 - behave in such a manner which may give rise to a public perception that they may have been unduly influenced in reaching a decision.

3. INTERESTS

- 3.1 In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the meeting.
- 3.2 Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 5.1 of the Members' Code of Conduct. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes. A failure to register or declare a DPI or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.
- 3.3 A DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.
- 3.4 Having regard to the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must also be given to personal interests. A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the Tower Hamlets) the well-being or financial position of the Councillor, a relative or a friend or

- the employment or business carried out by those persons, or in which they might be investors (above a certain level)
 - any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.
- 3.5 If a Councillor has a personal interest in any planning then the Councillor shall, if present, disclose the existence and nature of the interest at the start of the meeting and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. If, in accordance with the Members' Code of Conduct, the interest is 'sensitive', the Councillor must disclose to the meeting that they have an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 3.6 below).
- 3.6 The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are the Councillor is working closely with a developer or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a planning matter with the Council; or generally declaring voting intentions ahead of the meeting etc.
- 3.7 A Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. They cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions etc., then a Councillor will have the same right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.
- 3.8 Being a Councillor for the ward in which particular premises is situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. Councillors should remember, however, that their overriding duty is to the whole community not just to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Councillor considers that it is appropriate to make representations for their ward then the Councillor can declare this and make

representations and must not participate in the debate and vote. It may be that by remaining in the Committee room during the debate and vote that a reasonable person could perceive that the Councillor was seeking to influence the decision by their continued presence. In deciding therefore whether to remain, Councillors, especially Executive Members or the Mayor, should consider the perception that their continued presence could cause.

- 3.9 More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part B Section 31 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer or the Divisional Director Legal are available to give advice if required.
- 3.10 Further, at Appendix C, there are a series of What Ifs and which will assist in Councillors determining whether they have a personal interest which they should declare and whether it could give rise to a reasonable observer in possession of the facts considering that the Councillor would be biased or would be unable to be impartial.

4. TRAINING OF COUNCILLORS

- 4.1 As the technical and propriety issues associated with planning are not straightforward, Councillors who sit on either the Development Committee or the Strategic Development Committee must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of relevant Committee.
- 4.2 Councillors should be aware that training is particularly important for those who are new to the Development Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of planning issues.
- 4.3 The compulsory training programme will cover issues relating to probity in planning, principles in planning to reflect government guidance and case law. Discretionary training will seek to extend Councillors' knowledge of planning law, regulations, procedures, Codes of Practice, Development Plans and best practice. The aim of the training is to assist Councillors in carrying out their role properly and effectively.
- 4.4 Where a Councillor has a genuine difficulty in attending any particular training session officers will try, when practicable, to accommodate a request for an individual or repeat session.

5. APPLICATION BY A COUNCILLOR OR OFFICER

5.1 Councillors may need to determine an application submitted by or made on behalf of a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-

- (a) The matter will be referred to the Corporate Director, Place, who shall decide whether or not the application should be referred to the relevant Committee, or determined under delegated powers, if the application is in accordance with development plans and all other material planning considerations.
- (b) On receipt of such an application, the Corporate Director, Place will pass a copy of the application to the Monitoring Officer who will satisfy himself/herself that the application can be, and is being, processed and determined without suspicion or impropriety.
- (c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.
- (d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent their views.
- (e) Councillors of the Committee must consider whether the nature of any relationship with the person (either a Councillor or an officer) applying for planning permission requires that they make a declaration of interest and if necessary also withdraw from the meeting.
- (f) In respect of former Councillors or former officers the above requirements shall apply for a period of three (3) years following their departure from the Council.

5.2 The onus is on the Councillor or Officer to bring to the attention of the Corporate Director, Place that they are personally involved in an application as well as the nature of that involvement.

6. APPLICATION BY THE COUNCIL

6.1 Councillors may need to determine an application submitted by or on behalf of the Council for the Council's own development. It is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority. Proposals for such development should be treated with the same transparency and impartiality as those of private developers so as not to give rise to suspicions of impropriety. In the interests of transparency, the Committee Report will clearly state that the application is made by or on behalf of the Council.

6.2 If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Committee

7. LOBBYING

7.1 Lobbying is the process by which applicants and their agents, objectors, non-Committee Councillors and other interested parties seek to persuade Councillors who sit on the Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Councillors who sit on Committee as these discussions can help Members to understand the issues and concerns. This can happen prior to an application being made or at any time after the application is made.

7.2 Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the relative merits based on all the evidence presented at the meeting. To avoid such perception if a Councillor is approached they should following the principles set out in section 2.6 of this Code and also:

- (a) explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee;
- (b) explain the procedures by which representations can be made;
- (c) explain the kinds of planning issues that the Council can take into account;
- (d) inform the person making the approach that such approach should be made to officers within the Place Directorate or to elected Councillors who are not Councillors of the either the Development Committee or Strategic Development Committee;
- (e) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Councillor concerned. This should include any offers made of planning gain or constraint of development, through a proposed section 106 Planning Obligation or otherwise; and
- (f) keep an adequate written record so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Committee.

7.3 If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so

without all relevant information and views would be unfair and detrimental. As stated in 7.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Development Committee.

- 7.4 Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.
- 7.5 Councillors should not become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.
- 7.6 Where Councillors contact fellow Councillors regarding their concerns or views they must not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.
- 7.7 In no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental.
- 7.8 Where a Committee member feels that they have been unreasonably or excessively lobbied on a particular proposal they must make a declaration at the Committee on that application that they have been lobbied. Provided that member has followed the principles in this Code then they will still be able to speak and vote on the application.

8. PRE-MEETINGS, PRESENTATIONS AND BRIEFING SESSIONS

- 8.1 Councillors should avoid agreeing to any formal meeting with applicants, developers or groups of objectors. If a Councillor considers that a formal meeting would be useful in clarifying the issues, then the Councillor should not seek to personally arrange such a meeting but should request the Divisional Director Planning and Building Control to organise it and a planning officer will attend any such meeting. This ensures that if such a meeting takes place then it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the

Committee. The Councillor should take no other person to the meeting unless that person is that Councillor's carer.

- 8.2** If a Councillor does arrange a private meeting with an applicant, developer, agent or objector then this must be declared at the Development Committee meeting by the Councillor. The Councillor should also arrange to be accompanied by a planning officer and they should take no other person to the meeting unless that person is that Councillor's carer. As in Section 7.2(c) above, the Councillor should keep an adequate written record of the meeting. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.3** Where there is to be a presentation by applicants/ developers, Councillors should not attend unless it has been organised by an officer. If a Councillor does attend a presentation not organised by officers then the Councillor must inform the Divisional Director Planning and Building Control that they have done so. The Councillor should keep an adequate written record of the presentation. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.
- 8.4** When Councillors attend presentations, they should ask relevant questions to clarify their understanding of the proposal. Councillors should be mindful, however, that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Development Committee.
- 8.5** Councillors should bear in mind that a presentation is a form of lobbying and they must not express any strong view or state how they or other Councillors might vote. Further Councillors are reminded that if they do attend a presentation then any hospitality or gifts received over the value of £25.00 must be disclosed and registered in the normal way.
- 8.6** Public meetings are sometimes organised as part of the Council's pre-application process (contained in the Council's Planning tool kit). All Councillors are encouraged to participate in such pre-application discussions.
- 8.7** Further where briefing sessions (generally for major applications) have been arranged (by officers) for Councillors following submission of an application then Councillors should attend these sessions as it will give them an

opportunity to better understand the Council's planning policies and its economic objectives.

- 8.8** Councillors should note that the Code of Conduct of Member and this Code apply to any of the above meetings, presentations or briefing sessions and that at any subsequent Committee considering the application that Councillors must disclose attendance at any such meetings and/ or presentations.

9. SITE VISITS

- 9.1** Site visits by Councillors determining schemes are an essential part of determining a planning application. It is good practice for Councillors to visit an application site before a meeting, so that they can familiarise with the site or surrounding area and Councillors should try to attend the pre-Committee site visits organised by officers. A site visit may also assist Councillors in matters relating to the context of the application and the characteristics of surrounding area. Whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site. Councillors can, of course, rely upon their own local knowledge.

- 9.2** During site visits, Councillors of the Planning Committees shall not engage individually in discussion with applicants or objectors.

- 9.3** On site visits applicants, developers, objectors or other interested parties who attend shall only be permitted to point out to Councillors features to look at either on the site or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application.

- 9.4** Should it is not possible for a Councillor to attend an organised site visit and a Councillor then carries out a site visit on their own, the guidelines below apply-

- The Councillor must notify the Divisional Director Planning and Building Control of the intention to visit (which will be recorded on the file).
- The Councillor must carry out the visit discreetly and the Councillor must not make himself/ herself known to the applicants or neighbours.
- The Councillor must treat the site visit as an opportunity to seek information and to observe the site only. The Councillor must not use the site visit as or allow it to become an impromptu lobbying opportunity for the applicant or objectors.
- Councillors should not hear representations from the applicant or any other party and the Councillor shall have regard to the provisions on Lobbying in Section 7 above, and advise them that they may make representations in writing to the Council and direct them to relevant officers.

- Councillors must not express opinions or views on the application to anyone as this may lead to an allegation of apparent bias or pre-determination.
- Councillors should note that the Code of Conduct for Members and this Code apply to any such visit.

9.5 As in Section 7.2(c) above, the Councillor should keep an adequate written record of the site visit, including any new information gained from such visit. This record should then be referred to the Divisional Director Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

9.6 Once the application has reached the determination stage, Councillors should not request a site visit unless the Councillor considers that it is really necessary, and the Committee may decide to revisit the site where particular site factors are significant in terms of the weight attached and it would be difficult in the absence of a site visit to assess the application or there are significant policy or precedent implications and specific site factors need to be carefully addressed.

10. THE ROLE OF THE EXECUTIVE

10.1 The Executive consists of 10 people, namely the Mayor and 9 Councillors. Each of the 9 Councillors has a specific Portfolio and one of those Portfolios is Strategic Development. The Mayor is responsible for most decisions about day-to-day Council services but this excludes the regulatory council functions such as planning.

10.2 Councillors on the Planning Committees have specific responsibility for planning. However, planning is important to all Councillors and can help deliver other local objectives. Further, planning takes account of wider, long-term public interests including the environment, economic growth and prosperity, a cohesive and empowered society, good health and wellbeing, enhancement of heritage, conservation, local culture and community identity.

10.3 The Executive therefore has an interest in Strategic Planning: hence the Member of the Executive with the Strategic Development portfolio. As such, the Mayor, the lead Member and other Members of the Executive may be approached regarding or become involved in planning applications. This is perfectly acceptable but where the Mayor, the lead Member or other Members of the Executive are approached or become involved then this Code of Conduct also applies to them, particularly paragraphs 6, 7, 8 and 10. Further, they should not attend the pre-Committee site visits organised by officers unless they sit on the Planning Committee.

10.4 Additionally, Councillors of the Executive should not meet to discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so.

11. RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 11.1** Councillors shall not attempt in any way to influence the terms of the officers' reports upon any application including a particular recommendation. Officers are advising Councillors. They must give impartial policy advice on planning considerations and the recommendations as set out in the report without seeking to persuade Councillors. (This does not prevent a Councillor from asking questions or submitting views to the Divisional Director Planning and Building Control, which may be incorporated into any Committee report).
- 11.2** Any criticism by Councillors of an officer in relation to the handling of any application should be made in writing to the Corporate Director, Place and/ or the Monitoring Officer rather than to the Officer handling the application.
- 11.3** If any officer feels or suspects that pressure is being exerted upon him/her by any Councillor in relation to any particular application, they shall forthwith notify the matter in writing to the Monitoring Officer.
- 11.4** If any officer of the Council who is involved in dealing with any application has had any involvement with an applicant, developer or objector, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Development Committee meeting.
- 11.5** No officer of the Council shall engage in any paid work for any planning matter for which Tower Hamlets is the Planning Authority other than on behalf of the Council.

12. CONDUCT AT THE COMMITTEE

- 12.1** Councillors must not only act fairly but must also be seen to act fairly. Councillors must follow agreed procedures (at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the meeting Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, a developer, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.
- 12.2** Councillors of the Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations.

Councillors shall be respectful to the Chair and to each other and to officers and members of the public including applicants, developers, objectors and their representatives and shall not bully any person.

- 12.3** When asking questions at a meeting, Councillors shall ensure that their questions relate only to planning considerations relevant to the particular application.
- 12.4** The Committee must ensure that they hear the evidence and arguments for and against the application and approach each planning issue with an open mind.
- 12.5** If a Councillor arrives late for a meeting, they will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has to leave the meeting for any length of time, they will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, they should ask the Chair for a short adjournment
- 12.6** It is permissible for the Chair of the meeting to curtail statements of parties if they are merely repeating matters which have already been said.
- 12.7** In considering the application, Councillors are advised that if objections are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then such carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.

13. DECISION MAKING

- 13.1** When a report goes before the Committee rather than being determined through officer delegation, the reasons why will be set out in the report to the Committee.
- 13.2** Councillors must come to meetings with an open mind and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2007 and section 70(2) of the Town and Country Planning Act 1990, Councillors must make decisions in accordance with the Development plan unless material considerations indicate otherwise.
- 13.3** Councillors should only come to their decision after due consideration of all of the relevant information reasonably required upon which to base a decision. If it is considered that there is insufficient time to digest new information or that there is simply insufficient information before Councillors then Councillors can request that further information be provided and, if necessary, defer or refuse the application.

- 13.4** Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee.
- 13.5** Where Councillors take a decision to defer any proposal then the reasons for Committee's decision must be given and recorded.
- 13.6** When a Councillor is proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan then they must clearly identify and understand the planning reasons leading to this conclusion/ decision. These reasons must be given prior to the vote and be recorded. The Councillor must be aware that they may have to justify the resulting decision by giving evidence in Court or at Enquiry in the event of any challenge. Further advice on this is set out in the Development Procedure Rules at Appendix B.
- 13.7** Prior to deciding the matter before the Committee, Councillors must consider the advice that planning, legal or other officers give to the Committee with respect to the recommendation or any proposed amendment to it.
- 13.8** **At the end of the day, Councillors must bear in mind that they are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. When Councillors take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Councillors must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.**

14. RECORD KEEPING

- 14.1** In order that planning applications are processed properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council's Information Governance Framework and, specifically, the Council's Records Management Policy.

15. DOS AND DO NOT'S

- 15.1** Councillors must:

- (a) Attend compulsory training sessions;
- (b) Be open minded and impartial;
- (c) Declare any actual interest;
- (d) Act solely in the public interest;
- (e) Listen to the arguments for and against;
- (f) Carefully weigh up all relevant issues;
- (g) Ask questions that relate only to planning considerations relevant to the particular application;
- (h) Make decisions on merit and on material planning considerations only;
- (i) Respect the impartiality and integrity of the Council's officers;
- (j) Report any lobbying from applicants, agents, objectors or any other Councillor;
- (k) Promote and support the highest standards of conduct; and
- (l) Promote equality and not discriminate unlawfully against any person, and treat all people with respect.

15.2 Councillors must not:

- (a) Be biased or give the impression of being biased;
- (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
- (c) Act to gain financial or other benefit for themselves, their family, friends or close associates;
- (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a Councillor (e.g. by accepting gifts or hospitality from any person involved in or affected by a planning proposal);
- (e) Place themselves in a position where their integrity might reasonably be questioned;
- (f) Participate in a meeting where they have a DPI;
- (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
- (h) Express opinions during site visits to any person present, including other Councillors.

16 WHAT IF?

16.1 Examples

1. What if you have a good friend who lives next door to the premises in respect of which there is an application and the friend has objected?
Would be considered predetermined – do not participate
2. Now what if your spouse/ significant other is a good friend of that person?
Would be considered predetermined – do not participate
3. Now what if you know the person casually but they are not a good friend?
Could be considered predisposed – could still determine with open mind – declare interest but can still participate
4. Now what if person works in the same organisation as you and you may say hi occasionally but there is no other interaction?
Could not be considered predisposed – can determine with open mind – nothing to declare
5. What if you are a member of the Board of THH and the application is by or on behalf of THH?
Firstly, not a DPI as membership of the Board does not amount to an office carried on for profit or gain – Could be considered predisposed or predetermined due to membership of Board however – This is dependent on nature of the application and is a matter of whether the application can be determined with an open mind – If the application has not been discussed at the Board or is not relevant to Board projects then likely to be considered predisposed and therefore declare the interest but you can still participate in the meeting – If however application was discussed at the Board or is relevant to projects discussed at the Board then likely to be considered predetermined and therefore declare an interest and do not participate

17. GUIDANCE/ PROCEDURE NOTES

- 17.1 Appendix A to this Code of Conduct is the Council's Guidelines for determining planning applications. This is set out in Part D Section 53 of the Constitution.
- 17.2 Appendix B to this Code of Conduct sets out the Development Procedure Rules that apply to all meetings of the Development Committee, Strategic Development Committee and Council in relation to the determination of planning applications. This is set out in Part D Section 53 of the Constitution.

36 Financial Regulations and Procedure Rules

(To Follow)

37 Contracts and Procurement Procedure Rules

(To Follow)

38 Officer Employment Procedure Rules

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Rule	Subject
1	General
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3	Recruitment of Head of Paid Service and Chief Officers
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6	Procedure for the Appointment of Chief Officers and Deputy Chief Officers
7	Other Appointments
8	Disciplinary Action
9	Dismissal
10	Appeals
11	Designation as Statutory Officer

1. GENERAL

- 1.1 Subject to Rule 1.2 and Rule 10 below, the function of appointment and dismissal of, and taking disciplinary action against, a Member of staff of the authority must be discharged, on behalf of the authority by the Head of the Paid Service or by an officer nominated by her/him.
- 1.2 Rule 1.1 shall not apply to the appointment or dismissal of, or disciplinary action against:
- (a) The Head of the Paid Service;
 - (b) A statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989;
 - (c) A non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989;
 - (d) A deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989 (subject to Rule 5.6 below);
 - (e) A political assistant appointed in pursuance of section 9 of the Local Government and Housing Act 1989; or
 - (f) A Mayor's assistant appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the Local Government Act 2000.

2. RECRUITMENT AND APPOINTMENT

2.1 Declarations

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent,

grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of the Mayor or an existing Councillor or officer of the Council; or of the partner of such persons.

- (b) No candidate so related to the Mayor or a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by her/him.

2.2 Seeking support for Appointment

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of the Mayor or any Councillor for any appointment with the Council. The content of this Rule will be included in any recruitment information.
- (b) Neither the Mayor nor any Councillor will seek support for any person for any appointment with the Council.
- (c) Neither the Mayor nor any Councillor shall give a reference (oral or written) for a candidate for employment by the Council.

3. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

- 3.1** Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in Rule 3.1(a) to be sent to any person on request.

4. APPOINTMENT OF HEAD OF PAID SERVICE

- 4.1** Where a Committee, Sub-Committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.
- 4.2** The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Sub-Committee established in accordance with Rule 5.1 below. That Sub-Committee must include at least one Member of the Executive.

4.3 The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Executive.

4.4 The appointment of the Head of Paid Service may not occur unless the prior written agreement of the DCLG Commissioners has been obtained for such an action.

5. APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

5.1 The Chief Executive will establish Appointments Sub-Committees upon criteria approved by the Human Resources Committee comprising relevant Members to make appointment to Chief Officer and Deputy Chief Officer posts. Any Appointments Sub-Committee established in accordance with this rule must include at least one (1) Member of the Executive.

5.2 Engagement of Chief Officers, to permanent positions or interim positions of over three (3) months, will be through the normal recruitment process overseen by the HR Committee.

5.3 An offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any Member of the Executive has been received. Subject to Rule 5.5 below, in these Rules, chief officers are defined as:

(a) the Chief Executive (as Head of Paid Service)

(b) the statutory Chief Officers, (including the Chief Financial Officer, Corporate Director, Children's Services, Corporate Director, Adults' Services, and the Monitoring Officer)

(c) the non-statutory chief officers which are:

(i) Officers for whom the Chief Executive is responsible (other directors);

(ii) Officers who report to or who are directly accountable to the Chief Executive by virtue of the nature of their duties; and

(iii) Officers who report to or who are directly accountable to the Council itself or any committee of the Council by virtue of the nature of their duties.

5.4 Subject to Rule 5.5 below, in these Rules, deputy chief officers are defined as officers in departments who, by virtue of the nature of their duties, either report to or are directly accountable to the statutory or non-statutory chief officer responsible for that department.

5.5 Rules 5.3 and 5.4 do not apply to:

(a) officers whose duties are solely secretarial and clerical or are in the nature of support services; or

(b) Head Teacher and Deputy Head Teacher posts in schools with delegated budgets.

5.6 The procedure in this section for appointing chief officers and deputy chief officers shall only apply to the following post within the Governance Directorate:

- Corporate Director, Governance

Appointments to all other posts shall be the responsibility of the Head of the Paid Service or a person nominated by her/him.

5.7 The appointment of a statutory chief officer may not occur unless the prior written agreement of the DCLG Commissioners has been obtained for such an action.

6. PROCEDURE FOR THE APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

6.1 Appointments Sub-Committee Membership. The Chief Executive, will set up an Appointments Sub Committee upon criteria approved by the General Purposes Committee comprising relevant Members to make appointments to chief officer and deputy chief officer posts.

6.2 Appointment Process. The following process will apply after an Appointments Sub Committee has interviewed all shortlisted candidates:

- (a) If the Sub Committee agree on a candidate suitable for the post, they will indicate their 'provisional intention to make an offer' to the Chief Executive.
- (b) The Sub Committee will inform the Chief Executive of the name of the candidate to whom they wish to make an offer together with any other particulars which the Sub Committee considers relevant in making the appointment.
- (c) The Chief Executive will notify the Mayor and each other Member of the Executive within twenty-four (24) hours of:
 - (i) The name of the person the Sub-Committee wish to make an offer to.
 - (ii) Any other particulars relevant to the appointment notified by the Sub-Committee.
 - (iii) The period within which any objection to the making of the offer is to be made by the Mayor on behalf of the Executive to the Chief Executive.
 - (iv) The period of objection will normally be two (2) working days. If the period of objection is to be shortened, then notification will be by telephone and e-mail.

- (v) If:
- (1) The Mayor, within the period of objection, notifies the Sub-Committee that neither they or any other Member of the Executive has any objection to the making of the offer; or
 - (2) The Chief Executive notifies the Sub-Committee that no objection has been received by him/her within the objection period from the Mayor,
- the 'provisional intention to make an offer' will become a firm offer and the offer of appointment may be made without the need for the Sub-Committee to re-convene.
- (vi) If an objection is received within the objection period from the Mayor on behalf of the Executive, the Sub-Committee will reconvene to consider the objection. If the Sub-Committee is satisfied that any objection received from the Mayor is not material or is not well founded, they may confirm their decision and a formal offer will be made.

7. OTHER APPOINTMENTS

- 7.1** Officers below Deputy Chief Officer. Appointment of officers below deputy chief officer (other than any assistants to the political groups and any Mayor's assistant as defined at (e) and (f) respectively of Rule 1.2 above) is the responsibility of the Head of Paid Service or her/his nominee, and may not be made by the Mayor or Councillors.
- 7.2** Assistants to Political Groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- 7.3** Mayor's Assistant. Appointment of a Mayor's Assistant shall be made in accordance with the wishes of the Mayor.

8. DISCIPLINARY ACTION

- 8.1** In this Rule 8:
- "the 2011 Act" means the Localism Act 2011;
 - "independent person" means a person appointed under section 28(7) of the 2011 Act;
 - "local government elector" means a person registered as a local government elector in the council's area
 - "The Panel" means a committee appointed by the Council for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Financial Officer;

- “relevant meeting” means a meeting of the Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Financial Officer

8.2 Suspension. Subject to the obtaining of the prior written agreement of the DCLG Commissioners to such action, the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and may last no longer than two (2) months.

8.3 The Head of Paid Service, Monitoring Officer or Chief Financial Officer may not be dismissed unless the procedure set out in the following Rule 8.3 (a) to (g) is complied with:

- (a) The Council must invite relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two (2) such persons to the Panel.
- (b) In paragraph (a) above “relevant Independent Persons” means any Independent Person who has been appointed by the Council, or where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate
- (c) Subject to paragraph (d), the Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph (a) in accordance with the following priority order –
 - (i) a relevant Independent Person who has been appointed by the Council and is a local government elector;
 - (ii) any other relevant Independent Person who has been appointed by the Council;
 - (iii) a relevant Independent Person who has been appointed by another authority or authorities
- (d) the Council is not required to appoint more than two (2) relevant Independent Persons in accordance with paragraph (c) but may do so
- (e) the Council must appoint any Panel at least twenty (20) working days before the relevant meeting
- (f) before the taking of the vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular –
 - (i) any advice, views or recommendations of the Panel;
 - (ii) the conclusions of any investigation into the proposed dismissal; and
 - (iii) any representations of the officer whose dismissal is being considered at the meeting

- (g) any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as Independent Person under the 2011 Act.

8.4 Involvement of Members in Disciplinary Action. Neither the Mayor nor any Member of the Council will be involved in disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time which may allow a right of appeal to Members in respect of disciplinary action.

8.5 A Disciplinary Policy and Procedure for the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer shall from time to time be issued or updated. That document does not form part of the Council's Constitution but should be read alongside these Officer Employment Procedure Rules.

9. DISMISSAL

9.1 Neither the Mayor nor any Member of the Council will be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time which may allow a right of appeal to Members in respect of dismissals.

9.2 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice is given to that person.

9.3 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the dismissal of any officer referred to at (a) to (d) of Rule 1.2 above, at least one member of the Executive must be a member of that committee or sub-committee.

9.4 Where the authority or a Committee, Sub-Committee or officer ("the dismissor") proposes to dismiss:

- The Head of the Paid Service;
- A statutory chief officer;
- A non-statutory chief officer; or
- A deputy chief officer,

notice of dismissal must not be given until the dismissor has notified the Head of the Paid Service (or where the officer to be dismissed is the Head of the Paid Service, the Monitoring Officer) of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal; and

- (a) The Head of the Paid Service, or as the case may be, the Monitoring Officer, has notified the Mayor and every other member of the Executive of:
 - (i) The name of the person whom the dismissor wishes to dismiss;
 - (ii) Any other particulars relevant to the dismissal which the dismissor has notified; and
 - (iii) The period within which any objection to the dismissal is to be made by the Mayor on behalf of the Executive to the Head of the Paid Service/ Monitoring Officer; and
- (b) Either:
 - (i) The Mayor has, within the period specified in the notice under 9.4(b) above, notified the dismissor that neither they nor any other Member of the Executive has any objection to the dismissal; or
 - (ii) The Head of the Paid Service/Monitoring Officer has notified the dismissor that no objection was received by her/him within that period from the Mayor; or
 - (iii) The dismissor is satisfied that any objection received from the Mayor within that period is not material or is not well founded.

9.5 If a valid objection is made by the Mayor to a dismissal proposed by a Committee or Sub Committee that body shall re-convene to consider the objection. If the Committee or Sub Committee is satisfied that the objection is not well founded they will confirm their decision.

9.5 The dismissal of a statutory chief officer may not occur unless the prior written agreement of the DCLG Commissioners has been obtained for such an action.

10. APPEALS

10.1 Nothing in Rule 1.1 above shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:-

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

39 London Borough of Tower Hamlets: Members' Allowances Scheme

This Scheme is made by the London Borough of Tower Hamlets in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.

1. This Scheme shall be called The London Borough of Tower Hamlets Members' Allowances Scheme 2019 and it shall come into effect on 1 April 2019. The Scheme shall apply to the Mayor, Councillors and Co-opted Members of the London Borough of Tower Hamlets.

Basic Allowance

2. Subject to paragraph 8, a basic allowance of £11,380 shall be paid to each Councillor for each year. The Basic Allowance shall not be payable to the elected Mayor.
3. The basic allowance of £11,380 shall be payable with effect from 1 April 2019.

Special Responsibility Allowance

4. Subject to paragraphs 5-8, a special responsibility allowance shall be paid for each year to those Members who hold a position of special responsibility as specified in Schedule 1.
5. The amount of each such allowance shall be the amount specified against the respective special responsibility in Schedule 1 and it shall be payable with effect from 1 April 2019.
6. Any special responsibility allowance payable under paragraphs 4 and 5 shall be in addition to the basic allowance payable under paragraph 2 above.
7. Any Member who holds more than one position of special responsibility shall receive only one special responsibility allowance which shall be at the higher level.

Part-Year Entitlement

8. If, in the course of the year, this scheme is amended or a Member's entitlement changes, the relevant basic and/or special responsibility allowance shall be calculated and paid pro-rata during the particular month in which the scheme amendment or entitlement change occurs.

Dependants' Carers' Allowance

9. A maximum of £10.55 per hour shall be paid to those Members who necessarily incur expense in arranging for the care of their children or other

dependants to enable them to undertake any of the activities specified in Schedule 2 to this Scheme.

10. The following conditions shall apply:
- payments shall be claimable for children aged 15 or under or for other dependants where there is medical or social work evidence that care is required;
 - only one weekly payment shall be claimable for the household of each Member, unless the Council's Standards Advisory Committee considers there are special circumstances;
 - the allowance shall be paid as a re-imbusement of incurred expenditure against receipts;
 - the allowance shall not be payable to a member of the claimant's own household;
 - any dispute as to entitlement and any allegation of abuse shall be referred to the Council's Standards Advisory Committee for adjudication.

Indexation

11. The Basic, Special Responsibility, Mayor's and Dependants' Carers' Allowances has been adjusted to reflect the annual pay settlement for local government staff effective 1 April 2019.

Travel and Subsistence Allowance

12. An allowance shall be paid to any Member for travelling and subsistence undertaken outside the Borough in connection with any of the duties specified in Schedule 2.
13. An allowance shall be paid to a co-opted member of a Committee, Sub-Committee or Panel of the Council for travelling and subsistence in connection with any of the duties specified in Schedule 2, irrespective of whether the meeting or duty is inside or outside the Borough.
14. The amounts payable shall be the amounts which are for the time being payable to officers of the Council for travelling and subsistence undertaken in the course of their duties.

Co-optees' Allowance

15. Subject to paragraph 16, a co-opted member of the Standards Advisory Committee, the Overview and Scrutiny Committee or any of its Sub-Committees, may claim a co-optee allowance of £128 and a co-opted member who is appointed as Chair of the Standards Advisory Committee may claim a co-optee allowance of £260, for attendance at any meeting of the Committee or the Panel or attendance at any conference or mandatory

training event, where attendance is on behalf of and authorised by the Council.

16. A claim for co-optees' allowance shall be made in writing within two months from the date of attendance at the meeting, conference or training event.
17. Where a member is suspended or partially suspended from his or her responsibilities or duties as a co-opted member under Part III of the Local Government Act 2000, any co-optee's allowance payable to him or her for the period for which he or she is suspended or partially suspended, may be withheld by the Council.

Maternity, Paternity, Adoption and Sickness Pay

18. All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity, adoption and sickness leave.
19. Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity, adoption and sickness leave in the same way that the Council's employees enjoy such benefits.
20. If a replacement to cover the period of absence is appointed by Council or the Mayor (or in the case of party group position, the party group) the replacement will be entitled to claim a Special Responsibility Allowance.

Recovery of Allowances Paid

21. Any allowance that has been paid to a Member after he or she has ceased to be a member of the Council, or is for some other reason not entitled to receive the allowance for a specified period, may be recovered.

Claims and Payments

22. Payments shall be made for basic and special responsibility allowances in instalments of one-twelfth of the amounts respectively specified in this Scheme, paid on the last working day of each month.
23. Where a payment of one-twelfth of the amount specified in this Scheme for a basic or special responsibility allowance will result in the Member receiving more than the amount to which he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
24. A claim for travelling and subsistence or dependants' carers' allowance;
 - shall be made in writing within two months from the date of the performance of the duty for which the claim is made;
 - shall be accompanied by receipts and/or any relevant evidence of the costs incurred;

- shall be subject to such validation and accounting procedures as the Council's Corporate Director, Resources may from time to time prescribe.

25. Travelling and subsistence and dependants' carers' allowance shall be paid on the last working day of each month for any claim received not less than 21 days before that date.

Pensions

26. Neither members nor co-opted members of the Council are eligible to join the London Borough of Tower Hamlets Local Government Pension Scheme.

Records of Allowances and Publications

27. The Council shall keep a record of payments made by it under this Scheme, including the name of the recipients of the payment and the amount and nature of each payment.
28. The record of the payments made by the Council under this Scheme shall be available at all reasonable times for inspection at no charge. A copy shall also be supplied to any person who requests it on payment of a reasonable fee.
29. As soon as reasonably practicable after the end of the year to which this Scheme relates, the Council shall make arrangements to publish the total sums paid by it to each recipient for each different allowance.
30. A copy of the Scheme shall be supplied to any person who requests it on payment of a reasonable fee.

Renunciation

31. A member may at any time and for any period, by notice in writing given to the Chief Executive, elect to forego any part of their entitlement to an allowance under this Scheme.

Interpretation

32. In this scheme:
- "Councillor" means an elected member of the London Borough of Tower Hamlets who is a councillor;
 - "Mayor" means the elected Mayor of Tower Hamlets Council;
 - "Member" means any person who is either the Mayor, a Councillor or a co-opted member of Tower Hamlets Council;
 - "Co-opted member" means any person who is not a Councillor but who sits on a Committee, Sub-Committee or Panel of the Council;

- “Year” means the 12 months ending on 31 March in any year.

Revocation

- 33.** The London Borough of Tower Hamlets Members’ Allowance Scheme 2018 is hereby revoked and replaced with the Tower Hamlets Members’ Allowances Scheme 2019.

SCHEDULE 1

Special Responsibility Allowance

The following are specified as the special responsibilities for which special responsibility allowances are payable and the amounts of those allowances:

	Eff. 1 April 2019
Mayor	£78,030
Deputy Mayors	£31,212
Leader of the Majority Group on the Council	£11,757
Leader of the largest Opposition Group (subject to having at least 10% of the Council)	£11,757
Leader of the largest Opposition Group (if the Group has fewer than 10% of the Council)	£5,202
Leader of any Group (subject to having at least 10% of the Council)	£5,202
Cabinet Members	£20,808
Mayoral Advisors	£7,283
Chair of Overview and Scrutiny Committee	£11,444
Chair of Scrutiny Sub-Committee (Health, Housing or Grants)	£8,323
Lead Member for Scrutiny	£8,323
Chair of Development Committee	£11,444
Chair of Strategic Development Committee	£11,444
Chair of Licensing Committee	£6,242
Chair of General Purposes Committee	£8,323
Chair of Audit Committee	£6,242
Chair of Pensions Committee	£6,242
Speaker of Council	£10,404
Deputy Speaker of Council	£5,202
Chief Whip (Whip of the Majority Group)	£11,444

SCHEDULE 2

Dependants' Carers' and Travelling and Subsistence Allowances

The duties for which these allowances are payable include:

- the attendance at a meeting of the Council or of any committee or sub-committee of the Council or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- the attendance at any other meeting, the holding of which is authorised by the Council, or a committee or sub-committee of the Council, or a joint committee of 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that –
 - where the Council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - if the Council is not so divided, it is a meeting to which at least two members of the Council have been invited
- the attendance at a meeting of any association of authorities of which the Council is a member;
- the attendance at a meeting of the Cabinet or a meeting of any of its committees, where the Council is operating executive arrangements;
- the performance of any duty in pursuance of any standing order under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.
- the performance of any duty in connection with arrangements made by the Council for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and
- the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees.

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Version Control for Part D

Dated: 17 July 2019
Version No. July 2019 V 1.0
Document Owner: Matthew Mannion
Post Holder: Head of Democratic Services

42 Introduction and List of Delegations

Introduction

1. Part D of the Constitution contains documents which hold information which is supplementary to, and should be read in conjunction with, the information contained in Parts A to C of the Constitution.
2. For example, Part B contains Terms of Reference for all the Council's Committees. Where additional procedures are useful for a particular committee, they will be published here in Part D.
3. To enable efficient updating and control of Part D information, each Section within Part D has its own agreed delegation for making changes to that Section. For the most part this means that the changes are agreed by the relevant Officer/Body and then forwarded to the Monitoring Officer for publication. However, it is for the General Purposes Committee to agree whether new Sections should be added or existing Sections deleted entirely.
4. At the appropriate time the Monitoring Officer will report any changes made to the General Purposes Committee for information.

Individual Delegations

5. The following table lists the agreed delegations to make changes to each Section within Part D of the Constitution.

Section	Title	Delegation
Council Wide Decision-Making		
43	Council Functions	Monitoring Officer (following changes in law)
44	Local Choice and Local Act Functions	Council
45	Statutory and Proper Officer Appointments	Council
46	Corporate Operating Procedures (delegations applicable to all Directorates)	Chief Executive
47	Scheme of Financial Delegations (Council-Wide Financial Delegations)	Corporate Director, Resources
Directorate Schemes of Delegation		
48	Scheme of Delegation – Children and Culture Directorate	Corporate Director, Children and Culture
49	Scheme of Delegation – Governance Directorate	Corporate Director, Governance

50	Scheme of Delegation – Health, Adults and Community	Corporate Director, Health, Adults and Community
51	Scheme of Delegation – Place	Corporate Director, Place
52	Scheme of Delegation – Resources	Corporate Director, Resources
53	Executive, Committee and Partnership Procedure Rules	
	Individual Mayoral Decision Procedures	Mayor
	Children and Education Scrutiny Sub-Committee Procedures	Statutory Scrutiny Officer
	Health and Adults Scrutiny Sub-Committee Procedures	Statutory Scrutiny Officer
	Housing and Regeneration Scrutiny Sub-Committee Procedures	Statutory Scrutiny Officer
	Licensing Committee – Rules of Procedure governing applications for Premises Licenses and other permissions under the licensing act 2003	Licensing Committee
	Licensing Committee – Rules of Procedure Governing Applications for Sex Establishment Licenses under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee
	Pensions Committee procedures	Pensions Committee
	Pensions CIV Sectoral Committee	Corporate Director, Resources
	Standards Advisory Committee Procedures	Standards Advisory Committee
	Strategic Development / Development Committees – Council Guidelines for Determining Planning Applications under the Town and County Planning Act 1990	Strategic Development Committee
	Strategic Development / Development Committees – Development Procedure Rules	Strategic Development Committee
54	Panel and Board Procedure Rules	
	Adoption Panel	Monitoring Officer (following consultation with the appropriate Corporate Director)

	Fostering Panel	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Children's Safeguarding Board	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Pensions Board	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Private Fostering Panel	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Safeguarding Adults Board	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Schools Admissions Forum	Monitoring Officer (following consultation with the appropriate Corporate Director)
55	Miscellaneous Documents	
	Any documents added to Part D which do not fit in the above Sections will be added here.	Monitoring Officer

43 Council Functions

1. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
2. The functions derive from specific legislation and cannot be the responsibility of the Executive. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 20.
3. These functions derive from specific legislation. When changes to legislation require it, the Monitoring Officer will update the Council Functions' Section necessary.

1. A Functions relating to Town and Country Planning

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. -	-	-
2. -	-	-
3. -	-	-
4. -	-	-
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	Strategic Development and Development Committees/ Corporate Director, Place
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22	Strategic Development and Development Committees/ Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder. [Section 76 has been repealed and the Regulations have been revoked and replaced with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184)]	
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	Strategic Development and Development Committees/ Corporate Director, Place
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Strategic Development and Development Committees/ Corporate Director, Place
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Place
13. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990	Corporate Director, Place
15. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements)	Strategic Development and Development Committees/ Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	Regulations 1992. [The Regulations have been revoked and replaced with the Town and Country Planning (Control of Advertisements) (England) Order 2007 (S.I. 2007/783)]	
16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
18A. Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.	Corporate Director, Place
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	Licensing Committee/ Corporate Director, Place
22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of	Strategic Development and Development Committees/ Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
mineral permissions relating to mining sites, as the case may be, are to be subject.	Schedule 14 to that Act.	
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
24. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Strategic Development and Development Committees/ Corporate Director, Place
25. -	-	-
26. Duties relating to applications for listed building consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 26 of the Department of the Environment Transport and the Regions Circular 01/01.	Strategic Development and Development Committees/ Corporate Director, Place
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act	Strategic Development and Development Committees/ Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	1990.	
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Corporate Director, Place

1. B - Licensing and Registration Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Corporate Director, Place
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	Corporate Director, Place
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office)
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office)
5. Power to license drivers of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office)

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (c) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 (hereafter called the Gambling Act Order). [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
7. Power to grant track betting licenses	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (d) and 4 of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (d) and 4 of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3 (3)(e) of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2) (d) and (5) of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place
14A. Any function of a licensing authority.	Licensing Act 2003 and any regulations or orders made under that Act.	Council/Licensing Committee/Licensing Sub-Committee/ Corporate Director, Place
14AZA. Powers and functions relating to late night levy requirements	Chapter 2 and Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter	Council
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005.	Corporate Director, Place
14AB. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.	Corporate Director, Place
14AC. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005	Corporate Director, Place
14B. Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.	Licensing Committee

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.	Corporate Director, Place
14CA. Power to make Order disapplying Section 279 or 282(1) of the Gambling Act 2005.in relation to specified premises.	Section 284 of the Gambling Act 2005.	Corporate Director, Place
14D. Power to institute criminal proceedings	Section 346 of the Gambling Act 2005.	Corporate Director, Governance
14E. Power to exchange information.	Section 350 of the Gambling Act 2005.	Corporate Director, Place
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).	Corporate Director, Place
14G Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
15. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 [On 26 March 2014 the Council resolved that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 shall apply in the London Borough of Tower Hamlets area and which shall come into force on 1 June 2014 and therefore this power relates to all sex establishments (i.e. a sexual entertainment venue, sex cinema, a hostess bar, or a sex shop)]	If objection - Licensing Committee If no objection - Corporate Director, Place
16. Power to license performances of hypnotism.	The Hypnotism Act 1952	If objection - Licensing Committee If no objection - Corporate Director, Place
17. Power to license premises for acupuncture, tattooing, ear- piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 [The Council has adopted the provisions of Part II of the London Local Authorities Act 1991 to become effective from 13 July 1992 and therefore it is this legislation that contains the power to Licence]	If objection - Licensing Committee If no objection - Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	Not applicable to London borough councils - this function is performed by the Port of London Authority
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995	Not applicable to London borough councils – this function is performed by the Security Industry Authority
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994 [The Council adopted the provisions of Part III of the London Local Authorities Act 1990 to become effective from 11 March 1991 and therefore it is this legislation that contains the power to Licence]	Corporate Director, Place
21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place
22. -		

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
23. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972 [These provisions have been repealed and this is no longer a function undertaken by local authorities]	Not a local authority function
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	Corporate Director, Communities, Place
25. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 [This area of law is now governed by the Scrap Metal Dealers Act 2013]	Corporate Director, Place
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975	Corporate Director, Place
27. Power to issue, cancel, amend or replace safety certificates (whether general or special) for sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.	If objection - Licensing Committee If no objection - Corporate Director, Place
28. Power to issue fire certificates	Section 5 of the Fire Precautions Act 1971 [This Act has been repealed and this is no longer a function undertaken by local authorities.]	Not a Local Authority function

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	If objection - Licensing Committee If no objection - Corporate Director, Place
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970 (1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	If objection - Licensing Committee If no objection - Corporate Director, Place
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	Corporate Director, Communities, Place
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	If objection - Licensing Committee If no objection - Corporate Director, Place
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976	Corporate Director, Place
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646). [These provisions have been repealed and this is no longer a function undertaken by local authorities]	Not a local authority function
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	Corporate Director of Children's

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>36. Power to approve premises for the solemnisation of marriages.</p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510). [The Regulations were revoked by the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)]</p>	<p>Chief Executive</p>
<p>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). [The Regulations have been revoked and such applications are now under the Commons Registration (England) Regulations 2014 (S.I. 2014/3038)]</p>	<p>Corporate Director, Place</p>
<p>38. Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	<p>Corporate Director, Place</p>
<p>39. Power to license persons to collect for charitable purposes and other causes.</p>	<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p>	<p>Not a Local Authority function</p>
<p>40. Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993</p>	<p>Corporate Director, Place</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991	Corporate Director, Place
42. Power to licence agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957. [This Act has been repealed]	Not a Local Authority function
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11). [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995. [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995. [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
46A. Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.	Corporate Director, Place
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980	Corporate Director, Place
47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the highways Act 1980.	Section 115G of the Highways Act 1980.	Corporate Director, Place
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Corporate Director, Place
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Corporate Director, Place
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.	Corporate Director, Place
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	Corporate Director, Place
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Corporate Director, Place
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	Corporate Director, Place
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	Corporate Director, Place
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
56. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Act 1922. [This Act has been repealed and this is no longer a function undertaken by local authorities]	Not a local authority function
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</p>	<p>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763). [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>62. Power to approve fish products premises.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994). [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>63. Power to approve dispatch or purification centres.</p>	<p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>64. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p>	<p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
67. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828). [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
69. Power to issue near beer licence.	Sections 16 19 and 21 of the London Local Authorities Act 1995 and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act [Repealed by virtue of section 35 of the London Local Authorities Act 2007 as Council resolved under section 2 of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act of 1982 as amended by section 27 of the Policing and Crime Act 2009 is to apply to its area]	If objection - Licensing Committee If no objection - Corporate Director, Place
70. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984	Corporate Director, Place
71. Power to register motor salvage operators	Part 1 of the Vehicles (Crime) Act 2001 [This area of law is now governed by the Scrap Metal Dealers Act 2013]	If objection - Licensing Committee If no objection - Corporate Director, Place
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (SI 2008/1961) [The Regulations have been revoked and the Commons Registration (England) Regulations 2014 (S.I. 2014/3038) are now the appropriate Regulations]	Corporate Director, Place

1 C - Functions relating to health and safety at work

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974	Corporate Director, Place

1 D - Functions relating to elections

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2).	General Purposes Committee
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	Council
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972	Council
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972	Council

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
6. Duty to appoint returning officer for local government elections.	Section 35 Representation of the People Act 1983	General Purposes Committee
7. Duty to provide assistance at European Parliamentary elections.	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002.	General Purposes Committee
8. Duty to divide constituency into polling districts.	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Not applicable to London borough councils
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Acts 1972.	Chief Executive (as Returning Officer, Electoral Registration Officer)
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Chief Executive (as Returning Officer, Electoral Registration Officer)
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	Not applicable to London borough councils
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215)	Corporate Director, Governance

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).	Chief Executive (as Returning Officer, Electoral Registration Officer)
18. Duty to consult on change of scheme for elections	Section 33(2), 38(2) and 40(2) of the Local Government and Public Involvement Health Act 2007 (the 2007 Act)	Chief Executive (as Returning Officer, Electoral Registration Officer)
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	Chief Executive (as Returning Officer, Electoral Registration Officer)
20. Duties relating to notice to Electoral Commission	Section 36 and 42 of the 2007 Act	Chief Executive (as Returning Officer, Electoral Registration Officer)
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	Not applicable
22. Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Chief Executive (as Returning Officer, Electoral Registration Officer)

1. E - Functions relating to name and status of areas and individuals

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	Council
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	Not applicable to London borough councils
3. Power to confer title of honorary alderman or to admit to be an	Section 249 of the Local Government Act 1972.	Council

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
honorary freeman.		
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.	Council

1. EB - Functions relating to community governance

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duties relating to community governance reviews	Section 79 of the 2007 Act	Chief Executive
2. Functions relating to community governance	Sections 80, 83 to 85 of the 2007 Act	Chief Executive
3. Functions relating to terms of reference review	Section 81 (4) to (6) of the Act 2007	Chief Executive
4. Power to undertake a community governance review	Section 82 of the 2007 Act	Chief Executive
5. Functions relating to making of recommendations	Section 87 to 92 of the 2007 Act	Chief Executive
6. Duties when undertaking review	Section 93 to 95 of the 2007 Act	Chief Executive
7. Duty to publicise outcome of review	Section 96 of the 2007 Act	Chief Executive
8. Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98 (1) of the 2007 Act	Chief Executive
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Chief Executive

1. F - Byelaws

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to make, amend, revoke, enforce, or re-enact byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30).	General Purposes Committee to recommend to Council

1. FA - Functions relating to smoke-free premises

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duty to enforce Chapter 1 and Regulations made under it	Section 10(3) of the Health Act 2006	Corporate Director, Place
2. Power to authorise officers	Section 10(5) of and paragraph 1 of Schedule 2 to the Health Act 2006	Corporate Director, Place
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760)	Corporate Director, Place
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcements) Regulations 2006 (SI 2006/3368)	Corporate Director, Place

1. - G Local or Personal Bills

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.	Council

1. H Functions relating to pensions etc.

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).	Pensions Committee
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947	Section 26 of the Fire Services Act 1947	Not applicable to London borough councils

1. I - Miscellaneous functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Part I: functions relating to public rights of way		
1. Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980 (c. 66).	Corporate Director, Place
2. Power to create footpaths, bridleways, and restricted byways.	Section 26 of the Highways Act 1980.	Corporate Director, Place
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	Corporate Director, Place
4. Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980.	Corporate Director, Place
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	Corporate Director, Place
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.	Corporate Director of Place
8. Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980	Corporate Director, Place
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	Corporate Director, Place
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.	Corporate Director of Place
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.	Corporate Director, Place
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.	Corporate Director, Place
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	Corporate Director, Place
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.	Corporate Director, Place
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	Corporate Director, Place
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	Corporate Director, Place
19. Power to authorise temporary disturbance	Section 135 of the Highways Act 1980.	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
of surface of footpath, bridleway or restricted byway.		
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	Corporate Director, Place
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c. 67).	Corporate Director, Place
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	Corporate Director, Place
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	Corporate Director, Place
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.	Corporate Director, Place
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	Corporate Director, Place
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c. 38).	Corporate Director, Place
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68). [The correct year of the Act is 1985 and not 1981 as cited in the Local	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	Authorities (Functions and Responsibilities) (England) Regulations 2000]	
30A. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990.	Corporate Director, Place
31. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990.	Corporate Director, Place
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	Corporate Director, Place
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c. 37).	Corporate Director, Place
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	Corporate Director, Place
Part II: other miscellaneous functions		
35 Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966. [This area of law is now governed by the Marine and Coastal Access Act 2003]	Not applicable to London borough councils
36. Power to make standing orders.	Section 106 of, and para 42 of Schedule 12 to, the Local Government Act 1972 (c.70).	Council
37. Power to appoint staff, and subject to compliance with major policy determinations, to determine the terms and conditions on which they hold office (including procedures	Section 112 of the Local Government Act 1972.	Chief Executive except for those chief officer and deputy chief officer appointments reserved to the Appointments Sub-Committee

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
for their dismissal).		
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.	Council
40. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.	Council
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).	Corporate Director, Place
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). [This area of law is now governed by the Licensing Act 2003]	Corporate Director, Place
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42).	Council
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Council
44A. Duty to provide staff etc. to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.	Council
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000. [This area of law is now governed by the Paragraphs 11 and 13A of Schedule 1A to the Local Government Act 2000]	Council
45. Duty to approve authority's statement of accounts, income and	The Accounts and Audit Regulations 1996 (S.I. 1996/590).	Audit Committee

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
expenditure and balance sheet, or record of payments and receipts (as the case may be).	[This area of law is now governed by the Accounts and Audit Regulations 2015 (S.I. 2015/ 234)]	
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Corporate Director, Place
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892). [The correct name of the Regulations is the Town and Country Planning (Trees) Regulations 1999 and not as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000]	Chief Executive
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003.	Corporate Director, Health, Adults and Community
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Corporate Director, Governance
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001. [Replaced by public place protection orders under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014]	Council
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 [Repealed by the Police Reform and Social Responsibility Act 2011]	General Purposes Committee
51. Power to apply for an enforcement order	Section 41 of the Commons Act 2006	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
against unlawful works on common land		
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2) (a) of the Commons Act 2006	Corporate Director, Place
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2) (b) of the Commons Act 2006	Corporate Director, Governance

44 Local Choice Functions and Local Act Functions

4. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
5. This Section includes functions which the Council can choose to set as Executive or Non-Executive Functions. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 20.
6. Any changes to whether these are Executive or Non-Executive functions must be agreed by Council.

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended	Various as listed below	As listed below in respect of each function
1. Licensing of Buskers.	London Local Authorities Act 2000 – Part V	If objection – Licensing Committee If no objection - Corporate Director, Place
2. Removal of distribution containers on the highway.	London Local Authorities Act 1991 – Section 22	Corporate Director, of Place
3. Licensing of special treatment premises.	London Local Authorities Act 1991 – Part II	If objection – Licensing Committee If no objection - Corporate Director, Place
4. Crime Prevention Measures.	London Local Authorities (No. 2) Act 1990	Chief Executive
5. Consent for demolition works under street.	Greater London Council (General Powers) Act 1986 – Section 5	Corporate Director, Place
6. Consent for construction which causes obstruction to	Greater London Council (General Powers) Act 1986 – Section 6	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
access to vaults and cellars.		
7. Consent for infilling of vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 7	Corporate Director, Place
8. Powers relating to certain retaining walls.	Greater London Council (General Powers) Act 1986 – Section 8	Corporate Director, Place
9. Registration of sleeping accommodation.	Greater London Council (General Powers) Act 1984 – Part IV	Corporate Director of Health, Adults and Community
10. Provision relating to the sale of goods by competitive bidding – including registration of premises or stalls.	Greater London Council (General Powers) Act 1984 – Part VI	Corporate Director, Place
11. Removal of occupants of buildings in vicinity of dangerous structures etc. – apply to court.	Greater London Council (General Powers) Act 1984 – Section 38	Corporate Director, Place
12. Control of overcrowding in certain hostels including the ability to serve notices.	Greater London Council (General Powers) Act 1981 – Part IV	Corporate Director, Health, Adults and Community
13. Closure of unsanitary food premises/stalls – Council to seek an order from the court.	Greater London Council (General Powers) Act 1973 – Section 30	Corporate Director, Place
14. Licenses to erect scaffolding.	Greater London Council (General Powers) Act 1970 – Section 15	Corporate Director, Place
15. Walkways.	Greater London Council (General Powers) Act 1969 – Section 11	Corporate Director, Place
16. Byelaws as to artificial lighting of common staircases	London County Council (General Powers) Act 1956 – Section 63	Council
17 Gratuities to non-pensionable employees	London County Council (General Powers) Act 1930 – Section 61	Chief Executive
18. Power to register premises or stalls for the sale of goods by	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)	If objection - Licensing Committee If no objection - Corporate

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
way of competitive bidding		Director, Place
19. Cleansing relevant land of refuse and litter.	London Local Authorities Act 2000 – Section 19	Corporate Director, Place
20. Making special temporary prohibitions within a special parking area.	London Local Authorities Act 1995 – Section 9	Corporate Director, Place
21. Making of regulations relating to dangerous structure fees.	London Local Authorities Act 1994 – Section 8	The Council
22. Approval of policies in respect of special treatment licenses.	London Local Authorities Act 1991 – Part II	The Council
24. Determination of charges for London Building Acts consents etc.	Greater London Council (General Powers) Act 1982 – Section 3	Corporate Director, Place
25. Control of Brown Tail Moth.	Greater London Council (General Powers) Act 1979 – Section 8	Corporate Director, Place
26. Power to extinguish rights of interment in cemeteries.	Greater London Council (General Powers) Act 1976 – Section 9	Corporate Director, Place
27. Prohibition of person entering upon grass verge.	Greater London Council (General Powers) Act 1974 – Section 14(2)	Corporate Director, Place
28. Authorisation of parking on verges.	Greater London Council (General Powers) Act 1974 – Section 15(4)	Corporate Director, Place
29. Removal of vehicles for street cleaning.	Greater London Council (General Powers) Act 1974 – Section 21	Corporate Director, Place
30. Contributions in respect of railings.	Greater London Council (General Powers) Act 1972 – Section 18	Corporate Director, Place
31. Restoration of gas, water and electricity services.	Greater London Council (General Powers) Act 1972 – Section 19	Corporate Director, Place
32. Boundary walls.	London County Council (General Powers) Act 1963 – Section 6	Corporate Director, Place
33. Acquisition of easements etc.	London County Council (General Powers) Act 1963	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	– Section 8	
34. Underpinning of houses near a street improvement.	London County Council (General Powers) Act 1963 – Section 9	Corporate Director, Place
35. Approval of trade refuse disposal facilities.	London County Council (General Powers) Act 1963 – Section 11	Corporate Director, Place
36. Provision of shops etc. in subway.	London County Council (General Powers) Act 1963 – Section 14	Corporate Director, Place
37. Power to provide illumination, floodlighting etc.	London County Council (General Powers) Act 1963 – Section 17	Corporate Director, Place
38. Restriction of vehicular access to and from street improvements.	London County Council (General Powers) Act 1960 – Section 13	Corporate Director, Place
39. Acquisition of land for the purpose of providing facilities for storage etc. of horticultural produce.	London County Council (General Powers) Act 1959 – Section 12	Corporate Director, Place
40. Provision of accommodation and charges.	London County Council (General Powers) Act 1959 – Section 13	Corporate Director, Place
41. Power to lease and enter into agreements.	London County Council (General Powers) Act 1959 – Section 14	Corporate Director, Place
42. Provision of advances for erection etc. of buildings.	London County Council (General Powers) Act 1957 – Section 78	Corporate Director, Place
43. Removal of bottles from streets.	London County Council (General Powers) Act 1957 – Section 81	Corporate Director, Place
44. Powers of borough councils to maintain burial grounds.	London County Council (General Powers) Act 1955 – Section 36	Corporate Director of Place
45. Return of library books	London County Council (General Powers) Act 1955 – Section 37	Corporate Director, Children and Culture
46. Recovery of expenses of fencing certain lands.	London County Council (General Powers) Act 1955 – Section 39	Corporate Director, Place
47. Defacement of streets with slogans etc.	London County Council (General Powers) Act 1954 – Section 20	Corporate Director of Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
48. Powers of sanitary authority to cleanse aged and feeble persons in their homes	London County Council (General Powers) Act 1953 – Section 43	Corporate Director, Health, Adults and Community
49. Expenses of councils in connection with ceremonies etc.	London County Council (General Powers) Act 1951 – Section 32	Chief Executive
50. Improvement of roadside amenities etc.	London County Council (General Powers) Act 1951 – Section 33	Corporate Director, Place
51. Supply of heat.	London County Council (General Powers) Act 1949 – Part II	Corporate Director, Place
52. Maintenance of forecourts to which public have access and power to serve improvement notices	London County Council (General Powers) Act 1948 – Section 43	Corporate Director, Place
53. Fencing of dangerous land in or near streets.	London County Council (General Powers) Act 1948 – Section 44	Corporate Director, Place
54. Recovery of expenses and costs.	London County Council (General Powers) Act 1948 – Section 45	Corporate Director, Place
55. Power to provide concert halls etc.	London County Council (General Powers) Act 1947 – Section 4	Corporate Director, Children and Culture
56. Power to provide entertainment.	London County Council (General Powers) Act 1947 – Section 5	Corporate Director, Children and Culture
57. Contributions to cultural bodies.	London County Council (General Powers) Act 1947 – Section 59	Corporate Director, Children and Culture
58. Acquisition of buildings or places of historic interest.	London County Council (General Powers) Act 1947 – Section 61	The Council/ Corporate Director, Place
59. Enclosure of unenclosed land adjoining streets.	London County Council (General Powers) Act 1925 – Section 33	Corporate Director, Place
60. Compensation to persons in the Council's service on abolition of office.	London County Council (General Powers) Act 1921 – Section 31	Chief Executive

Responsibility for Council Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. The determination of an appeal against any decision made by or on behalf of the Authority.	As per paragraph 2 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended	Corporate Director, Governance or Licensing Committee in relation to Licensing matters. Corporate Director, Governance or Appeals Committee in relation to other matters
2. The making of arrangements in respect of appeals against the exclusion of pupils from maintained schools.	Section 51A of the Education 2002 and Regulations made thereunder	Corporate Director, Governance
3. The making of arrangements in respect of school admission appeals.	Sections 94(1), 1A and (4) of the School Standards and Framework Act 1998.	Corporate Director, Governance
4. The making of arrangements in respect of appeals by a school governing body of a requirement that they take a pupil excluded from another school.	Section 95(2) of the School Standards and Framework Act 1998	Corporate Director, Governance
5. Any function relating to contaminated land.	Environmental Protection Act 1990 – Part IIA	Corporate Director, Place
6. The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1999; Environment Act 1995 (Part IV); Environmental Protection Act 1990 (Part I); Clean Air Act 1993	Corporate Director, Place
7. The service of an abatement notice in respect of a statutory nuisance.	Environmental Protection Act 1990 – Section 80(1)	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>8. In relation to or in support of Council functions only, or in relation to any appointment of a Councillor to a paid position except that of Cabinet Member, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <ul style="list-style-type: none"> • the authority; • a joint committee of two or more authorities; or <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p>As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended.</p>	<p>General Purposes Committee</p> <p>NB: This function in relation to or in support of an Executive function is allocated to the Executive, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member (see Part 3.2.2).</p>
<p>9. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>As per paragraph 20 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended</p>	<p>All Chief Officers</p>
<p>10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</p>	<p>Noise and Statutory Nuisance Act 1993 – Section 8</p>	<p>Council</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
11. The inspection of the authority's area to detect any statutory nuisance.	Environmental Protection Act 1990 – Section 79	Corporate Director, Place
12. The investigation of any complaint as to the existence of a statutory nuisance.	Environmental Protection Act 1990 – Section 80	Corporate Director, Place
13. The obtaining of information as to interests in land.	Town and Country Planning Act 1990 – Section 330	Corporate Director, Place
14. The obtaining of particulars of persons interested in land.	Local Government (Miscellaneous Provisions) Act 1976 – Section 16	All Corporate Directors
15. The making of agreements for the execution of highways works	Highways Act 1980 – Section 278 (substituted by the New Roads and Street Works Act 1991 – Section 23	Corporate Director, Place

45 Statutory and Proper Officer Appointments

1. In addition to those set out in Section 26 of the Constitution, the Council has a number of statutory and proper officer designations to officers. Statutory officer designations to the Chief Executive and Corporate Directors are set out in Section 26 of the Constitution. Below are tables setting out further Statutory Officer posts and the Council's Proper Officer designations to the Chief Executive, Corporate Directors and other posts.

Statutory Officers

LEGISLATION		DESIGNATION	POST
1.	Section 30 Health and Social Care Act 2012	Director of Public Health	Director, Public Health
2.	Section 9FB Local Government Act 2000	Scrutiny Officer	Divisional Director, Strategy, Policy and Performance

Proper Officers

NO.	STATUTE & FUNCTION	OFFICER
National Assistance Act 1948 and National Assistance (Amendment) Act 1951		
1.	Proper officer to seek an order for removal of persons into care	Corporate Director, Health, Adults and Community
Registration Service Act 1953		
2.	Sections 9(1) and (2), 13(2)h and (3)b and 20 (b) - Proper officer for Births, Deaths and Marriages	Corporate Director, Governance
Local Government Act 1972		
3.	Section 83(1) – The officer to whom a person elected to the office of the Mayor or a Councillor shall deliver a declaration of acceptance of office on the prescribed form	Chief Executive
4	Section 84 – The officer to whom written notice of resignation of office shall be delivered	Chief Executive
5.	Section 86 - To declare any vacancy in any office under the Section	Chief Executive
6.	Section 88(2) - The officer who may call a Council meeting for the election to the vacant office of Chair of Council	Chief Executive
7.	Section 89(1)(b) - The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the borough	Chief Executive
8.	Section 100B(2) - The officer authorised to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Corporate Director, Governance
9.	Section 100B(7)(c) - The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	Corporate Director, Governance
10.	Section 100C(2) - The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded	Corporate Director, Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
11.	Section 100D(1)(a) - The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Corporate Director, Governance
12.	Section 100D(5) – The Officer to determine which documents constitute background papers and section 100H - ability to charge for the provision of such documents	Corporate Director, Governance
13.	Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Corporate Director, Governance
14.	Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Corporate Director, Governance
15.	Section 115 – The officer to whom money properly due from officers shall be paid	Corporate Director, Resources
16.	Section 137A – The officer to receive statements in connection with the provision of financial assistance	Corporate Director, Resources
17.	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Corporate Director, Resources
18.	Section 223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Corporate Director, Governance
19.	Section 225(1) – The officer to receive and retain statutory documents on behalf of the Authority	Corporate Director, Governance
20.	Section 229(5) – The officer to certify copies of documents	Corporate Director, Governance
21.	Section 233 – The officer to receive documents required to be served on the Authority	Corporate Director, Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
22.	Section 234(1) and (2) – The officer to authenticate documents on behalf of the Authority	Corporate Director, Governance
23.	Section 238 – The officer to certify printed copies of bylaws	Corporate Director, Governance
24.	Section 248 – The officer responsible for the keeping of the roll of freemen	Corporate Director, Governance
25.	Schedule 12 (paragraphs 4(2)(b)) – The officer responsible for signing summonses to attend meetings	Chief Executive
26.	Schedule 12 (paragraphs 4(3)) – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Corporate Director, Governance
27.	Schedule 14 (paragraph 25(7)) – The officer responsible for the certification of true copies of resolutions	Corporate Director, Governance
Local Government Act 1974		
28.	Section 30(5) – The officer responsible for giving notice of Local Government Ombudsman Report	Corporate Director, Governance
Local Government (Miscellaneous Provisions) Act 1976		
29.	Section 41 - The officer to certify as evidence of resolutions of proceedings	Corporate Director, Governance
Highways Act 1980		
30.	Section 59(1) – The officer to certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage	Divisional Director, Public Realm
31.	Section 205(3) – The officer to prepare a specification of the street works referred to in the resolution, with any necessary plans and sections, an estimate of the probable expenses of the works, and a provisional apportionment apportioning the estimated expenses between the premises liable to be charged with them under the private street works code	Divisional Director, Public Realm

NO.	STATUTE & FUNCTION	OFFICER
Highways Act 1980		
32.	Section 205(5) – The officer to certify copies of resolution and approved documents	Divisional Director, Public Realm
33.	Section 210(2) – The officer to certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Divisional Director, Public Realm
34.	Section 211(1) – The officer to make the final apportionment of costs under the private street works code	Divisional Director, Public Realm
35.	Section 216(2) and (3) – The officer to settle the proportion of the amount of costs under the private street works code in respect of railway undertakers or canal undertakers	Divisional Director, Public Realm
36.	Section 259 – The officer to issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Divisional Director Public Realm
37.	Section 321 – The officer to authenticate notices, consents, approvals, orders, demands, licenses, certificates or other documents	Divisional Director Public Realm
38.	Schedule 9 (paragraphs 4) – The officer responsible for signing plans showing proposed prescribed improvement or building lines	Divisional Director Public Realm
Representation of the People Act 1983		
39.	Section 8 – Person appointed as Registration Officer	Chief Executive
40.	Section 28 – Person appointed as Acting Returning Officer	Chief Executive
41.	Section 35 – Person appointed as Returning Officer	Chief Executive
42.	Section 37(7)(b) – The officer to receive declarations and give public notice of election agents' appointments	Chief Executive
43.	Section 131(1) – The officer to provide accommodation for holding election court	Chief Executive

NO.	STATUTE & FUNCTION	OFFICER
Building Act 1984		
44.	Section 93 – The officer to sign any notice, order or other document which the Council is authorised or required to give, make or issue under this Act, to authorise any officer in writing to do so, and to authenticate any such document	Divisional Director Planning and Building Control
Public Health (Control of Disease) Act 1984		
45.	Section 45F(2)(a) and (b) and 45P(2) – The proper officer for the purposes of the Health Protection (Notification) Regulations 2010	Divisional Director Public Realm
Weights and Measures Act 1985		
46.	Section 72(1) – Person appointed as Chief Inspector of Weights and Measures	Divisional Director Public Realm
Local Government Finance Act 1988		
47.	Section 116(1) – The officer to notify the external auditor of a meeting under the Act to consider a report from the Chief Finance Officer	Corporate Director, Resources (s151 Officer)
Local Government and Housing Act 1989		
48.	Section 2(4) – The officer to hold on deposit the Council's list of politically restricted posts	Corporate Director, Governance
49.	Section 3A – The officer who, in consultation with the Monitoring Officer, determines applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive (in consultation with the Monitoring Officer)
50.	Section 15 to 17 (and Regulations made thereunder) – the officer to receive and give notices relating to the membership of political groups	Chief Executive
Freedom of Information Act 2000		
51.	Section 36 – The 'qualified person'	Corporate Director, Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 2000		
52.	Section 9G and 9GA(4) – The proper officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Corporate Director, Governance
Regulation of Investigatory Powers Act 2000		
53.	Part I, Chapter II (acquisition and disclosure of communications data) and Part II (directed surveillance and use of covert human intelligence source) – The officers who are designated to grant authorisation	Divisional Director Public Realm
Data Protection Act 2018		
54.	Requirement under Art 37(1) GDPR – incorporated into domestic legislation through s.69 Data Protection Act 2018	Head of Information Governance

46 Corporate Operating Procedures

1. The Operating Procedures apply to the operation and management of all Council directorates. The procedures authorise relevant officers to exercise delegated functions of the Council as set out in these procedures and the Constitution.
2. The procedures allow the Chief Executive and Managers to carry out the functions of the Council as set out in this document. The procedures repeal and replace all previous schemes of delegation and apply in addition to the Council's Corporate Scheme of Delegation and individual Directorate Schemes of Delegation.
3. All powers in these procedures may also be exercised by the Chief Executive or any other officer designated by the Council as Acting/Interim Chief Executive on a temporary basis.
4. In relation to all delegated authority given to officers by these procedures, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as they think fit.
5. Where there is doubt over the responsibility for the exercise of a delegated power under these procedures, the Chief Executive and the Monitoring Officer or any person nominated/appointed to act on their behalf, is allowed to act.
6. All further delegations conferred under these procedures must be recorded in writing. Any decision taken under such authority shall remain the officer's responsibility, and must be taken in their name.
7. In exercising their delegated powers under these procedures the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient effective and economic means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
8. For the avoidance of doubt anything which is not covered by these procedures or the Council's constitution, including the appointment of a proper officer for the purpose of any statutory function, will (subject to any statutory prohibition) be determined by the Chief Executive in consultation with the Monitoring Officer.

Operating Procedures – General Principles

9. For the purposes of these procedures, a service manager is defined as a manager reporting to a Divisional Director and a line manager is defined as a postholder who has line management responsibility for at least one employee.
10. All procedures referred to in this section are available to all staff on the Council's intranet. Different levels of authorisation may apply to some procedures and if so the levels of authorisation are specified within the procedure.
11. The table below explains who has the authority to make the type of decision.

Decision	CED	DD	SM	LM	Notes
Type of Decision	√				The Chief Executive or Corporate Director only has the authority to make the decision. A Divisional Director, Service Manager or Line manager does not have the authority to make the decision.
Type of Decision	√	√			A Divisional Director has the authority to make the decision. It does not mean that the Chief Executive/ Corporate Director has to approve the decision made by the Divisional Director unless other applicable Council procedures require this. A Service Manager or Line Manager does not have the authority to make the decision.
Type of Decision	√	√	√		A Service Manager has the authority to make the decision. It does not mean that the Chief Executive/Corporate Director and/or Divisional Director have to approve the decision made by the Service Manager unless other applicable Council procedures require this. A Line Manager does not have the authority to make the decision.
Type of Decision	√	√	√	√	A Line Manager has the authority to make the decision. It does not mean that the Chief Executive/Corporate Director and/or Divisional Director and/or Service Manager have to

					approve the decision made by the Line Manager unless other applicable Council procedures require this.
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Corporate Operating Procedures

1. Establishment

Decision		CED	DD	SM	LM	Notes
1.1	Establishment Control: Creating posts	√	√			New posts must be funded within the Divisional Director's approved budget and authorised in accordance with the Establishment Control Procedure. See also relevant HR Procedures: Establishment Control Procedure Handling Organisational Change Procedure
1.2	Making all other changes to the establishment	√	√	√	√	All changes must be authorised in accordance with the Establishment Control Procedure and other HR procedures where appropriate. Different levels of authorisation may apply and these are clearly defined in every procedure. See also relevant HR Procedures: Handling Organisational Change Procedure JE Evaluation Procedure

2. Appointments

Decision		CED	DD	SM	LM	Notes
2.1	Taking a decision to advertise and recruit to a vacant post	√	√			All decisions in relation to recruitment and appointments must comply with the HR recruitment processes and procedures referred to below. Each procedure states the applicable authorisation levels. See also relevant HR Procedure: Recruitment and Selection Standards

Decision		CED	DD	SM	LM	Notes
2.2	Making decisions in relation to recruitment activities (including interview panels; offers and terms of appointments; pre – employment checks; probation)	√	√	√	√	<p>All decisions in relation to recruitment and appointments must comply with the HR recruitment processes and procedures referred to below. Each procedure states the applicable authorisation levels.</p> <p>See also relevant HR Procedures: Recruitment and Selection standards DBS Procedure DBS Risk Assessment Procedure Reference Procedure Probation Procedure</p>
2.3	Determine the outcome of a DBS Risk Assessment	√	√			<p>The outcome may be to withdraw an offer of employment, continue employment or terminate employment in line with the following HR Procedures.</p> <p>See also relevant HR Procedures: Recruitment and Selection standards DBS Procedure DBS Risk Assessment Procedure</p>
2.4	Probation – Termination of contract following unsuccessful probation	√	√			<p>Decision must comply with the following HR procedures and advice sought where appropriate.</p> <p>See also relevant HR Procedures: Probation Procedure Standards for Managing Employee Performance</p>
2.5	Procuring/engaging agency workers and contractors	√	√			<p>Decisions must be taken in line with the Temporary Worker Guidelines</p> <p>See also relevant HR Procedure: Temporary Worker Guidelines</p>

3. Remuneration

Decision		CED	DD	SM	LM	Notes
3.2	Authorising acting up and honoraria payments	√	√			<p>Decisions must be taken in line with the Acting up and Honoraria Procedure.</p> <p>See also relevant HR Procedure: Acting up and Honoraria Procedure</p>

Decision		CED	DD	SM	LM	Notes
3.3	Authorising additional payments/allowances/expenses	√	√	√	√	Decisions must be taken in line with Terms and Conditions of Employment and HR Procedures. See also relevant HR Procedures: Subsistence and expenses Work Related Travel Expenses Schemes Guidance
3.4	Authorising market supplement payment	Y	Y			Decisions must comply with the Market Supplement Procedure. See also relevant HR Procedure: Market Supplement Procedure

4. Discipline, capability, sickness and grievance

Decision		CE D	DD	SM	LM	Notes
4.1	Suspending a member of staff	√	√	√		In exceptional circumstances a service manager may suspend an employee. All suspensions must be regularly reviewed by the commissioning manager. See also relevant HR Procedure: Disciplinary Procedure
4.2	Instructing a member of staff to leave the premises	√	√	√		With advice from HR. See also relevant HR Procedure: Disciplinary Procedure
4.3	Instructing a member of staff to leave premises outside normal working hours	√	√	√	√	In exceptional circumstances and where this has to happen outside normal hours it may be undertaken by the line manager in conjunction with HR. See also relevant HR Procedure: Disciplinary Procedure
4.4	Disciplinary - Initiating proceedings/confirming disciplinary charges, action taken and outcomes including dismissal	√	√			Decisions must comply with the Disciplinary Procedure and HR advice sought where appropriate. See also relevant HR Procedure: Disciplinary Procedure

Decision		CE D	DD	SM	LM	Notes
4.3	Disciplinary - Initiating proceedings/confirming disciplinary charges, action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with the Disciplinary Procedure and HR advice sought where appropriate. Different level of authorisations may apply depending on seriousness of allegations. See also relevant HR Procedure: Disciplinary Procedure
4.6	Performance/ Capability – initiating proceedings/confirming action taken and outcomes including dismissal	√	√			See also relevant HR Procedures: Standards for Managing Performance and Probation Procedure Standards for Managing Employee Performance
4.5	Performance/ Capability – initiating proceedings/confirming action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with Performance Management procedures and HR advice sought where appropriate. See also relevant HR Procedures: Probation Procedure Standards for Managing Employee Performance
4.8	Sickness Management Procedure – initiating proceedings/confirming action taken and outcomes including dismissal	√	√			Decisions must comply with Sickness Management Procedure and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant HR Procedure: Sickness Management Procedure
4.7	Sickness Management Procedure – initiating proceedings/confirming action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with Sickness Management Procedure and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant HR Procedure: Sickness Management Procedure

Decision		CE D	DD	SM	LM	Notes
4.9	Grievance and Harassment Procedures – initiating proceedings/confirming action taken and outcomes	√	√	√	√	Decisions must be comply with relevant HR procedures and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant HR Procedures: Combatting Harassment & Discrimination Procedure Grievance Resolution Procedure

5. Attendance

Decision		CED	DD	SM	LM	Notes
5.1	Dealing with requests for changes to contractual hours / flexible working	√	√	√	√	Decisions must comply with Flexible Working and other relevant HR procedures. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant HR Procedure: Flexible Working Policy
5.2	Agreeing hours of working	√	√	√	√	Different levels of authorisation may apply and these are clearly defined in the procedures See also relevant HR Procedures: Flexible Working Policy Flexi Time Scheme

Decision		CED	DD	SM	LM	Notes
5.3	Approving leave (including annual, special, flexi, paid, unpaid)	√	√	√	√	<p>Decisions must comply with relevant HR Leave procedures. Different levels of authorisation may apply and these are clearly defined in the procedures.</p> <p>See also relevant HR Procedures: Annual Leave and Special Leave Procedure Career Break Scheme Extended Leave Scheme Flexi Time Scheme Guide to Adoption Leave Guide to Maternity Entitlements Parental Leave Scheme Shared Parental Leave Policy Staggered Hours Scheme Term Time Only</p>

6. Leavers

Decision		CE D	DD	SM	LM	Notes
6.1	Confirming resignations	√	√	√	√	<p>To be confirmed in line with the Guidance for Leavers.</p> <p>See also relevant HR Procedure: Guidance for Leavers</p>
6.2	Agreeing terms on which staff leave the Council e.g. outstanding leave, notice periods	√	√	√	√	<p>Decisions must comply with Terms and Conditions of Employment and relevant HR procedures. Note: Where appropriate HR will authorise payment of statutory/ contractual entitlements.</p> <p>See also relevant HR Procedures: Annual Leave and Special Leave Procedure And see Employee's Terms and Conditions of Employment</p>

Decision		CE D	DD	SM	LM	Notes
6.3	Providing references	√	√	√	√	References must be provided in line with relevant recruitment procedures and processes and HR advice sought where appropriate. Relevant HR Procedure: Reference Procedure
6.4	Designating a member of staff as a redeployee	√	√			Decisions must comply with relevant HR organisational change processes. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant HR Procedure: Handling Organisational Change Procedure
6.5	Agreeing redundancy / early retirement	√	√			Decisions must comply with relevant HR organisational change and sickness management processes. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant HR Procedures: Handling Organisational Change Procedure Sickness Management Procedure

Other Matters

A. Managing budgets

Decision		CE D	DD	SM	LM	Constraint	Notes
A.1	Incurring revenue expenditure within approved budget limits	√	√	√	√		May be delegated further to designated line managers with budget responsibility See also relevant Procedure: FM1 Financial Management Standards

Decision		CE D	DD	SM	LM	Constraint	Notes
A.2	Incurring Capital expenditure only within terms of agreed capital programme	Which level?				Complying with Financial regulations	See also relevant Procedure: FP2 Capital Strategy
A.3	Authorising virements within approved service budget	√	√	√		Provided no additional overall budget liability	May be delegated further to designated budget managers within agreed limits See also relevant Procedure: FM2 Virement
A.4	Authorising virements between approved service budgets up to £250,000	√				Except i) Capital Financing ii) support services/Internal charges iii) Rates iv) Insurance v) pensions which require specific approval of Corporate Director Resources	Corporate Director – Resources to be advised of virements over £100,000 and reported to Cabinet for noting See also relevant Procedure: FM2 Virement
A.5	All virements	√	√	√		Consider whether “key decision” required.	See also: Constitution Key decisions

B. Payroll

Decision		CE D	DD	SM	LM	Constraint	Notes
B.1	Authorising payroll submissions	√	√	√	√	Only if within existing budget/establishment	Including authority to include a new employee on the payroll See also relevant procedure: CR9 Staffing FA4 Payments to employees and Members
B.2	Authorising payroll corrections	√	√	√			See also relevant Procedure: CR3 Internal Control

C. Income

Decision		CE D	DD	SM	LM	Constraint	Notes
C.1	Determining whether income is due	√	√	√	√		See also relevant Procedure: FM5 Budgetary Control and FA 2 Income
C.2	Collecting all income due	√	√	√	√	And banking promptly	May be delegated further. See also relevant Procedure: FM5 Budgetary Control and FA 2 Income
C.3	Determining local fee rates	√				Annually [Except where the fee is required to be set by either Council or the Executive]	As part of budget setting. See also relevant Procedure: FM5 Budgetary Control

Decision		CE D	DD	SM	LM	Constraint	Notes
C.4	Initiating debt recovery action	√	√	√	√		See also Relevant Procedure: FM5 Budgetary Control FA2 income
C.5	Cancelling and reversal of debts including where debt raised in error	√	√	√		If raised in error and within approved limits	Only with a documented audit trail. See also relevant Procedure: CR3 Internal Control FA2 Income
C.6	Writing off debts	√	√	√			See also relevant Procedure: CR3 Internal Control FA2 Income
C.7	Making claims for grant payments	√	√	√	√	By due date with claims properly evidenced and payment banked promptly.	See also relevant Procedure: CR3 Internal Control FA2 Income

D. Purchasing and Procurement

Decision		CE D	DD	SM	LM	Constraint	Notes
D.1	Contracts and procurement Corporate Director retains ultimate responsibility for all contracting procedures	√				Compliance with Contracts and procurement procedure rules	See also relevant Procedure: FA3 Ordering and Paying for work goods and services Contract Procedure Rule 8

Decision		CE D	DD	SM	LM	Constraint	Notes
D.2	Seeking tenders and quotations	√	√	√		Within approved limits according to management level and Executive approval required if over £250,000 (goods and services) and £5,000,000 (works)	See also relevant Procedures: Using e procurement system unless waiver granted. Contract Procedure Rule 6 Financial thresholds Rule 2 E Procurement Rules and EU procedures
D.3	Waiving competition requirements for contracts and orders (RCDAs, novations etc) I think we need to add that this is under review?	√				Up to EU threshold and in accordance with procurement procedures	Liaising with Corporate Director Procurement and Corporate Director Governance and reporting to Executive if over £100,000. See also relevant Procedures: Procurement Rule 6 and Financial thresholds

Decision		CE D	DD	SM	LM	Constraint	Notes
D.4	Awarding contracts following the appropriate procurement Procedure	√	√	√		Within approved limits	See also relevant Procedures: Executive approval required if contract for services over £250,000 and capital works over £5,000,000. Procurement Rule 6 contract award
D.5	Placing orders	√	√	√			
D.6	Authorising variations / extensions to contracts	√	√	√		If provided for within original contract	After taking legal and procurement advice and, over specified financial levels approval of the Executive required. See also relevant Procedure: Procurement Rule 7 Extensions and variations
D.7	Authorisation of the execution of non procured contracts including contracts derived from framework agreements	√	√	√		Services between £0 and £250,000, works below £5,000,000	See also relevant Procedures: Procurement Rule 6 Financial thresholds Procurement rule 10 Waiving procurement procedures

Decision		CE D	DD	SM	LM	Constraint	Notes
D.8	Signing Contracts	√	√			Above £250,000 (services) and £5,000,000 (works)	Only after decision by the Executive and specific delegation. See also relevant Procedure: Procurement Procedure Rule 48 limits
D.9	Terminating contracts	√	√	√			Subject to advice from the Corporate Director, Governance or their nominee
D.10	To advertise concession opportunities	√	√	√			Executive approval required if over £250,000 goods and services Award to be noted if value greater than 100,000. See also relevant Procedures: Financial procedure EA 1 External arrangements Contract Procedure Rule 8

Decision		CE D	DD	SM	LM	Constraint	Notes
D.11	To award contract for concession	√	√	√			Executive approval required if over £250,000 goods and services Noting Executive procedure if value greater than £100,000. See also relevant Procedure: Contract Procedure Rule 6
D.12	Varying terms of concession	√	√	√		If provided for within original contracts	After taking legal and procurement advice, and with Executive approval if over £250,000. See also relevant Procedure: Procurement Rules 7
D.13	Terminating the award of a concession	√	√	√			Subject to advice from the Corporate Director, Governance or their nominee
D.14	Where Tower Hamlets Homes entering into contract it has negotiated on its own behalf _ I think this needs approval from the CD of Place as they should not be entering contracts without our consent???	N/A	N/A	N/A	N/A	Follow THH governance and procedures	

Decision		CE D	DD	SM	LM	Constraint	Notes
D.15	If contract between London Borough of Tower Hamlets and supplier/provider and procured by Tower Hamlets Homes	√	√			In accordance with Contracts and Procurement Procedures contained in the Council's Constitution	In accordance with Procedure Rules as detailed above.
D.16	Where London Borough of Tower Hamlets making grant to Tower Hamlet Homes	√	√			In accordance with Contracts and Procurement Procedures contained in the Council's Constitution	In accordance with Procedure Rules as detailed above.
D.17	Contracts generally Authorising invoices	√	√	√	√		May be delegated further to designated budget managers within agreed limits. See also Relevant Procedures: Financial Procedure FA 3 Ordering and Paying for goods and services
D.18	Maintaining an inventory of assets	√	√	√	√		See also relevant Procedure: CR8 Inventories
D.19	Disposal of Equipment/furniture and other obsolete assets	√	√	√	√	After consultation with Corporate Director Resources	See also relevant Procedure: In compliance with Financial CR10 Disposal of property and obsolete assets

E. Authorisations

Decision		CE D	DD	SM	LM	Constraint	Notes
E.1	Signing off reports to Executive and committee	√	√			With input from legal and resources	See also relevant Procedure: In compliance with FM9 Comments for reports
E.2	Signing off Government and other returns	√	√	√			See also relevant Procedure: FA8 Grants
E.3	Signing off bids and applications for funding	√				With Cabinet approval/"key decision" if necessary	See also relevant Procedure: FA8 Grants
E.4	Approving service and business plans	√	√				See also relevant Procedure: FM5 Budgetary Control

F. Complaints

Decision		CE D	DD	SM	LM	Constraint	Notes
F.1	To receive, investigate and respond to complaints at Stage 1 of the Corporate Complaints Procedure			√		With oversight from Divisional Director	See also relevant Procedure: Corporate Complaints Procedure
F.2	To receive, investigate and respond complaints at Stage 2 of the Corporate Complaints Procedure	√	√	√		With advice from Corporate Director on terms of response where appropriate	See also relevant Procedure: Corporate Complaints Procedure
F.3	To agree Local Settlement with the Local Government Ombudsman	√	√			Within compensation limits	See also relevant Procedure: Corporate Complaints Procedure
F.4	Authorising compensation	√	√	√		Subject to financial limits - Divisional Director up to £25,000 and Service Manager up to £3,000	See also relevant Procedure: Corporate Complaints Procedure

G. Engaging Specialists

Decision		CE D	DD	SM	LM	Constraint	Notes
G.1	Engaging legal advice and entering into legal actions	√	√			After consultation with the Corporate Director Governance or their nominee.	
G.2	Engaging consultants to provide other specialist advice	√	√				

H. Legal Matters

Decision		CE D	DD	SM	LM	Constraint	Notes
H.1	To authorise the issue of a Simple Caution where criminal offences are admitted by adult offenders having regard to the Council's Enforcement Policy and all other relevant Policies and Guidelines	√	√	√		After consultation with the Corporate Director Governance or her nominee if necessary	See also relevant Procedure: Constitution Chapter 15
H.2	To take the action necessary to comply with any Court Order made against the Council (including an Order agreed by consent)	√	√	√			See also relevant Procedure: Constitution Chapter 15
H.3	Manage all information (including Confidential information)	√	√	√		in accordance with the Council's Information Management and Retention Policies	

I. Companies / Partnerships and other collaboration agreements

	Decision	CD	DD	SM	LM	Constraints	Notes
I.1	To propose the formation of a company jointly with third parties	√	√			Supported by a Council or Executive decision	Taking appropriate professional advice
I.2	Form any company with its shareholders named as the Council's Executive	√	√			Making provision for the Council's Executive to agree any reserved matters	and to delegate such agreement to the Chief Executive or Corporate Director

	Decision	CD	DD	SM	LM	Constraints	Notes
I.3	To ensure that any company formed A) Makes provision for any changes in the Company's Memorandum and Articles of Association to be approved by the Council's Executive B) Makes provision for the company to report on an annual basis to the Council's Executive.	√	√	√		Taking appropriate professional advice	
I.4	Enter into a partnerships "ie arrangements designed to secure some shared or mutual operational benefit" or other collaboration agreements	√	√	√		Risk appraisal required	Fully documented and with appropriate advice (including legal advice) and after informing Corporate Director Resources. See also relevant Procedure: In compliance with Financial procedure EA1 Partnerships

47 Corporate Scheme of Financial Delegations

This scheme sets out Council-wide financial delegations.

(to follow)

48 Children and Culture Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

49 Governance Directorate Scheme of Delegation

1. Ceremonial and name/status of areas and individuals

Decision		Corporate Director	Divisional Director	Head of Service	Other
1.1	To keep the roll of Freeman (Section 248, Local Government Act 1972)	Corporate Director, Governance		Democratic Services	
1.2	Power to incur expenditure of a reasonable sum for the purposes of presenting an address or casket to a person on whom the title of freeman has been conferred. (as above, Section 249)	Corporate Director, Governance		Democratic Services	

2. Councillors/Appointment of Committees etc

Decision		Corporate Director	Divisional Director	Head of Service	Other
2.1	Appointment of Members to ad-hoc committees and sub-committees for Appeals, Appointments and Licensing hearings in accordance with the requirements of the Constitution.	Corporate Director, Governance/ Monitoring Officer	Employee Appeals & Appointments: Divisional Director Human Resources	Licensing: Democratic Services	Licensing: Democratic Services Officer

3. Meetings of Committees

Decision		Corporate Director	Divisional Director	Head of Service	Other
3.1	Cancelling or amending the date, time or place of a meeting following discussion with the Chair and any further consultation as set out in the Constitution.	Corporate Director, Governance/ Monitoring Officer	Appointment Sub-Committee and Employee Appeals Sub-Committee: Divisional Director Human Resources	Licensing: Democratic Services	Licensing: Democratic Services Officer

4. Registration

Decision		Director	Divisional Director	Head of Service	Other
4.1	Power to approve premises for the solemnisation of marriages (Section 46A, Marriage Act 1949)	Corporate Director, Governance		Superintendent Registrar	
4.2	To exercise functions under Sections 9(1) and (2), 13 (2)h and (3)b and 20(b) of the Registration Service Act 1953.	Corporate Director, Governance		Superintendent Registrar	

5. General

Decision		Corporate Director	Divisional Director	Head of Service	Other
5.1	To deputise for the Corporate Director, Governance in their absence as directed by the Chief Executive or Corporate Director, Governance.		Legal Services As Monitoring Officer: Deputy Monitoring Officers		

GOVERNANCE DIRECTORATE DELEGATIONS - (LEGAL SERVICES)

6. Appointment of Committees etc

Decision		Corporate Director	Divisional Director	Head of Service	Other
6.1	Recruiting and recommending to the Council the appointment of Independent members to the Standards Committee.	Corporate Director, Governance			

7. Legal Proceedings

Decision		Director	Divisional Director	Head of Service	Other
7.1	Instituting Proceeding - Taking a decision to commence proceedings in a particular case	Corporate Director, Governance	Legal Services	Litigation Safeguarding	
7.2	Issuing proceedings/ application - including signing and finalising any instituting summons or application pursuant to court rules	Corporate Director, Governance	Legal Services	Litigation Safeguarding	Principal Lawyers , Seniors and Lawyers
7.3	Laying of Information/ Complaint	Corporate Director, Governance	Legal Services	Litigation Safeguarding	Principal Lawyers, Seniors and Lawyers
7.4	Appear on behalf of the Local Authority in proceedings	Corporate Director, Governance	Legal Services	Litigation Safeguarding	Principal Lawyers Senior Lawyers Lawyers Legal Assistants

Decision		Director	Divisional Director	Head of Service	Other
					Trainee Solicitor
7.5	Settle Proceedings- Generally	Corporate Director, Governance	Legal Services	Litigation (Up to 20K costs or damages) save own cases).	<i>Principal Lawyer Civil Litigation</i> (Up to 8k costs or damages) save own cases).
7.6	Settling by way of <ul style="list-style-type: none"> - signing or administering simple cautions - License appeals by consent - Market license revocations appeals by consent 	Corporate Director, Governance	Legal Services	Litigation	Principal Lawyer (Enforcement)
7.7	Providing undertakings to Court or parties (other than an undertaking as to fees)	Corporate Director, Governance	Legal Services	Litigation	
7.8	Providing Undertakings as to payment of an application fee	Corporate Director, Governance	Legal Services	Litigation	Principal Lawyers

8. Property

Decision		Director	Divisional Director	Head of Service	Other
8.1	Release of restrictions and grant of consents where required by operation of law or effluxion of time.	Corporate Director, Governance	Legal Services	Commercial & Contracts	Principal Lawyer – Property & Regen

9. Authentication of Documents

Decision		Director	Divisional Director	Head of Service	Other
9.1	Sign legal Documents	Corporate Director, Governance	Legal Services	Litigation Safeguarding Commercial & Contracts	Practice Manager
9.2	Signing Claim Forms includes Statement of Truth		Legal Services	Litigation Safeguarding	Principal Lawyers Civil Litigation , Senior lawyers , lawyers

10. Common Seal of Council

Decision		Director	Divisional Director	Head of Service	Other
10.1	Attest seal.	Corporate Director, Governance	Legal Services	Litigation Safeguarding Commercial & Contracts	Practice Manager
10.2	Signing documents on behalf of the Council.	Corporate Director, Governance	Legal Services	Litigation Safeguarding Commercial & Contracts	Practice Manager

50 Health, Adults and Community Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

51 Place Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

52 Resources Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

53 Executive, Committee and Partnership Procedure Rules

Procedure for Executive Decision Making by the Mayor or a Cabinet Member

1. Where an Executive decision, including a Key Decision, falls to be made and either:-
 - (a) authority to make that decision has not been delegated by the Mayor under this Executive Scheme of Delegation; or
 - (b) authority has been delegated but the person or body with delegated powers declines to exercise those powers; or
 - (c) authority has been delegated but the Mayor nevertheless decides to take the decision himself,

the decision shall be made by the Mayor individually, after consultation with the Monitoring Officer, the Chief Finance Officer and such other Corporate Director(s), the Head of Paid Service or Cabinet Member(s) as required.

2. Executive decisions (including Key Decisions) to be taken by the Mayor in accordance with paragraph 1 above shall either be taken:-
 - (a) at a formal meeting of the Executive, notice of which has been given in accordance with the Executive Procedure Rules (Section 29) of the Constitution and to which the Access to Information Rules (Section 27) of the Constitution shall apply; or
 - (b) in accordance with the procedure at paragraph 5 below.
3. In the case of a decision taken at a formal meeting of the Executive, the Mayor will take the decision having received written and oral advice from appropriate officers and consulted those members of the Executive present. In the event that a meeting of the Executive is not quorate, the Mayor may still take any necessary decisions having consulted any Executive members present. All Mayoral decisions taken at a formal meeting of the Executive shall be recorded in the minutes of the meeting.
4. The Cabinet Meeting is not authorised to exercise the Mayor's powers in the absence of the Mayor. If the Mayor is unable to act for any reason, and only in those circumstances, the Deputy Mayor is authorised to exercise the Mayor's powers.
5. The Mayor may at his discretion make a decision in relation to an Executive function, including a Key Decision, alone and outside the context of a meeting of the Executive. In relation to any decision made by the Mayor under this provision:-

- (a) The decision may only be made following consideration by the Mayor of a full report by the relevant officer(s) containing all relevant information, options and recommendations in the same format as would be required if the decision were to be taken at a meeting of the Executive;
- (b) The provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply;
- (c) In the case of a Key Decision as defined in Section 3 of the Constitution, the provisions of the Access to Information Procedure Rules in relation to prior publication on the Forward Plan shall apply; and
- (d) The decision shall not be made until the Mayor has confirmed his agreement by signing a Mayoral Decision Proforma (example attached) which has first been completed with all relevant information and signed by the relevant Chief Officers.


6. All Mayoral decisions taken in accordance with paragraph 5 above shall be:-

- (a) Recorded in a log held by the Head of Democratic Services and available for public inspection; and
- (b) Published on the Council's website;

save that no information that in the opinion of the Corporate Director, Governance is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules (Section 27) shall be published, included in the decision notice or available for public inspection.

7. Any decision taken by an individual Cabinet Member in relation to any matter delegated to them in accordance with paragraph 6 of the Mayor's Executive Scheme of Delegation shall:-

- (a) be subject to the same process and rules as a Mayoral decision in accordance with paragraphs 5 and 6 above; and
- (b) not be made until the Mayor has confirmed in writing that he has no objection to the decision.

Individual Mayoral Decision Proforma	 TOWER HAMLETS
Decision Log No: (To be inserted by Democratic Services)	
Report of: [Insert name and title of corporate director]	Classification: [Unrestricted or Exempt]
[Insert title here]	

Is this a Key Decision?	Yes / No (Report author to delete as applicable)
Decision Notice Publication Date:	(Report author to state date of decision notice – either individual notice or within the Forward Plan)
General Exception or Urgency Notice published?	Yes (give details) / Not required (Report author to delete as applicable)
Restrictions:	(If restricted state which of the exempt/confidential criteria applies)

EXECUTIVE SUMMARY

(To be completed by Chief Officer seeking the decision)

.....

Full details of the decision sought, including reasons for the recommendations and (where applicable) each of the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Corporate Director, Governance; implications for Equalities; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

DECISION

(Proposed decision to be entered here)

.....

APPROVALS

1. (If applicable) Corporate Director proposing the decision or their deputy

I approve the attached report and proposed decision above for submission to the Mayor. I confirm that the Mayor and/or Lead Member have agreed to this decision being taken using this process.

Signed Date

2. Chief Finance Officer or their deputy

I have been consulted on the content of the attached report which includes my comments.

Signed Date

3. Monitoring Officer or their deputy

I have been consulted on the content of the attached report which includes my comments.

(For Key Decision only – delete as applicable)

I confirm that this decision:-

(a) has been published in advance on the Council’s Forward Plan OR

(b) is urgent and subject to the ‘General Exception’ or ‘Special Urgency’ provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.

Signed Date

4. (If the proposed decision relates to matters for which the Head of Paid Service has responsibility) Head of Paid Service

I have been consulted on the content of the attached report which includes my comments where necessary.

Signed Date

5. Mayor

I agree the decision proposed at above for the reasons set out in paragraph of the attached report.

Signed Date

Children and Education Overview and Scrutiny Sub-Committee

MEETING PROCEDURE AND SCHEDULE OF MEETING DATES

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 Children and Education. The membership of the Children and Education Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

2. Frequency of meetings

- 2.1 The Children and Education Scrutiny Sub-Committee will meet 5 times a year. Dates will be published on the Council's website.
- 2.2 Meetings are scheduled to take place at 6.30pm. 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.

Support to the Sub-Committee

- 3.1 The Divisional Director for Strategy, Policy and Performance, will be the senior officer lead and champion the work of the Sub-Committee.
- 3.2 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

The Children and Culture Strategy and Policy Team will provide policy support to the Sub-Committee which will include:

- (e) Research and analysis
- (f) Work programme development
- (g) Support with undertaking reviews and challenge sessions
- (h) Drafting review reports and challenge sessions

4. Proceedings

4.1 The Children and Education 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.

Health and Adults Scrutiny Sub-Committee

MEETING PROCEDURE AND SCHEDULE OF MEETING DATES

1. Chair and Membership

- 1.2 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 Health & Adults. The membership of the Health and Adults Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

2. Frequency of meetings

- 2.1 The Health and Adults Scrutiny Sub-Committee will meet 5 times a year. The dates will be published on the Council's Website.
- 2.2 Meetings are scheduled to take place at 6.30pm (unless they fall during the month of Ramadan where they will endeavour to start at 5.30pm). 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.

Support to the Sub-Committee

- 3.1 The Divisional Director for Strategy, Policy and Performance, will be the senior officer lead and champion the work of the Sub-Committee.
- 3.2 The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:
- (i) Meeting room bookings, refreshments
 - (j) Agenda preparation and dispatch
 - (k) Taking minutes and recording of actions/decisions
 - (l) Dissemination of minutes and decisions

The Health and Adult Care Strategy and Policy Team will provide policy support to the Sub-Committee which will include:

- (m) Research and analysis
- (n) Work programme development
- (o) Support with undertaking reviews and challenge sessions
- (p) Drafting review reports and challenge sessions

4. Proceedings

4.1 The Health and Adults 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:

(d) Council Procedure Rules

(e) Access to Information Procedure Rules, and

(f) The Overview and Scrutiny Procedure Rules.

Housing and Regeneration Scrutiny Sub-Committee

MEETING PROCEDURE AND SCHEDULE OF MEETING DATES

1. Chair and Membership

- 1.3 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 Housing & Regeneration. The membership of the Housing & Regeneration Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

2. Frequency of meetings

- 2.1 The Housing & Regeneration Scrutiny Sub-Committee will meet 6 times a year. The meeting dates will be published on the Council's website.
- 2.2 Meetings are scheduled to take place at 6.30pm (unless they fall during the month of Ramadan where they will endeavour to start at 5.30pm). 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.

Support to the Sub-Committee

- 3.1 The Divisional Director for Strategy, Policy and Performance, will be the senior officer lead and champion the work of the Sub-Committee.
- 3.2 The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:
- (q) Meeting room bookings, refreshments
 - (r) Agenda preparation and dispatch
 - (s) Taking minutes and recording of actions/decisions
 - (t) Dissemination of minutes and decisions

The Housing and Regeneration Strategy and Policy Team will provide policy support to the Sub-Committee which will include:

- (u) Research and analysis
- (v) Work programme development
- (w) Support with undertaking reviews and challenge sessions

(x) Drafting review reports and challenge sessions

4. Proceedings

4.1 The Housing and Regeneration 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:

(g) Council Procedure Rules

(h) Access to Information Procedure Rules, and

(i) The Overview and Scrutiny Procedure Rules.

Licensing Committee – Rules of Procedure governing applications for premises licenses and other permissions under the Licensing Act 2003

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the

Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should

provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.

- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.
- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
 - a) their application, representation or notice; and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Licensing Committee – Rules of Procedure Governing Applications for Sex Establishment Licenses under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under section 2 of and schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

2. Composition of the Licensing Committee

- 2.1 The Licensing Committee will consist of fifteen (15) members and no business shall be transacted unless at least three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Committee. The Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.
- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Chair will explain how the proceedings will be conducted, and indicate any time limits that will be imposed on the parties. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee should allow each party an equal amount of time.
- 3.5 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.

- 3.6 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing.
- 3.7 If the Licensing Committee adjourns the hearing it should specify the date, time and place to which the hearing has been adjourned.
- 3.8 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application or objection given by that party.
- 3.9 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any objections withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.
- 3.10 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.11 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.12 The Chair will then ask the applicant or their representative, if present, to state their case. This should avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Sex Establishment Licensing Policy, where appropriate; address, where appropriate, the matters stated in the Sex Establishment Licensing Policy that the Licensing Committee will take into account when considering applications; and respond to the written objections received. The submission may be followed by the evidence of any person who is giving supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.13 The application is to be presented within any time limit that has been set.

- 3.14 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.15 The objectors (or their representative) will be invited to question the applicant.
- 3.16 Members of the Licensing Committee may ask questions of the applicant and/or their representative as well as any other person who has spoken in support of the application. Members can also ask questions of any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask objectors against the application to state their case within any time limit that has been set. The objectors should not repeat what is already set out in their objections. In stating their case, the objectors should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who is giving supporting evidence.
- 3.19 The applicant (or their representative) will be invited to question the objectors.
- 3.20 Members of the Licensing Committee may then ask questions of the objectors and any other person who has spoken given evidence in support. Members can also ask questions of any other person present who they consider can assist.
- 3.21 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.22 Petitions will be considered but Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 The objectors (or their representative) will then be permitted to “Sum Up”.
- 3.25 The applicant (or their representative) will then be permitted to “Sum Up”.

- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but where they consider it appropriate for the determination to be given at a later time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place later and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Pensions Committee Procedures

Membership of the Pensions Committee

The Council decides the composition and makes appointments to the Pensions Committee. Currently the membership of the Pensions Committee is a minimum of 7 elected Members from Tower Hamlets Council on a politically proportionate basis and the Pensions Committee will elect a Chair and Vice Chair. All Tower Hamlets Council elected Members have voting rights on the Committee and three voting members of the Committee are required to be able to deem the meeting quorate.

In addition there are two co-opted non-voting members representing employer and Scheme member interests. Although the co-opted representatives do not have voting rights they are treated as equal members of the Committee, they have access to all Committee Advisers, officers, meetings and training as if they were Council Members and have the opportunity to contribute to the decision making process.

Voting rights are restricted to elected Members as they are deemed to be fulfilling the role of Trustees as the Pension Fund with all the legal responsibilities that this entails, it was not felt appropriate to apply the same legal definition to the lay members of the Committee and hence their role as non-voting members.

Members of the Pensions Committee, including co-opted members, are required to declare any interests that they have in relation to the Pension Fund or items on the agenda at the commencement of the meeting.

The Constitution allows for the appointment of a Pensions Committee which has responsibility for the discharge of all non-executive functions assigned to it.

The following are the terms of reference for the Pensions Committee:

- 1) To act as Trustees of the Council's Pension Fund, consider pension matters and meet the obligations and duties of the Council under the Superannuation Act 1972, the Public Service Pensions Act 2013, and the various pensions' legislation.
- 2) To make arrangements for the appointment of and to appoint suitably qualified pension fund administrators, actuaries, advisers, investment managers and custodians and periodically to review those arrangements.
- 3) To formulate and publish an Investment Strategy Statement.
- 4) To set the overall strategic objectives for the Pension Fund, having taken appropriate expert advice, and to develop a medium term plan to deliver the objectives.
- 5) To determine the strategic asset allocation policy, the mandates to be given to the investment managers and the performance measures to be set for them.
- 6) To make arrangements for the triennial actuarial valuation, to monitor liabilities and to undertake any asset/liability and other relevant studies as required.

- 7) To monitor the performance and effectiveness of the investment managers and their compliance with the Statement of Investment Principles.
- 8) To set an annual budget for the operation of the Pension Fund and to monitor income and expenditure against budget.
- 9) To receive and approve an Annual Report on the activities of the Fund prior to publication.
- 10) To make arrangements to keep members of the Pension Fund informed of performance and developments relating to the Pension Fund on an annual basis.
- 11) To keep the terms of reference under review.
- 12) To determine all matters relating to admission body issues.
- 13) To focus on strategic and investment related matters at two Pensions Committee meetings.
- 14) To review the Pension Fund's policy and strategy documents on a regular basis and review performance against the Fund's objectives within the business plan
- 15) To maintain an overview of pensions training for Members.

Meetings

The Pensions Committee shall meet at least four times a year in the ordinary course of business and additional meetings may be arranged as required to facilitate its work. Work for the year will be agreed with the Committee to include dedicated training sessions for Committee members.

Agendas for meetings will be agreed with the Chair and will be circulated with supporting papers to all members of the Committee, Officers of the Council as appropriate and the Fund's Investment Advisor.

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Tower Hamlets Town Hall and on the Council's website. The Council will make copies of the agenda and reports open to the public available for inspection at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. The reason for lateness will be specified in the report.

There may on occasions be items which may be exempt from the agenda, reports and minutes of the meetings when 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. Items which are most likely to be excluded are issues where to disclose information would contravene an individual's privacy or where there are financial interests which may be compromised as a result of disclosure for example discussions surrounding contracts.

The Council will make available copies of the minutes of the meeting and records of decisions taken for six years after a meeting. Minutes of meetings and records of decisions are available for inspection on the Council's website:

<http://moderngov.towerhamlets.gov.uk/ieListMeetings.aspx?Committeeld=392>

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.

Standards Advisory Committee Procedures

Standards Advisory Committee Procedures

1. Composition

1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council (not including the Mayor or more than 1 Cabinet Member) and each political group may appoint up to 3 substitutes, appointed by the Council in accordance with the requirements of political proportionality; and up to 7 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 section 13(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 and these procedures.

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 4 years unless otherwise determined by 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, they shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least 3 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 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 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 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 they have 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 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 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 members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one co-opted member.

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 Members of the Standards Advisory Committee at least two 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 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 maintain these 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.

**Strategic Development Committee / Development Committee – Council
Guidelines for Determining Planning Applications under the Town and Country
Planning Act 1990**

- (i) The emphasis in determining applications is upon a plan led system. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires all planning applications to be determined in accordance with the Development Plan (comprised of the London Plan (produced by the Mayor of London), Local Plan and Neighbourhood Plans (should any be adopted)) and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application **must** be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- (ii) The term “other material considerations” has a wide connotation as expressed by the following judicial comment:-
“.....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration”.
- (iii) Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.
- (iv) Material considerations can include (but are not limited to):-
- (a) Local, strategic, national planning policies and policies in the Development Plan;
 - (b) Emerging new plans which have already been through at least one stage of public consultation;
 - (c) Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice;
 - (d) Previous appeal decisions and planning Inquiry reports;
 - (e) Principles of Case Law held through the Courts;
 - (f) Loss of sunlight (based on Building Research Establishment guidance);
 - (g) Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);
 - (h) Overlooking and loss of privacy;
 - (i) Highway issues: traffic generation, vehicular access, highway safety;
 - (j) Noise or disturbance resulting from use, including proposed hours of operation;
 - (k) Smells and fumes;
 - (l) Capacity of physical infrastructure, e.g. in the public drainage or water systems;
 - (m) Deficiencies in social facilities, e.g. spaces in schools;
 - (n) Storage & handling of hazardous materials and development of contaminated land;
 - (o) Loss or effect on trees;

- (p) Adverse impact on nature conservation interests & biodiversity opportunities;
 - (q) Effect on listed buildings and conservation areas;
 - (r) Incompatible or unacceptable uses;
 - (s) Local financial considerations offered as a contribution or grant;
 - (t) Layout and density of building design, visual appearance and finishing materials;
 - (u) Inadequate or inappropriate landscaping or means of enclosure; and
 - (v) Disabled persons access.
- (v) Matters which are not material considerations again can include (but are not limited to):-
- (a) Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.;
 - (b) Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.;
 - (c) Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts);
 - (d) Opposition to the principle of development when this has been settled by an outline planning permission or appeal;
 - (e) Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability – see (vi) below);
 - (f) Previously made objections/representations regarding another site or application;
 - (g) Factual misrepresentation of the proposal;
 - (h) Opposition to business competition;
 - (i) Loss of property value;
 - (j) Loss of view; and
 - (k) Personal remarks (e.g. the applicant's motives).
- (vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.
- (vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.
- (viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by English Heritage or the Environment Agency.

- (ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
- (x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
- (xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

Strategic Development Committee / Development Committee – Development Procedure Rules

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1. SCOPE

- 1.1** These rules apply to all meetings of the Development Committee, Strategic Development Committee and Council in relation to the determination of planning applications.
- 1.2** As the determination of planning applications is a quasi-judicial function these rules provide processes and procedures which fulfil legal requirements of impartiality and natural justice.

2. REPORTS

- 2.1** All applications are the subject of written reports with officer recommendations. Reports will be produced in a standard form approved by the Corporate Director, Place, and will identify and analyse major material considerations of which the Committee need to take account when exercising its planning judgment.
- 2.2** In addition to the written report, illustrative material is usually available at least thirty minutes before the meeting at the meeting to explain the scheme and the planning files will also be available for inspection.

3. ADDENDUM UPDATE REPORTS

- 3.1** It is common for material (such as late representations) to be received after the close of the agenda. This needs to be brought to the attention of the Committee so that it can be taken into account. Such material will be presented to Committee in written form at least 30 minutes before the beginning of the meeting in the Addendum Update Report which will comprise a summary of whatever has been raised, in the same way as representations are summarised in the main Committee report.
- 3.2** When such material is made available to members it will also be placed on the public planning file along with all the other papers for the application, subject only to any public exclusion restrictions.
- 3.3** The practicality of producing such a report means there has to be a cut-off point for receipt of late material which is no later than noon on the working day before the day of the meeting. Generally material received after this time will not be reported to the Committee though the Corporate Director, Place, has an absolute discretion in this regard.
- 3.4** Material must not be distributed to Committee members by members of the public (including public speakers) or other Members of the Council during the course of the meeting.

4. REPRESENTATIONS AND PETITIONS

- 4.1 All representations and petitions upon a particular application which are received prior to the cut-off point are summarised either in the main Committee report or in the addendum update report. Copies of these representations and petitions are available for inspection at the meeting.

5. ORDER OF PROCEEDINGS

- 5.1 Except as otherwise stated on the agenda, generally meetings take place at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG commencing at 7.00 pm

- 5.2 At the discretion of the Chair the agenda may be re-ordered at the meeting.

- 5.3 The procedure for considering each application shall be as follows:

- (a) The item will be introduced by the Corporate Director, Place, or their representative
- (b) The Corporate Director, Place, or their representative, will present the report and introduce the main issues
- (c) An objector who has registered to speak in accordance with the procedure in Rule 6 will address the Committee
- (d) The applicant/agent or supporter (if registered to speak in accordance with the procedure in Rule 6) will address the Committee
- (e) Committee and non-committee Member(s) may address the Committee for up to three minutes
- (f) Through the Chair, Committee members may ask questions of clarification
- (g) The Committee will consider the item and reach a decision.

- 5.4 The Chair shall have discretion to vary the procedure for hearing an application, following consultation with officers, should that be necessary in specific circumstances.

In order to be able to vote upon an item, a Councillor must be present throughout the whole of the Committee's consideration including the officer introduction to the matter.

- 5.5 In the event that any contributor addresses the Committee through an interpreter, additional time may be allowed but the interpreter must not use the additional time to introduce new material.
- 5.6 The minutes of the meeting will record the members and officers present at the meeting and record any declarations of interest made by members or officers.

6. PUBLIC SPEAKING

- 6.1** Where a planning application is reported on the “Planning Applications for Decision” part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2** When a planning application is reported to Committee for determination the provision for the applicant/ supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3** All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4.00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4** Any Committee or non-Committee member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5** For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6** For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7** After 4pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of their speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8** Where a planning application has been recommended for approval by officers and the applicant or their supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9** Where a planning application has been recommended for refusal by officers and the applicant or their supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and their supporter(s) can address the Committee for up to three minutes.

- 6.10** The order of public speaking shall be as stated in Rule 5.3.
- 6.11** Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12** Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13** Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee members may ask questions of a speaker on points of clarification only.
- 6.14** In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15** Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

7. COUNCILLORS EXERCISING THEIR PUBLIC SPEAKING RIGHTS

- 7.1** A Councillor who is a member of the determining Committee and who wishes to address the meeting but has a prejudicial interest is permitted to speak in accordance with Rule 6 above and must immediately leave the room once he/she has finished addressing the meeting. The Councillor cannot remain in the public gallery to observe proceedings on the matter.

8. COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

- 8.1** Councillors who are not members of the determining Committee may make written representations to the Council about a planning application in the same way as can any other interested person.
- 8.2** A Councillor who is not a member of the determining Committee but who attends a meeting must declare any personal or prejudicial interest. The declaration of a prejudicial interest will preclude the member from remaining in attendance during consideration of the relevant item but not during the stages set out at Rules 5.3(a) to 5.3(d) above. The Councillor may address the meeting as set out in Rule 5.3(d).
- 8.3** In the event that three or more Councillors register to speak on an application, the Chair may exercise their discretion to limit either the number of Councillors entitled to speak or the time each Councillor has to speak in order to enable the business of the meeting to be disposed of in the time available. Preference may be given to Ward Councillors who have registered to speak.

- 8.4** A Councillor who is not a member of the determining Committee who speaks at a meeting must include within the speech details of any contact with the applicant, agent, adviser or other interested party and whether or not the speech is made on behalf of such person(s) or any other particular interest.
- 8.5** A Councillor who is not a member of the determining Committee but who is present at a meeting should sit separately from the Committee members, so as to demonstrate clearly that he/she is not taking part in the discussion, consideration or vote.
- 8.6** A Councillor who is not a member of the determining Committee must not communicate in any way with members of the Committee or pass papers or documents to them before or during the meeting.

9. DECISIONS CONTRARY TO OFFICER RECOMMENDATIONS

- 9.1** Where a Committee proposes to make a decision contrary to the officer recommendation (whether for approval or refusal) and that decision would not necessarily be contrary to the provisions of the Development Plan, in order to ensure that members are clear of the basis upon which they are proposing to vote advice from officers should be sought. That advice will be based upon the material considerations that have been heard by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.
- 9.2** Where a vote on the officer recommendation is lost, it is necessary for a new motion to either grant or refuse the application to be proposed. The Committee should receive advice from officers as to the appropriate form that the new motion should take.

10. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

- 10.1** The law requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless material considerations indicate otherwise. If a Committee intends to approve an application which is contrary to the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application will have to be advertised in accordance with Article 8 of the Planning (General Development Procedure) Order 1985 and, depending upon the type and scale of development proposed, may also have to be referred to the Department for Communities and Local Government. If the officer report recommends approval of a departure, the justification should be included, in full, in that report.
- 10.2** If a Committee is minded to make a decision contrary to the officer recommendation (whether for approval or refusal) and that decision would be contrary to the provisions of the Development Plan, such motion may only contain the Committee's initial view and must be subject to a further report detailing the planning issues raised by such a decision. Further consideration

of the matter must be adjourned to a future meeting of the Committee when officers will present a supplemental report setting out the proposed new position and explaining the implications of the decision.

- 10.3** If, having considered a supplemental report, the Committee decides to determine the application contrary to the Development Plan, a detailed minute of the Committee's reasons, which as a matter of law must be clear and convincing, shall be made and a copy placed on the application file.

11. DEFERRALS

- 11.1** Where it is necessary to defer the determination of an application, the matter will be placed on the list of "Deferred, Adjourned and Outstanding Items" in the agenda to enable further consideration as soon as possible. Generally where the reason for deferral does not involve any substantive new information being brought before the Committee (for example, following deferral for a site meeting or clarification of an issue) the Committee will be updated by means of the addendum update report and can usually proceed to determine the application at the next meeting. In such circumstances at the re-convened consideration there will be no further public speaking pursuant to Rule 6.

- 11.2** Where deferral is for a more substantive reason (such as renegotiating part of the proposal) then it would generally be appropriate for a fresh report to be presented to the Committee in the "Planning Applications for Decision" part of the agenda in order to ensure that that the Committee is apprised of all material considerations. Where a new full report is presented to Committee, public speaking pursuant to Rule 6 is permitted.

- 11.3** Such applications will be placed on the list of deferred items at the beginning of the agenda so that the Committee has a record of all applications that stand deferred.

- 11.4** Where an application is deferred and its consideration recommences at a subsequent meeting only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be reconsidered afresh. This would include public speaking rights being triggered again.

12. SITE VISITS BEFORE A COMMITTEE MEETING

- 12.1** It is advisable that members are familiar with the sites of the applications on the agenda to enable them to make informed decisions on the planning applications before them and to avoid deferring those decisions pending site visits.

- 12.2** Where members visit the site themselves before the meeting, care must be taken to ensure that they comply with the Planning Code of Conduct at Part 5 of this Constitution. Such visits should be carried out discreetly and members

should not make themselves known to the applicant or to neighbours. Accordingly members should avoid going onto the actual application site or a neighbouring property. The reason for this is that contact between a member of the Committee and the applicant or a local resident could be misinterpreted as lobbying. If such contact is made this should be declared in Committee, but this should not in itself prevent that member from taking part in the consideration of that application, provided that the member has followed the advice in the Planning Code of Conduct.

13. FORMAL SITE VISITS BY THE COMMITTEE

13.1 A formal site visit will be arranged where the Committee have resolved on a majority vote to visit the site or if in the opinion of the Corporate Director, Place a site visit is recommended. Site visits should only be selected where there is a clear and substantial benefit to be gained.

13.2 The procedure for formal site visits by the Committee shall be as follows:

- (a) Arrangements for visits will not normally be publicised or made known to applicants, agents or third parties.
- (b) Where permission is needed to go on land, contact will be made with the owner by officers, but the owner cannot take any part in the visit, other than to effect access onto the site.
- (c) The purpose of a site visit is to enable Members to inspect the site and to better understand the impact of the development. The Committee must not receive representations or debate issues during a site visit.
- (d) An application cannot be determined at a formal site visit by a Committee and must be considered at the next appropriate meeting of the Committee.
- (e) The Committee Clerk will make a note of the meeting and include it in the Update Report.
- (f) Failure to attend a Formal Site Visit shall not bar a Member from voting on an item at the meeting that considers the item provided the Member is satisfied that he/she is sufficiently familiar with the site.

14. DELEGATED POWERS

14.1 The recommendations in the reports to Committees do not set out the full wording of planning conditions or reasons for refusal, but are a summary of them. This communicates the details of the recommended decision more clearly than many pages of detailed conditions or grounds. It is for the Corporate Director, Place, to communicate the detailed wording to applicants pursuant to delegated powers. Where a particular concern about the precise wording of a condition or ground has been expressed at a meeting the Corporate Director will make the final wording available for inspection.

14.2 At the beginning of the agenda there is a general resolution to give delegated powers to the Corporate Director, Place, to vary or add conditions or reasons for refusal. The reason for this is that there can sometimes be a delay before a decision is issued (such as waiting for the signing of a legal agreement or views from the Mayor of London) and something may arise which necessitates a minor amendment or an addition. Power is delegated to the Corporate Director to obviate the need for further reference to Committee and delay to the process. The exercise of the power by the Corporate Director must not exceed the substantive nature of the Committee's determination and any amendment or addition which would do so shall be referred back to the Committee.

15. REFERRAL TO COMMITTEE OF A PLANNING APPLICATION DELEGATED TO THE CORPORATE DIRECTOR, PLACE

15.1 Any planning application which would be determined under delegated powers may be referred to the Development Committee pursuant to the following procedure.

15.2 Within four weeks of the date of a planning application first being publicised any four Members of the relevant Committee may request that the application be referred to the Committee for determination by completing and signing a Planning Application Referral Request which shall be delivered to the Service Head, Development Decisions.

54 Panel and Board Procedure Rules

Adoption Panel Procedures

THE ADOPTION PANEL – PROCEDURES AND GUIDANCE

Legislation	(a) The Adoption and Children Act 2002 (b) The Adoption Agencies Regulations 2005 (AAR) (c) Adoption Agencies & Independent Review of Determinations (Amendment) Regulations 2011 (AIR) (d) Care Planning, Placement and Case Review Regulations 2010
Guidance	(e) Statutory Adoption Guidance 2011 (SG)
Standards	(f) Adoption National Minimum Standards 2011 (NMS)
Applies to	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 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 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 working days of the receipt of the panel's recommendation and final set of panel minutes.

The Prospective Adopters:

- (a) Within two working days written information sent in response to their enquiry. (NMS allows five working days)
- (b) Within two 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 weeks from the completion of their assessment report, the adoption panel should receive all necessary information from the agency.
- (d) Within eight 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 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 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 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 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 or two 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 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 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 two elected members 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 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 them 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 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 weeks of joining the list, not within ten 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 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 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 working days of the agency decision and in writing within five 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 they shall:

- (a) Write to them giving notice that they propose 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 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 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 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 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.

The Fostering Panel Procedures

Legislation: Children Act 1989 and Arrangements for Placement of children (General) Regulations 1991

National Minimum Fostering Standards and Fostering Services Regulations 2002, amended in 2009

Applies to: Fostering Panel members, social workers and managers

Applies from: April 2011

As a registered fostering agency, Tower Hamlets is required to run a fostering panel.

1. This Guidance and Procedure should be used by:

- The panel chair person, panel members and panel advisers to guide their practice and decision-making
- Social workers presenting reports to panel
- Managers within the fostering service
- The agency decision-maker

2. Relevant Fostering Standards and Regulations

Of particular relevance to this guidance are:

- Standard 14: Fostering Panels and the fostering service's decision-maker
- Regulation 23: Constitution and membership of fostering panel
- Regulation 24: Meetings of a fostering Panel
- Regulation 26: Assessment of prospective foster parents
- Regulation 27: Approval of foster parents
- Regulation 28: Reviews and terminations of approvals

3. Membership

There is no requirement for the panel to have a fixed membership, although the ability of the panel to function cohesively and with a level of consistency must be taken into account. There is no limit on the number of people who may be included on the list. Membership should include:

Member 1: Panel Chair

This will be a person who is independent of the direct line management of Tower Hamlets' fostering service. The chair should hold a recognised social work qualification and be experienced in chairing complex meetings involving the rights

and needs of looked after children. The Chair will sign a contract for each term of office and receive a fee on receipt of an invoice. See attached document.

Many of the following tasks and responsibilities are carried out in conjunction with the panel adviser.

- Attending pre-panel meetings in order to ensure the quality and relevance of reports submitted to panel
- Deciding who will attend panel, including observers and others involved in presenting cases
- Ensuring that all panel members participate fully and where possible a consensus is reached. Where there are serious reservations, the chair should ensure these are recorded in the minutes and attached to the panel's recommendations.
- Considering the continued membership of panel members who appear to be unfit, unwilling or unable to continue
- Managing the process when a panel member declares an interest in a case
- Being involved in deciding when an extra panel may need to be convened to consider an urgent matter
- Being involved in the appointment, induction and appraisal of panel members
- Taking responsibility to ensure that the panel is clear about the reasons for its recommendations and that these and the minutes are accurately recorded
- Monitoring the attendance of panel members to ensure that they all maintain an attendance level of at least 75%
- Being involved in the preparation of an annual report summarising the work of the panel and fostering team
- Attending a quarterly meeting with the agency decision-maker to discuss any issues arising from panel and the cases presented to it. One of these meetings will constitute the annual appraisal which will review the chair's strengths and areas of development and any suggested improvements in the department's practice
- Ensuring that the panel works within Tower Hamlets' guidance and policy and that the child's needs always remain paramount

Member 2: Vice Chair

This will normally be the Service Manager for Children's Resources. In the event that there is no-one in this post then another Service Manager with suitable experience should take this role until such a time as the post is filled. The role of the vice chair is to deputise for the panel chair in their absence.

Members 3 & 4: Team Managers or Practice Managers

Of the two social work representatives, one should have expertise in the provision of children's social care and the other in the provision of a fostering service.

Member 5: Elected Member

This is a person elected to Tower Hamlets council.

Member 6: Medical Adviser

The medical adviser should have experience in child health. The agency medical adviser may delegate the panel role to an appropriate person, for instance a CLA nurse.

Member 7: Foster Carer

This is an independent member, who should have experience of being a foster carer for another provider within the last two years.

Member 8: Looked After Child or Parent of Looked After Child

This member is independent and should have previously been a looked after child or have had a child who was placed in public care. He/she must be over 24 or their child should have left public care a minimum of 5 years prior to appointment to the panel. The service should have been provided by a borough other than Tower Hamlets.

Independent members will receive a fee.

Member 9: Disabled Person or Parent of Disabled Child Who Has Received a Short Break Service

If this post is filled by a disabled person, he/she can be independent or a Tower Hamlets" employee; however, if they are in receipt of a short break service, this should be provided by another borough.

Member 10:

This should be a person with expertise in education and can be an independent member or employee of Tower Hamlets.

At least four panel members should be independent. Independent members will receive a fee on receipt of an invoice. See attached document.

Advisers

Adviser 1: Professional Adviser

This should be the team manager of one of the fostering teams or a discrete role within the Family Placement Service. The adviser's role includes:

- Advising the panel on issues of practice and regulation

- With the chair ensuring that reports presented to the panel are of a consistent standard
- Supporting the chair with their role as described above
- Producing the annual report
- Providing management information to enable the panel to monitor the range of carers available in comparison with the children looked after population and trends in recruitment and retention
- Providing updates on cases presented to panel
- Ensuring that the panel clerk carries out their role efficiently
- Arranging panel training
- Drafting decision letters to foster carers and applicants
- Keeping personnel records for all panel members
- With the chair raising issues of behaviour or attitude with panel members as they arise.

The panel adviser is not a voting member.

Adviser 2: Legal Adviser

The purpose of this role is to provide legal advice to the panel as requested. This adviser is not required to attend every panel, but should receive the papers and forward comments to the panel adviser.

Adviser 3: Medical Adviser

The panel should have access to medical advice, either by the medical adviser being a panel member or by providing written advice on the health of applicants and foster carers. The medical adviser will also be able to offer information about the health of children being matched with long term foster carers.

4. Appointment of Members

When appointing new members, consideration should be given to maintaining the diversity of the panel in terms of ethnicity, gender and knowledge and experience.

New members are appointed by the Head of Children's Social Care. All members should receive a letter of appointment. All members should supply two references and photographic ID, such as a passport or driving licence. They are also required to have a Criminal Records Bureau check on a three yearly basis. In the case of elected members, they can opt for the Head of Children's Social Care to carry out this procedure.

Independent members should complete an application form and be interviewed by the chair or vice-chair and the panel adviser.

All members should receive detailed guidance and an information pack about the role. They should be invited to observe a panel before becoming a full member.

Panel Membership Agreement

On appointment, panel members should sign an agreement which will include the following in their agreement:

- Attend at least 75% of panels per year
- Participate in induction and training
- Safeguard the confidentiality of written and verbal information
- Declare an interest if they have either a personal or professional knowledge of the case under consideration
- Adhere to anti-discriminatory practice and Tower Hamlets Equal Opportunities policy
- Read papers carefully and be prepared to contribute to panel discussion
- Undertake CRB checks on a three yearly basis and inform Tower Hamlets immediately if they have been charged, convicted or cautioned for any criminal offence or if any criminal proceedings are pending
- Give one month's notice of their intention to resign
- Participate in the annual appraisal process for panel members

Appraisal of panel members

Fostering panel members should have a yearly appraisal conducted by the chair and the panel adviser. The ADM (Agency Decision Maker) will carry out the chair's appraisal. The process will consider strengths, developmental areas and review the members' suggestions for improvements by the agency. It should also address, where appropriate, renewing membership at the expiry of the term of office and deal with any issues of practice.

Any concerns about performance, behaviour or attitude should be discussed and recorded in the appraisal.

Tenure of Office

There is no prescribed maximum or minimum tenure, although the fostering service should plan and manage turnover in such a way that it avoids the need to replace a large proportion of the members in any one year. Members should give one month's notice of their intention to resign.

Where there is concern that any member of the fostering panel is unsuitable to remain in office, this should be discussed with them, usually by the chair and panel adviser. If there are concerns about the performance of the chair, these should be discussed with them by the ADM and panel adviser. If the concerns continue, the member can be given notice in writing by the ADM.

5. Work of the Fostering Panel

The Fostering Panel meets monthly for up to 6 hours. There is an option for an overspill panel to be held on the second Tuesday of each month if there is too much work to be dealt with in one panel.

The Fostering Panel undertakes the following work generated by the Recruitment and Assessment Team, the Fostering Development Team, the Permanency and Adoption Support Team and the Kinship Care Team:

- Approvals of new short term, long term, short break, remand, teenage and when needed of connected persons;
- Annual foster home reviews;
- Specific Issue reports with regard to existing foster carers, including termination of approvals;
- Matches between long term foster carers and children looked after;
- A connected person who is approved as a foster carer is often referred to as a family and friends carer. Subject to the successful completion of the assessment or checks set out in regulation 24(2), the connected person may be approved as a local authority foster carer for a period not exceeding 16 weeks. Regulation 25 of the 2010 regulations sets out the circumstances in which, exceptionally, the period of temporary approval may be extended for a further 8 weeks. This period has been set to allow a sufficient time for the full approval process to be undertaken, including any criminal record checks required;
- Variations and exemptions with regard to foster carers' approval criteria.

The panel has the following areas of responsibility:

- To consider each application for approval and recommend whether or not the person is suitable to act as a foster carer and the terms of approval.
- To recommend whether a foster carer's terms of approval remain appropriate. Annual foster home reviews and specific issues reports following allegations can be signed off by the chair but need to be presented to the panel in the following circumstances:
 - First review and every following third review
 - Following allegations or child protection concerns, whether this is proven or unsubstantiated
 - If a significant change of approval or termination of approval is requested
 - On any other occasion if requested by the panel or the fostering service
- To consider matches between long term foster carers and looked after children
- To give advice at an early stage of the fostering assessment, if there are questions with regard to whether the applicant would ultimately be approved
- To hear appeals from applicants whom the fostering team has turned down
- To make a recommendation in relation to the deregistration of any foster carer and hear representations made by the carer, which are received within 28 days

- To monitor the range and type of foster carers available to Tower Hamlets in relation to the profile of children needing foster carers (Standard 13.6)
- To consider management information about the outcome of foster home reviews (Standard 30)
- To oversee the conduct of assessments and monitor the quality of reports (Standard 13)
- To give advice and make recommendations on any other matter or case that the fostering service feels is appropriate to refer to the panel

Quoracy

The fostering panel cannot make recommendations unless it is quorate. To be quorate, there must be at least 5 members present, including either the chair or vice-chair. At least one Tower Hamlets social worker and at least two independent members must be present.

To ensure that the panel is quorate the panel clerk will check availability of members prior to each panel and inform the panel adviser if any difficulty is anticipated.

Panel Process

Before any case is discussed, panel members should declare any conflict of interest that may arise and a decision should be made by the chair in consultation with the panel adviser as to whether the panel member should withdraw.

Having read the papers, panel members will attend the meeting with comments and questions they would like to raise. There will be a preliminary discussion on each case, whereby the chair will ascertain the views of panel members and any questions or points of clarification required. Questions should seek clarification in areas which are not clear and should not replace the written reports as a way of gathering information.

The chair will go to the waiting room to introduce themselves and welcome the applicant or foster carer to the Panel. The social workers and their line managers will be asked into the room first, if it is felt that there are questions which would be better posed without foster carers or applicants being present. Afterwards applicants or foster carers will be invited into the room and will be asked questions about any further points of clarification. It is important to highlight strengths wherever possible.

The professionals and foster carers or applicants will be asked to leave while the panel considers its recommendation, after which the chair will inform them of the outcome.

Making a Recommendation

The panel can make a positive or negative recommendation or recommend a deferment.

During meetings the chair should ensure that each panel member has an opportunity to put forward comments and questions. Following discussion each panel member should be asked whether he/she supports a proposed recommendation. The chair should attempt to facilitate the panel to reach a consensus, although this might not always be possible.

An evenly divided panel may suggest that there is sufficient doubt to prevent the panel making a confident recommendation. At such times, the balance of the panel's recommendation should always favour the best interests of children.

Where there is a difference of opinion, the chair may request additional information before a recommendation is made. The panel clerk should record the views of individual panel members.

In the event of the majority of panel members not supporting a recommendation, it should be rejected and the reasons for this clearly recorded.

Termination of Approval

Resignation: The case should be referred to the panel for information with a brief Specific Issue report and a copy of the letter of resignation.

Termination: A full report should be presented to panel detailing the issues and mitigating factors with a clear recommendation. Foster carers should be asked to provide their own written comments and to attend panel.

Where termination of approval is recommended due to serious misconduct or child abuse, the panel should consider whether the foster carer's name should be referred to the Secretary of State for inclusion in the Protection of Children List. This should form part of the recommendation to the ADM.

Exemptions and Variations

Exemptions: The usual fostering limit is three children unless they are part of the same sibling group. Only the local authority in which the carers live can grant an exemption. However, Tower Hamlets Fostering Panel should also be informed at its next meeting and should raise its concerns if it feels that the exemption should not continue.

Variations: If it is decided to place children outside the foster carers' current approval criteria, the panel should be informed at its next meeting. If the arrangement lasts for more than 6 weeks, a full report should be presented to panel.

When considering variations the panel should be mindful that:

- The needs of other children in the placement will continue to be met
- The accommodation is suitable for an additional child
- The foster carer has sufficient support
- The foster carer has the necessary skills to meet the needs of the child

6. The Role of the Agency Decision Maker

In Tower Hamlets, the ADM is the Head of Children's Social Care. No panel member may take part in the agency decision.

The ADM should receive the panel papers prior to the panel. Following the panel, the ADM should receive the minutes and recommendation sheets, signed by the chair within 5 days. Prior to making a decision, the ADM may seek clarification from the panel adviser or the chair.

Following the ADM's decision, the panel adviser will draft letters to foster carers and applicants with regard to the outcome, the reasons for the decision and the details and current status of their approval. These should be signed by the ADM.

If the ADM considers that a person is not suitable to act as a foster carer or that there needs to be a change to the approval, the letter should inform the applicant/foster carer of the decision and the reasons and inform him/her of their right either:

1. To make written representations to the ADM within 28 days of the date of the letter, setting out why he/she does not agree with the decision.

Or

2. To apply to the Independent Review Mechanism (IRM) for a review of the decision.

Option 1

If written representations are received, the case should be referred back to the earliest possible fostering panel. The applicant/foster carer should be encouraged to attend to present their case. The panel should make a further recommendation to the ADM, taking into account the content of the representations. Once the ADM has made their decision, the panel adviser will draft a letter with the decision and the reasons to inform the foster carer/applicant of the outcome. This decision is final. A copy of the letter should be sent to the local authority in which the carer lives, if this is outside Tower Hamlets.

Option 2

If the person requests a review by the IRM, their recommendation will be considered by the ADM, who can either uphold or reject it. A letter will be sent to the foster carer or applicant outlining the reasons for the decision.

In the event of a decision not to approve, the person concerned should be informed about the Complaints Procedure, which will be able to consider whether the process was fairly carried out, although the decision itself cannot be changed.

If the ADM does not receive any representations and the IRM is not requested to carry out a review, the ADM decision will stand.

7. The Role of the Panel Clerk

The role includes the following tasks:

- Produce an annual schedule of panel meetings, pre-panel meetings and submission dates
- Pre-book the venue and waiting room for the pre-panel and panel for the year ahead
- Maintain a panel booking system, including a process for urgent cases
- Contact panel members to ensure that the panel will be quorate
- Attend the pre-panel meeting and prepare, print and send out the agenda to panel members
- Notify social workers, supervising social workers, applicants and foster carers of the time at which their cases will be heard
- Order lunch for panel members and refreshments for attendees
- Ensure panel members sign the confidentiality statement, which also acts as a register of attendance
- Take minutes of discussion at panel and record recommendations as dictated by the chair
- Record any amendments to panel minutes and bring the amended copy of minutes from last but one panel for the chair to sign
- Collect papers from panel members and dispose of these in a way that maintains confidentiality
- Submit draft minutes to panel adviser and make corrections as required
- Ensure that agency decision-maker receives minutes and recommendation sheets in order that he/she can ratify or reject the panel's recommendations
- Print and send out letters, written by panel adviser, to applicants and foster carers about the decisions
- Provide supervising social workers with copies of decision sheet, minute and letter with regard to the case with which they are concerned
- Send out questionnaires to social workers and foster carers who have attended panel to elicit their views about the process and any improvements that could be made
- Maintain the archive of panel papers and separate files of decision sheets and letters

- Send out agendas to panel members ten days in advance of the panel using security bags and a recorded delivery service

Administrative workers in the Recruitment and Assessment Team, Fostering Development and Kinship Care Team should be familiar with the panel process and able to cover for the panel clerk in their absence.

Panel Minutes

These will be taken by the panel clerk and should:

- Record the key issues and views of panel members
- Clearly record differences of opinion in relation to a panel recommendation
- Record recommendations with regard to approval criteria and the reasons
- Be written up in draft form within 3 days of the panel
- Be checked by the panel adviser prior to inclusion in the next panel agenda
- Be agreed as an accurate record at the next panel meeting and a corrected copy signed by the panel chair

8. Emergency Panels

An emergency fostering panel can be set up at any time providing it is quorate and is chaired by either the chair or vice-chair.

9. Pre-panel Meeting

The pre-panel meeting will be held approximately two weeks prior to each panel. Its role is to consider the reports submitted and to flag up omissions and inaccuracies, thus ensuring more efficient use of panel time.

- Two copies of panel papers should be submitted approximately three weeks before the panel date according to the schedule, maintained by the panel clerk
- The panel clerk will send one copy of the papers to the chair and give one copy to the panel adviser
- The pre-panel should be attended by the chair, panel adviser, manager or practice manager of the Fostering Development Team and manager or practice manager from the Permanent Placements Team (if relevant) and the panel clerk
- A decision will be reached with regard to which reviews can be signed off by the chair and which should be presented to panel
- Additional information or corrections to reports will be requested
- An agenda for the forthcoming panel will be drawn up

10. Observers

One observer may attend panel with the agreement of the chair, provided they have a professional reason for attending and sign and adhere to the confidentiality agreement.

11. Training

Training for panel members should come in three forms:

- A briefing prior to starting as a panel member
- Attendance at an annual training day. When considered appropriate additional training days should be provided to panel members
- Regular presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective. Panel members can also attend training from the Foster Carers' Training Manual.

The content of the training should be defined by the panel itself and facilitated by the fostering service.

Corporate Parenting Board Procedures

Membership of the Corporate Parenting Board:

The Corporate Parenting Board is chaired by the Lead Cabinet Member for Children, Schools and Young People. Other members of the Board are represented by lead professionals from agencies within the London Borough of Tower Hamlets and their partners.

- Lead Cabinet Member for Children, Schools and Young People (Chair)
- Three additional co-opted Members
- Corporate Director, Governance
- Young people representatives (from the Children in Care Council – Young People’s Group)
- Foster Carer representative
- CAMHS in Social Care Team Lead

In addition the following Officers are in attendance to report to the group:

- Divisional Director, Children’s Social Care
- Service Manager, Children’s Specialist Services
- Virtual School Head, Learning and Achievement
- Barts Health, Children Looked After representative
- Child and Adolescent Mental Health Services (CAMHS)

Other Officers and partners may be called in to specific meetings. However, the Corporate Parent Board will do more to engage partner agencies to support the wellbeing of all Looked After Children. This will include partners from education, mental health, Jobcentre Plus (inc DWP), housing and the youth offending service.

The quorum for the meeting will be: at least 3 members of the group, to include at least 1 Member/deputy Member and at least 1 young person representative.

The Corporate Parenting Board will maintain close links with children and young people through the Children in Care Council (CiCC). The Young People’s representative on the Corporate Parenting Board will be nominated by the CiCC and will be accompanied by the Children’s Rights Advocacy Service.

Terms of Reference

The CPB will meet formally 4 times a year. The group will:

- a) Conduct the meeting to maximise the participation of young people, for example, with workshop-based discussion.
- b) Ensure that policy and service developments take into account the views of children, young people and their carers.

- c) Ensure a focus is maintained on the delivery of the Children Looked After Strategy.
- d) Produce a joint annual report with the Children in Care Council.
- e) Ensure the needs of children and young people looked after are prioritised within the Children's and Families Plan.
- f) Receive performance reports and information about the provision of services and progress against the Children Looked After Strategy action plan. The action plan provides a framework that will put our approach to Child Rights into practice within public services. The UNCRC is embedded within our action plan, with a focus on;
 - **Dignity**; each child is valued and respected
 - **Participation**; children are informed and have influence over decisions that affect them
 - **Life, Survival and Development**; children thrive and flourish
 - **Non-Discrimination**; each child is treated fairly and protected from discrimination
 - **Transparency and Accountability**; children can be confident that services work for them
 - **Best interests**; children get the best possible outcome
 - **Interdependence and Indivisibility**; each child enjoys all of their rights
- g) Structure the forward plan around the key priorities identified in the Children Looked After Strategy. Partners will be invited to contribute to the themed areas of discussion, which will include;
 - Housing and Accommodation
 - Employment (jobs and money)
 - Employment
 - Health, Leisure and Wellbeing
- h) Ensure that the council is meeting its corporate parenting responsibilities towards the children and young people it is responsible for
- i) Ensure that the council is meeting government objectives and abiding by statutory guidance in relation to looked after children and care leavers
- j) Ensure that the council is meeting the targets it has set itself in relation to children looked after and care leavers
- k) Have an overview of operational work plans related to children looked after and care leavers
- l) Contribute to and facilitate scrutiny of target areas in relation to children looked after and care leavers.

Pensions Board Procedures

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 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 assist¹ 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 members².

Establishment

The Board was established on 01 April 2014; approved Council on 26 November 2014; and by 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:

¹ Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means

² 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 6 voting members, as follows:
 - 3 Member Representatives; and
 - 3 Employer Representatives.
10. There shall be an equal number of Member and Employer Representatives.
11. There shall also be 1 other representative who is not entitled to vote.

Member representatives

12. Member representatives shall either be scheme members³ or have capacity to represent scheme members of the Fund.
13. Member representatives should be able to demonstrate their capacity⁴ to attend and complete the necessary preparation for meetings and participate in training as required.
14. Substitutes may be appointed. Where appointed, substitutes must be named and must undertake the same training as full members.
15. A total of 3 member representatives shall be appointed⁵ from the following sources:
 - (a) 1 member representative shall be appointed by the recognised trade unions representing employees who are scheme members of the Fund.
 - (b) 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) 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 capacity⁶ 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.

³ Active, deferred or pensioner members

⁴ See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

⁵ See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing member representatives

⁶ See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

19. A total of 3 employer representatives shall be appointed⁷ to the Board from the following sources:

- (a) One elected member employer representative shall be appointed by Council to and representative of all employers in the Fund.
- (b) One 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 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.

Other members⁸

20.1 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

⁷ See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing employer representatives

⁸ 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

- (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 Office⁹

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

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 Fund¹⁰.
- (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.

⁹ 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

¹⁰ This includes active, deferred and pensioner members.

- (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 interest¹¹

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.

Knowledge and understanding (including Training)¹²

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 4 times¹³ each year.

¹¹ See section 7 of the Guidance for more information on Conflicts of Interest.

¹² See section 6 of the Guidance for more information on Knowledge and Understanding.

¹³ See 5.35.11 in Guidance for more advice on the number of meetings to hold 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.

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 allowances¹⁴

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

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 functions¹⁵

55. The first core function of the Board is to assist¹⁶ 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.

¹⁴ 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

¹⁵ In determining the role of the Board, further information can be found in paragraphs 3.27 to 3.29 of the Guidance.

¹⁶ Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means.

- 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.
- 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.

Reporting¹⁷

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.

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.

¹⁷ See section 8 of the Guidance for more information on Reporting.

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 years.
69. These Terms of Reference were adopted on 01 April 2015.

The Private Fostering Panel Procedure

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 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 their 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 their 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.

Safeguarding Adults Board Procedures

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 three 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.

School Admissions Forum Procedures

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 representatives, nominated by the following groups and appointed by the LA:

- (a) Four parent representatives, (two from the Tower Hamlets Parent Council, one from the Collective of Bangladeshi Governors and one parent governor)
- (b) One Local Authority (LA) Education Appeal Panel Member
- (c) One community representative from the Parents' Advice Centre (Inclusion/ SEN)
- (d) One community representative from the Early Years/ Childcare Partnership
- (e) One representative from a local voluntary/ community organisation
- (f) One representative from the Council of Mosques
- (g) One representative from the Church of England Diocese
- (h) One representative from the Roman Catholic Diocese
- (i) One headteacher representing community primary schools
- (j) One headteacher representing community secondary schools
- (k) One headteacher representing voluntary aided primary schools
- (l) One headteacher representing voluntary aided secondary schools
- (m) One headteacher representing nursery schools
- (n) One headteacher/representative from primary free school/academy sector
- (o) One headteacher/ representative from secondary free school/ academy sector
- (p) The Headteacher of Tower Hamlets PRU
- (q) One 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 two to sixteen 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 days prior to any meeting.

5. **Term of Office**

- 5.1 The term of office for members of the Admission Forum shall be four 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.

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 their 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 core members.


11. **Meetings and Proceedings**

- 11.1 The Forum normally meets between four and five 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 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 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.

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Non-Executive Report of the: Council 17 July 2019	 TOWER HAMLETS
Report of: Asmat Hussain, Corporate Director, Governance	Classification: Unrestricted
Report of the Standards (Advisory) Committee – Annual Report to Council	

Originating Officer(s)	Mark Norman – Legal Adviser & Deputy Monitoring Officer
Wards affected	All Wards

Executive Summary

To this cover report is attached the Standards (Advisory) Committee’s Annual Report to Council.

It is considered best practice for Council to receive an annual report in relation to standards. The provision of an annual report highlights the importance Council places on the profile of ethical standards across the organisation and affords the opportunity to highlight areas of good practice and identify any requirements for improvement.

Recommendation:

The Council is recommended to:

1. Consider and note the Standards (Advisory) Committee’s Annual Report.

1. REASONS FOR THE DECISIONS

- 1.1 It is considered best practice in many authorities for the full Council to receive an annual report in relation to standards. The provision of an annual report of the Committee’s business will increase the profile of ethical standards across the organisation and affords the opportunity to highlight areas of good practice and identify any requirements for improvement.

2. ALTERNATIVE OPTIONS

- 2.1 Council can make such comment as it sees fit in relation to the Annual Report.

3. DETAILS OF REPORT

- 3.1 The Standards (Advisory) Committee, at its meeting on Thursday 27 June 2019 considered its draft Annual Report. The Committee agreed that it be presented to Council and so Council is now asked to review and note the report.
- 3.2 Council has previously received annual reports from the Council's appointed statutory Independent Person (IP). In accordance with best practice the Standards (Advisory) Committee has now agreed to introduce its own annual reports to Council covering the work of both IP's and the business of the Standards (Advisory) Committee.
- 3.3 This is the first Annual Report of the Advisory Committee which sets out the key issues dealt with by the Committee during the past municipal year and identifies the priorities for 2019/20.
- 3.4 The Annual Report is set out at Appendix 1 to this Cover Report.

4. EQUALITIES IMPLICATIONS

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

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
- 5.2 Robust ethical governance arrangements help to ensure the proper, efficient and effective discharge of the Council's functions and contribute to compliance with the requirement to achieve best value.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no immediate financial implications resulting from this report.

7. LEGAL COMMENTS

- 7.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted Members of the authority.
- 7.2 Sections 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance and to appoint at least one Independent Person whose views must be sought and taken into account before the Council makes any decision about an alleged breach of the Code that has been investigated.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1 – Annual Report to Council

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

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

- NONE

Officer contact details for documents:

- N/A

London Borough of Tower Hamlets

Standards (Advisory) Committee – Annual Report to Council

Introduction

1. Council has previously received annual reports from Ms Elizabeth Hall one of the Council's appointed two statutory Independent Persons (IP's). In accordance with best practice the Monitoring Officer has now introduced annual reports to Council covering the work of both IP's and the business of the Standards (Advisory) Committee.

2. This is the first Annual Report of the Advisory Committee which sets out the key issues dealt with by the Committee during the past municipal year and identifies the priorities for 2019/20.

Membership

3. During the municipal year 2018/19 the Committee was comprised of seven elected members and seven independent co-opted members. The Council's Constitution provides that an independent co-opted members be appointed Chair of the Committee.

Elected Members:

- Cllr. Amina Ali
- Cllr. Mohammed Ahabab Hossain
- Cllr. Rajib Ahmed
- Cllr. Gabriela Salva Macallan
- Cllr. Puru Miah
- Cllr. Leema Qureshi
- Cllr. Rabina Khan

Independent Co-opted Members

- Fiona Browne
- Nafisa Adam (Vice Chair)
- Mike Houston
- John Pulford MBE (Chair)
- Daniel McLaughlin (Resigned October 2019)
- Vacancy
- Vacancy

Independent Persons

4. The Council has appointed two statutory Independent Persons (IP's) under the Localism Act 2011. Ms Elizabeth Hall served an initial term of 5 years until June 2018 and has been re-appointed as an IP until 18 September 2021. Ms Rachael Tiffen was appointed in June 2018 and her term of office will expire on 16 January 2022.

5. The principal role of the IP is to give an independent view on governance issues in general and specifically in relation to alleged breaches of the Code of Conduct for Members. Both IP's work closely the Monitoring Officer and her Deputies, considering all complaints and whether an alleged breach of the Code meets the criteria for investigation.

6. It is also a statutory requirement to consult the IP before deciding on the outcome of an investigation into a complaint and whether to impose any sanction. The Member complained about may also at any stage of the process seek a view from the IP and in order to avoid any conflict of interest the Council has appointed two IP's.

7. The Council is fortunate to have appointed two IP's with a sound understanding of the ethical framework who both act as advocates for the Council in promoting ethical standards and high standards of conduct. Although not members of the Standards (Advisory) Committee, they regularly attend meetings and play an important role in the proceedings. Both IP's also contribute to and participate in the Council's mandatory Ethics & Probity training programme. In this report we would like to acknowledge the invaluable work and support of Elizabeth Hall and Rachael Tiffen.

Officers

8. The Committee's lead officers were:

- Asmat Hussain – Corporate Director Governance & Monitoring Officer
- Mark Norman – Legal Adviser & Deputy Monitoring Officer
- Matthew Mannion – Head of Democratic Services
- Antonella Burgio – Democratic Services Officer

Terms of Reference

9. The current terms of reference for the Standards (Advisory) Committee are contained in Part A3 of the Constitution at Paragraph 3.3.14 (Note – to become Part B Section 19 in the revised constitution being considered by Council on 17 July 2019) and Committee Procedures (to be added to the new Part D of the Constitution) and are attached as Appendix A. As part of the 2018/19 work programme, the Committee has agreed proposals for revised terms of reference which provide greater clarity in the operation of the Committee (see 24 below).

Meetings

10. The Standards (Advisory) Committee held four meetings during the 2018/19 municipal year on the following dates:

21 June 2018
24 October 2018
17 January 2019
25 April 2019

Standards (Advisory) Committee Work Programme 2018/19

11. The Committee agreed a work programme at the first meeting of the municipal year in June 2018 and the key areas of business considered during the year are listed below:

Code of Conduct for Members – Complaint Monitoring:

12. The Committee received quarterly monitoring reports on complaints of alleged breach of the Code of Conduct for Members. During the municipal year there were a total of 8 new complaints which were considered by the Monitoring Officer in consultation with the IP.

13. Five of the complaints were made by members of the public, two by local organisations/ businesses and one by a councillor. Following consultation with the IP it was not necessary to refer any of the complaints for investigation, although in 3 of the cases it was agreed that the Monitoring Officer would take separate action for example by arranging training for the member complained about or meeting with them to reinforce the requirements of the Code.

14. The Committee continue to monitor whether there are lessons to take from complaints monitoring and, in particular, feedback from the Committee during the year prompted more detailed recording of the actions taken against each complaint with an emphasis on remedial action and reporting outcomes to the complainant to give assurance that maintaining ethical standards was given full organisational support.

15. **Dispensations:** The Committee received bi-annual reports on dispensations granted by the Monitoring Officer under section 33 of the Localism Act 2011 in respect of disclosable pecuniary interests (DPI's). There is a continuing General Dispensation to all Members to be present, speak and vote where they would otherwise have a DPI in the following matters:

- (a) Housing: where the Councillor (or spouse or partner) holds a tenancy or lease with the Council as long as the matter does not relate to the particular tenancy or lease of the Councillor (their spouse or partner);
- (b) Council Tax: setting the council tax and related matters including setting precepts and agreeing council tax reduction schemes; and

(c) Determining an allowance, travelling expense, payment or indemnity for Councillors.

16. **A specific dispensation** may also be granted where the Monitoring Officer is satisfied that:

(a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;

(b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;

(c) granting the dispensation is in the interests of persons living in the authority's area; or

(d) it is otherwise appropriate to grant a dispensation.

Any grant of a dispensation must specify the duration of the dispensation up to a maximum of 4 years.

The regular reporting to the Standards (Advisory) Committee allows Members to maintain oversight of any specific dispensations that are granted.

17. Gifts & Hospitality: The Committee received bi-annual reports on the requirement contained in the Code of Conduct to register gifts and hospitality received or declined with an estimated value of £25 or above. The Committee was informed at its meeting in October 2018, that management of the gifts and hospitality procedures had been subject to an internal audit which resulted in substantial assurance being recorded. However, the audit revealed concerns regarding late declarations in 8 of 28 declarations made during the previous year which were registered beyond the 28-day time frame. Additionally, it was noted that there was an absence of declarations for gifts and/or hospitality refused.

18. The Committee received an update report at its meetings in April and June 2019 and was informed of an improved position. During the period between October and April, there had been an increase in the number of registered gifts and hospitality to 38 for the six month period (against 28 for the previous year). Of those, 10 declarations were submitted late which was a lower percentage than previously (8 out of 28). Four of the submitted hospitality offers were either declined or partly declined. A further 9 [check] declarations were recorded in April-May all of which had been declared on time.

19. The Committee noted that acceptance of gifts and hospitality by councillors is not merely an administrative issue. Acceptance can impact on member reputation and on the council as a whole. Members need to show they are acting in the public interest and do not gain personally from receiving gifts.

20. Despite the improvement in reporting, the Committee remained concerned about levels of declarations and agreed that work should continue to raise

awareness of the issue. Subsequent to these discussions all Members have been written to on the issue and information has been placed in the Member bulletin. The Committee will continue to monitor this issue and will receive quarterly update reports.

21. Council Constitution – Member Code of Conduct:

The Member Code of Conduct sets out the professional standards that all Members commit to on taking up office. It clearly communicates expectations to the public and other stakeholders and enables Members to be held to account for their behaviour. Adherence to the Code is vital for ensuring the Council's reputation and in its decision-making processes is maintained and enhanced.

22. In January 2019, the Committee agreed proposals for revisions to the Code of Conduct for Members and revised terms of reference for the Committee. The proposed revisions were confirmed at the Committee's meeting on 20 June 2019 and are included in the Revised Constitution report to Council on 17 July 2019.

23. The proposed revisions to the Code draw on best practice and are designed to improve clarity, particularly in relation to the registration and declaration of interests.

The revisions are summarised below:

- There are new specific provisions about the application and purpose of the Code which replace the introductory section in the existing Code.
- The general principles of conduct in the existing Code are replaced with 2 sections on expectations and rules of conduct. These expand on and are more specific than the general principles of conduct contained in the existing Code and give examples of the seven 'Nolan' principles.
- The statutory definition of members' disclosable pecuniary interests (DPI's) is unchanged but the other interest provisions are revised to update definitions and improve clarity.
- The gifts and hospitality provisions are in a separate section and are amended to clarify that any gift or hospitality declined should be registered.
- The statutory requirement to declare DPI's is unchanged but the other declaration provisions are revised to update definitions and improve clarity.
- There are new separate sections dealing with sensitive DPI's and DPI dispensations.
- Paragraphs 32-33 of the revised Code set out the process for agreeing DPI dispensations. The Committee will also receive reports on dispensations including whether to grant any general dispensations to all Members.
- The access to information provisions are changed slightly to improve clarity.

24. The proposed revised terms of reference for the Committee which draw on best practice and are designed to improve effectiveness are summarised below:

- Membership of the Committee is reduced from 14 to 10 members.
- The role of the Independent Person is specifically referenced.
- The existing functions of the Committee are simplified and clarified.

- The functions are broadened to include a wider standards remit to promote high standards and good practice, and not just investigate problems after they have occurred.
- Duplication with other parts of the Council constitution is removed.
- There is increased flexibility for the Committee to agree procedures.

25. **Councillors Safety:** In October 2018, the Committee received an update report on Personal Safety Guidance as agreed by the Committee which had been published on the Members hub and made available to all councillors following the Council elections in May 2018.

26. All councillors were reminded of the safety practices at the initial open afternoon of the induction programme following the local elections in May 2018. As a consequence many of the councillors identified new venues for holding their surgeries and updated risk assessments were requested and completed by 53 of the 73 proposed venues.

27. **Member Induction 2018:** In October 2018, the Committee was also advised about arrangements that had been implemented for Members induction following the May 2018 local elections which resulted in 28 new Councillors being elected in Tower Hamlets.

28. An extensive induction programme was developed in consultation with Councillors, the General Purposes Committee and all Directorates. The programme ensured that the mandatory training (including ethics & probity) was conducted in a timely manner and that all Members attended.

29. An internal audit was conducted on the induction programme which gave substantial assurance. Learning points included formalising a waiver process and improving the collection of training evaluations. Councillors were also invited to complete a Personal Development Plan (PDP) and meet with the Head of Members Support. Completion of a PDP was not mandatory however it was encouraged to facilitate future plans for Learning and Development.

30. **Mock Hearing Training:**

In March 2019, members of the Committee and relevant officers participated in training on the processes and procedures to follow when undertaking hearings into standards complaints. This was facilitated by an external solicitor and well received by all participants. In particular participants highlighted the clear principles of decision making set out and how it provided practical examples to enable participants to apply those principles in a case study bringing the principles to life.

31. **Local Government Ethical Standards Review:** The Committee on Standards in Public Life (CSPL) conducted a review of local government ethical standards between January and May 2018. The review considered all levels of local government in England and its terms of reference were to:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors

- investigating alleged breaches fairly and with due process
- enforcing codes and imposing sanctions for misconduct
- declaring interests and managing conflicts of interest
- whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

32. **The Standards in Public Life review**, initiated in January 2018, included a public stakeholder consultation particularly aimed at local authority's standards committees, local authority members and local authority officials, as well as local government think tanks, academics and representative bodies. The Standards Advisory Committee agreed a response to the consultation in March 2018.

33. At its meeting in April 2019 the Committee received a report summarising the main recommendations of the CSPL review which are set out below:

Code of Conduct

- A national model Code that can be adapted by individual authorities is required.
- The Local Government Association should (in consultation with representative groups of councillors and officers) produce a new model rules-based Code which councils should generally follow but with the option to add local variations if needed.
- The same Code should apply across a geographical area with parishes being required to adopt the same Code as the principal authority.
- There should be a presumption that councillor's behaviour in public is within the scope of the Code.
 - The Committee saw this was a notable change and so will seek to ensure that there is emphasis on how this presumption can be supported in preparation of the anticipated legislative changes from CSPL to ensure Members were aware of the implications.
- The Code should also cover circumstances where a member claims to act or gives the impression they are acting as a member.

Interests

- There should be a more comprehensive system for registering and declaring interests going beyond the current statutory minimum, including unpaid directorships; trusteeships, management roles in a charity or body of a public nature; and membership of any organisations that seek to influence opinion or public policy.
- A councillor should be prohibited from participating in a discussion or voting on a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".

- The criminal offence for non-registration/declaration of Disclosable Pecuniary Interests should be abolished.
- A register of gifts and hospitality should be mandatory, updated at least quarterly and include any gifts and hospitality over £50 or totalling £100 or over from a single source.

Sanctions

- Councils should have the power to suspend members for up to six months without allowances provided the Independent Person agrees there has been a breach of the Code and that a period of suspension is reasonable and proportionate.
- A suspended member should have a right of appeal to the Local Government Ombudsman.
- The Government should clarify if councils may lawfully impose other sanctions.

The Independent Person (IP)

- Councils should have access to at least two IP's.
- If the IP is involved in agreeing to suspend a member they should be given a legal indemnity by the Council.
- IPs should be appointed for a two-year term renewable once.
- Any views expressed by an IP should be included in a published decision notice.

Standards Committees

- Councils should have a standards committee.
- Standards committees should be able to co-opt voting independent members (and parish representatives).

The Monitoring Officer

- The statutory protection for Monitoring Officers should be extended to include any disciplinary action, not just dismissal.

Whistleblowing

- Local authority whistleblowing policies should specify a named contact for the external auditor alongside their contact details, which should be available on the authority's website.
- Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.

Political Groups

- Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.

34. If the Government accepts the CSPL's recommendations this will require changes to the Localism Act 2011 before implementation. In addition, the CSPL identified best practice recommendations directed to local authorities, which CSPL stated any local authority can and should implement, indicating that the CSPL intend to review the implementation of their best practice in 2020.

35. At its meeting in April 2019, the Committee therefore also considered an assessment of the extent to which the Council's current standards arrangements comply with the CSPL best practice recommendations. The assessment indicated substantial compliance but with specific areas requiring further work in order to meet the CSPL recommendations. The Committee will monitor implementation of the best practice recommendations by the Council during the 2019/20 municipal year. The Committee also recommends that innovative methods of communication are sought such as posters and infographics and use of the Member Hub to bring to life how best practice can be adopted in the day to day environment.

36. **Social Media Policy:** At its meeting in April 2019 the Committee also considered proposals for a Council Social Media Policy. Although the Code of Conduct for Members and the Employee Code of Conduct do not specifically address appropriate use of social media, the Council has published policy guidance on the use of social media on its intranet. The Committee consider that there is the opportunity here for innovative methods to convey the principles of the policy and how it can be applied.

37. The Committee received a presentation from the Council's Head of External Communications on the appropriate use of social media by Members and officers. The draft Policy considered by the Committee updates and revises the existing guidance available on the intranet and draws on best practice from other authorities. The Committee provided comments on the proposed Policy which will be considered for adoption by the Council's Corporate Leadership Team.

Future Work Programme for 2019/20

38. The Committee agreed a work programme for 2019/20 at its first meeting of the municipal year on 20 June 2019. The key areas of work for the year will include:

- Quarterly monitoring of complaints of alleged breach of the Code of Conduct for Members.
- Quarterly monitoring of gifts and hospitality registered.
- Bi-annual reports on DPI dispensations.
- Members training programme update.
- Implementation of CSPL best practice recommendations.
- Review of the Member/Officer Protocol.
- Revisions to the Employee Code of Conduct.
- Strengthening Local Democracy.
- DBS checks.
- Practical guidance for Members handling confidential information.
- Members Rights of Access to Information.
- News on ethics matters elsewhere including areas such as good practice, case law, ombudsman and quasi-judicial proceedings and similar.
- Effective use of the Members Bulletin.
- Members attendance at meetings.
- Second annual report to Council.

39. In looking at the 2019/20 work programme it is the Committee's aim to embed behaviours that support the seven principles in public life described in the Nolan report by encouraging Members to apply ethical standards in their day-to-day duties and to look at how these should influence their approach to discharging their responsibilities in their individual and collective capacities.

Conclusion

40. As Chair of the Committee I wish to thank my fellow committee members, both Independent Persons and the Monitoring Officer for their contributions to the Committee's business and their commitment to promoting and maintaining high standards of ethical conduct across the Council. I also wish to thank the officers of the Council for their work in supporting the Committee during the year.

41. I would particularly like to highlight how important it is that the Council has such dedicated co-opted Members who are active contributors to the Committee's discussions and have demonstrated commitment to the role of Standards at the authority. The involvement of co-opted Members should be considered as 'good governance' and we are ahead of many local authorities in this area.

John Pulford MBE
Independent Chair

Standards (Advisory) Committee – Terms of Reference and Procedures

(As agreed at the Standards Advisory Committee on 20 June 2019)

17. Standards Advisory Committee – Terms of Reference

Summary Description: The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the ‘Functions’ below.

The Committee and any of its sub-committees may meet in private in accordance with 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.

Membership: 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),

Co-opted Members

Plus up to 5 independent co-opted members.

Co-opted members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.

Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

Note – Independent Persons

The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

Functions	Delegation of Functions
1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council.	None

<ol style="list-style-type: none"> 2. Advising the Council on the adoption or revision of the Code of Conduct for Members. 3. To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law. 4. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct. 5. To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the code of Conduct for Members. 6. 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. 7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct. 8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise. 	
<p>Quorum: A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> • Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members) • Constitution Part C, Section 31 (The Code of Conduct for Members) • Constitution Part D, Section 53 (Standards Advisory Committee Procedures) 	

Standards Advisory Committee Procedures

1. Composition

1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council (not including the Mayor or more than 1 Cabinet Member) and each political group may appoint up to 3 substitutes, appointed by the Council in accordance with the requirements of political proportionality; and up to 7 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 section 13(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 and these procedures.

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 4 years unless otherwise determined by 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 3 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 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 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 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 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 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 members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one co-opted member.

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 Members of the Standards Advisory Committee at least two 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 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 maintain these 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.

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Cover Report to: COUNCIL 17 July 2019	 TOWER HAMLETS
Report of: Cover Report: Matthew Mannion, Head of Democratic Services Main Report: Will Tuckley, Chief Executive	Classification: Unrestricted
Overview and Scrutiny Committee Annual Report 2018 - 19	

Originating Officer(s)	Afazul Hoque, Head of Corporate Strategy & Policy Daniel Kerr, Strategy & Policy Manager
Wards affected	All Wards


1. EXECUTIVE SUMMARY

- 1.1. At its last meeting of the 2018/19 municipal year on 23 April 2019, the Overview and Scrutiny Committee (OSC) considered its draft Annual Report.
- 1.2. Following comment by Committee Members, the updated report is now presented to Council for noting.
- 1.3. Attached to this cover report is the Report to the 23 April 2019 Overview and Scrutiny Committee along with the amended OSC Annual Report.

2. RECOMMENDATIONS:

- 2.1. The Council is recommended to:
 1. Consider and note the report of the Overview and Scrutiny Committee. As appended to this cover sheet.

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Non-Executive Report of the: Overview and Scrutiny Committee 23 rd April 2019	
Report of: Will Tuckley, Chief Executive	Classification: Unrestricted
Overview and Scrutiny Committee Annual Report 2018 - 19	

Originating Officer(s)	Afazul Hoque, Head of Corporate Strategy & Policy Daniel Kerr, Strategy & Policy Manager
Wards affected	All Wards

Reasons for urgency

This is the last Overview & Scrutiny Committee meeting of the municipal year and this report captures all the activity that scrutiny has delivered. The Chair is minded to accept the report to ensure the current Committee are able to comment on the report.

1. EXECUTIVE SUMMARY

- 1.1. The annual report provides a summary of the work the Overview & Scrutiny Committee, the Health, Housing and Grants Sub Committees and Scrutiny Leads have delivered in the 2018-2019 municipal year.

2. RECOMMENDATIONS:

- 2.1. The Overview and Scrutiny Committee is recommended to:
- Comment and agree the report for submission to Full Council in the new municipal year;
 - Authorise the Divisional Director Strategy, Policy & Performance amend the report in consultation with the Chair before submission to Full Council.

3. REASONS FOR THE DECISIONS

- 3.1. The report presents a summary of diverse range of scrutiny work conducted throughout 2018-19 by the Overview & Scrutiny Committee, Health, Housing and Grants Scrutiny Sub Committees.

5. ALTERNATIVE OPTIONS

- 5.1. The committee may decline to agree the recommendations. This is not recommended as the report outlines work undertaken by scrutiny to identify areas of improvement.
- 5.2. The committee are invited to comment on the report which will be amended and finalised before submission to Full Council.

6. DETAILS OF THE REPORT

- 6.1. Under the Council's Constitution, the Overview and Scrutiny Committee (OSC) must report annually to Full Council documenting the committee's activities during the past year, including on the work of the Scrutiny Sub-Committees.
- 6.2. In developing a work programme for the year the Overview & Scrutiny Committee held a workshop in June 2018. To identify areas of focus for the Committee, the session included a reflection of:
 - Scrutiny values
 - Prioritisation methods and tools
 - Council priorities and horizon scan
 - How to engage residents and partners more effectively
 - Outcomes the Committee wishes to achieve
- 6.3. Discussions were also held with officers across the Council to explore how Overview and Scrutiny could add value to service delivery and improvements. This included considering the timing of items and how to engage partners or independent experts. Follow up discussions were also held with the Chair and Scrutiny Leads to prioritise, scope and agree the format of scrutiny activities for the year. The scrutiny work programme was developed using the following categories:
 - **Scrutiny Spotlight Sessions:** a Cabinet Member and/or a senior leader from a stakeholder organisation (e.g. the Borough Commander) provides an overview of their work, including key risks within their portfolio followed by discussions on service improvements.
 - **Strategic Performance Monitoring:** regular strategic monitoring reports, such as the Corporate Performance Report and Budget Monitoring, are submitted to the Committee for scrutiny to ensure progress in delivering the Strategic Plan and to flag risks;

- **Tracking Recommendations:** throughout the year the Committee reviewed progress on the implementation of 'Action Plans' arising from previous reviews and challenge sessions;
- **Scrutiny Reviews:** led by a scrutiny lead to examine a topic over multiple evidence gathering sessions, followed by a report with recommendations for service improvement;
- **Scrutiny Challenge Sessions:** led by a scrutiny lead to take a 'deep dive' evidence gathering session and followed by a report with recommendations for service improvement;
- **Budget & Policy Framework Scrutiny:** The Committee has a mandatory consultation role on all items that are the responsibility of Full Council to agree rather than the Executive, including the budget;
- **Overview and Scrutiny Committee Updates:** an opportunity for scrutiny leads to report back to the Committee on the work of the Sub-Committees or any wider work they are involved in, for example Improvement Boards;
- **Overview and Scrutiny Committee Reports:** additional items that are either requested, or referred to the Committee for consideration and input;
- **Pre-Cabinet Scrutiny:** consideration of items due at the next Cabinet meeting, which allows the Committee to raise questions that it wishes the Executive to take into account when making a decision.

6.4 The OSC also identified the following three focus areas which were considered through discussions and engagement with a range of stakeholders at Committee meetings:

- Education
- Employment
- Community Safety

6.5 In March 2019 the Committee held an Away day to reflect on their key achievements, challenges and priorities for the year ahead. Discussions from the away day will feed into the development of scrutiny in 2019-20.

- 6.6 The attached report (Appendix 1) highlights the range of work delivered by scrutiny during the municipal year this includes scrutiny spotlight on a range of topics including adults safeguarding, environment, housing, domestic violence. The scrutiny leads led on in-depth reviews and challenge sessions including on council tax reduction scheme, communications, school exclusions, green spaces in housing estate and review of diabetes services.
- 6.7 The OSC also considered 3 call-ins including 2 on the decisions on the phased closure of local authority day nurseries and outsourcing of community equipment services. All three were sent back to Cabinet for reconsideration with Cabinet agreeing to extend the consultation period for the proposed closure of day nurseries.
- 6.8 A key focus for OSC has been on the Children's Services Improvement agenda receiving quarterly update reports and engaging a diverse range of stakeholders to challenge and support the improvement work. The Committee also considered the Council's budget in January 2019 and made 9 recommendations on improving budget setting process and reducing implications for local residents.
- 6.9 In delivering the scrutiny work programme a diverse range of stakeholders were engaged including local schools, police, NHS, housing providers, voluntary and community sector organisations. The scrutiny meetings were held at different venues including a local secondary school and health centre. Across the committees 11 local residents were co-opted to bring local residents voice to the scrutiny process. Scrutiny were supported by the Centre for Public Scrutiny in developing the Committees skills focusing on particular areas with the Chair of OSC sharing Tower Hamlets scrutiny's experience of supporting the Council's improvement agenda at the Annual Centre for Public Scrutiny Conference.

7. EQUALITIES IMPLICATIONS

- 7.1. There are no direct equalities implications arising from the report. However, the focus of scrutiny has been to identify inequalities faced by different communities and how the Council and partners can help address these.

8. OTHER STATUTORY IMPLICATIONS

- 8.1. Best Value Implications
The activities highlighted in this report are made as part of the Overview and Scrutiny Committee's role in helping to secure continuous improvement for the council, as required under its Best Value Duty.
- 8.2. Environmental (including air quality)

There are no direct environmental implications arising from the report

8.3. Risk Management

There are no direct risk management implications arising from the report or recommendations.

8.4. Crime Reduction

There are no direct crime reduction implication arising from the report

8.5. Safeguarding

There are no direct safeguarding implications arising from the report or

8.6. Data Protection / Privacy Impact Assessment

There are no direct data protection/ privacy impact assessment implications arising from the report

9. COMMENTS OF THE CHIEF FINANCE OFFICER

9.1. This report provides a summary of the work carried out by the Overview and Scrutiny Committee during 2018-19.

9.2. There are no direct financial implications arising from this report

10. COMMENTS OF LEGAL SERVICES

10.1 Article 6.03 (e) of the Council's constitution provides that the Overview and Scrutiny Committee must report annually to Full Council on its work. This report complies with that requirement.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Overview and Scrutiny Committee Annual Report 2018-19

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

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

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

- NONE

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Overview & Scrutiny Committee



TOWER HAMLETS

Annual Report 2018-19

Chair's Foreword

I am pleased to present the Overview and Scrutiny Committee's Annual Report for 2018-19. This municipal year, the Overview and Scrutiny Committee has considered an extensive range of issues to identify how the Council can improve outcomes for local people.

Overview and Scrutiny plays an integral role in the Council's operations, with its influence being seen in the budget setting process, policy development and the drive for continuous service improvement. I believe it is vital to ensure that robust Overview and Scrutiny arrangements continue to be a key element of the Council's governance and decision-making arrangements, particularly given the current budget pressures the Council is facing and the political composition of the Council.

It has been another busy and interesting year for Overview and Scrutiny, and I'm proud of the work that the Overview and Scrutiny Committee and its Sub-Committees have achieved. I would like to take this opportunity to extend my thanks to the Committee Members and Officers for their contribution at our meetings in the past year.

Over 2018-19 the Overview and Scrutiny Committee carried out a 'deep dive' review of three focus areas: Educational aspiration, Employment aspiration and Anti-social Behaviour and drug-related crimes. While the subject of a separate report, I will simply say I am particularly proud of this work. It allowed Scrutiny Members to hear evidence from a range of presenters to identify key challenges and areas for improvement.

Of course, scrutiny doesn't end with the Overview and Scrutiny Committee - Scrutiny lead members have been investigating a broad range of important topics from domestic violence, substance misuse and adult social care charging (Health scrutiny); mainstream grants and emergency funding (Grants scrutiny); and supply and quality of housing (Housing Scrutiny).

Throughout the year, Members and officers have worked hard to ensure the effectiveness of scrutiny and continued to build relationships with local residents, Council partners and other stakeholders. We have been keen to promote participation and capture the community voice in our meetings, by holding scrutiny meetings in different locations around the borough.

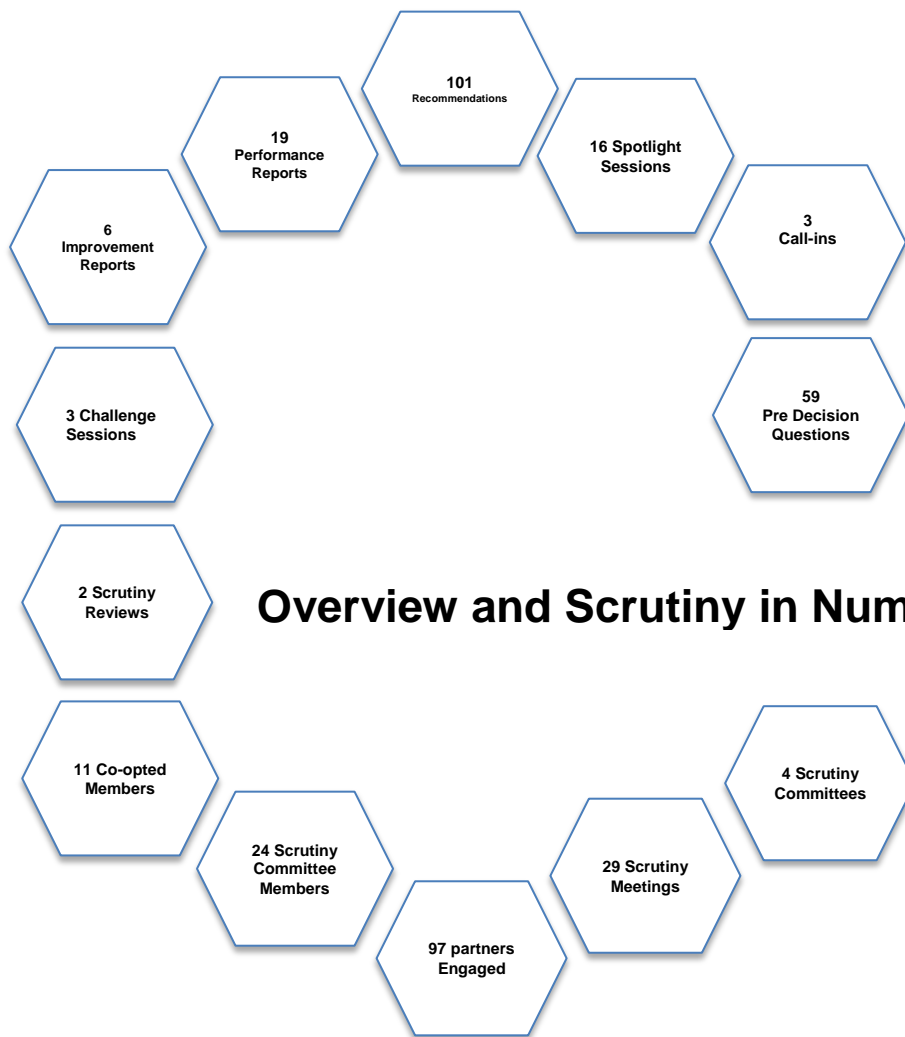
I was particularly excited about the recent involvement of the Young Mayor and the Youth Council in the scrutiny process. I was inspired by their engagement with OSC this year and hope the Overview and Scrutiny Committee may work closely with them next year.

I hope all of scrutiny's activities have laid a good foundation for the next year and hope you find this report interesting and informative, and urge you to be engaged with scrutiny in the coming year.

Councillor Abdal Ullah
Chair, Overview and Scrutiny Committee
London Borough of Tower Hamlets

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Overview and Scrutiny in Numbers 2018-19

2. Overview and Scrutiny in Tower Hamlets 2018-19

- 2.1. Overview and Scrutiny committees were introduced by the Local Government Act 2000 to hold decision-makers to account by reviewing policies and decisions made by the Council and other organisations involved in delivering public services. This includes:



- 2.2. Tower Hamlets' approach to delivering an effective overview and scrutiny function is underpinned by Centre for Public Scrutiny's (CfPS) four principles of good scrutiny:



- 2.3. Skills development for scrutiny Members has continued to be supported by the CfPS through away days, development and support programmes focusing on key areas such as budget scrutiny, Children Services scrutiny and effective questioning skills.

Scrutiny Committees

- 2.4. For 2018-19, Overview and Scrutiny Committee (OSC) remains the main Member-led body, holding the executive decision makers to account through examining and scrutinising issues of strategic importance and key areas in detail. To support this, OSC has continued with three Sub-committees covering Health, Housing and Grants.
- 2.5. Sub-committees continue to be chaired by elected Members (Scrutiny Leads), who hold responsibility for leading on the scrutiny of specific portfolios, contribute to the role of the Committee and

offer effective challenge to these areas. Children Services and Governance continue with scrutiny leads for their respective areas and their work is covered later in this report.

Membership

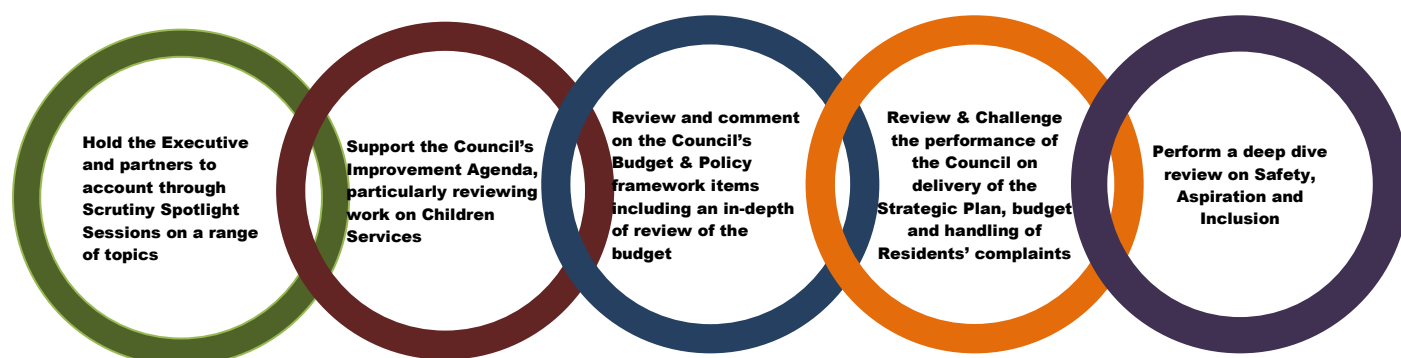
2.6. The elected councillor membership of the Committee is politically proportionate and representative of the composition of the Council. Accordingly, the Committee membership consists of eleven elected councillors, including the Chair, and six education co-opted representatives. The co-opted representatives are parent governors and faith representatives from the Church of England, Roman Catholic and Muslim communities.

2.7. The membership of the Committee was as follows:

Name	Role
Councillor Abdal Ullah	Chair
Councillor Marc Francis	Vice-Chair and Scrutiny Lead for Resources
Councillor Sufia Alam	Scrutiny Lead for Children's Services
Councillor Bex White	Scrutiny Lead for Governance
Councillor Kahar Chowdhury	Scrutiny Lead for Health, Adults & Community
Councillor Dipa Das	Scrutiny Lead for Place
Councillor Mufeedah Bustin	Member
Councillor James King	Member
Councillor Kyrsten Perry	Member
Councillor Mohammed Pappu	Member
Councillor Andrew Wood	Member
Neil Cunningham	Co-Opted Member, Parent Governor
Joanna Hannan	Co-Opted Member, Roman Catholic Representative
Ahmed Hussain	Co-Opted Member, Parent Governor
Fatiha Kassouri	Co-Opted Member, Parent Governor
Dr Phillip Rice	Co-Opted Member, Church of England Representative
Khoyrul Shaheed	Co-Opted Member, Muslim Representative

Work Programme 2018/19

2.8. At the beginning of this municipal year, the Committee agreed a work plan for 2018/19. The Committee identified the following themes they would like to focus on throughout the year:



Safety, Aspiration and Inclusion

- 2.9. The Committee performed a review of Safety, Aspiration, and Inclusion in Tower Hamlets. This review focused on two key priorities of the Council's strategic plan; people are aspirational, independent and have equal access to opportunities and a borough that our residents are proud of and love to live in. The Committee also took into account the concerns of residents expressed during the May 2018 election and Annual Residents Survey, particularly around community safety, which highlighted anti-social behaviour (ASB) and drug related crimes as a key concern.
- 2.10. The Committee carried out a 'deep dive' review of each of the focus areas; community safety, educational aspiration and employment aspiration, by hearing evidence from a range of presenters to identify key challenges and areas for improvement for each of the focus areas. The Committee focused community safety discussions on partnership working to tackle ASB and drug related crimes. In regards to educational aspiration, the Committee's discussion focused on the benefits of work experience, supporting parents and pupils from early years, mobility and social cohesion, tackling under attainment for White British children, and funding. Finally, the deep dive review of employment aspiration focused on partnership working with local businesses to support residents to share in the benefits of growth in the borough, providing young people with opportunities to develop soft skills, access to different routes into professions and how parents can support young people. The Committee also discussed the council's draft Growth and Economic Development plan and 'preparing our young people for success' and developing the graduate scheme.
- 2.11. The review made 16 recommendations covering areas of community safety, educational aspiration and employment aspiration.
- 2.12. The *Safety, Aspiration, and Inclusion in Tower Hamlets* report can be found at appendix 1.

3. Scrutiny Spotlight Sessions

The icon is an orange trapezoid with the text "Scrutiny Spotlight Sessions" inside in white.

**Scrutiny
Spotlight
Sessions**

Refers to a Cabinet Member and / or a senior leader from a stakeholder organisation that provides an overview of their work, including risk within their portfolio followed by a discussion on service improvement.

Safeguarding Adults Board

- 3.1. The Committee received a presentation from the Independent Chair of the Safeguarding Adult Board. Given the significant emphasis the Council has placed on achieving improvements within Children's Services, the Committee wanted to ensure that adults safeguarding remains an organisational priority. The Committee was pleased to hear that a significant focus has been placed on empowering older adults to report issues, particularly when the abuse occurs in their own homes.
- 3.2. The Committee challenged whether the Council monitors the quality of commissioned services and partner organisations services. They were informed that standards for commissioned services remained the same as in-house and the Council implement quality monitoring officers for the services provided via commissioned services in homes and in residential accommodation.
- 3.3. The Committee noted that the Council aims to use the Safeguarding Adults Reviews (SAR) to identify trends and learning from serious cases. An action plan is developed after each SAR to highlight issues and explore where there are recurring issues such as neglect, managing medication and how services are commissioned. The discussion also focused on the work the Council is undertaking to tackle neglect and loneliness and whether cost implications influenced residents opting out of homecare.
- 3.4. The Committee recognised that this is an area of significant importance for residents and recommended that adults safeguarding should be monitored closely as part of the Committee's future work programme.

Prevent Duty

- 3.5. As of July 2015, local authorities hold a legal duty to prevent terrorism (the Prevent Duty). The Committee received a progress update on the recommendations from the Prevent Duty Scrutiny Review. The Committee's discussion focused on the assessment of referrals and the work, which is being undertaken in schools. The Committee want to see better evidence which demonstrates raised awareness across all Tower Hamlets communities so that Muslim communities do not feel targeted. The Committee expressed their concern that whilst there has been over 163 briefings delivered, there was little evidence to show that it has been mainstreamed. More work is required to support communities and convey the prevent message across all age groups.

Street Cleanliness, Waste Collection and Recycling

- 3.6. The Committee noted the Mayor had agreed to bring the waste collection, recycling and street cleansing service in-house to “improve services for residents” from 1 April 2020. The council’s existing contract with waste management firm Veolia is due to end at that time. The service aims to minimise waste generation, maximise recycling of wastes generated, and properly dispose of wastes that cannot be recycled.
- 3.7. The Committee’s questioning highlighted residents key concerns of fly tipping, missed bin collections, dog fouling and street cleanliness. Dog fouling is a concern for many residents on housing estates and whilst there are various means available to housing providers to take action against dog owners who allow their dogs to defecate on estates there is concern that not every provider is robust in their response. Moreover, certain fly-tipping behaviours are seen as more socially acceptable by perceptions of ‘helping others out’, for example leaving an item out for someone else to reuse. There is a lack of understanding by residents, landlords and businesses about the impacts of fly-tipping and many see the behaviour as low impact and low cost. There is an expectation that some residents, landlords and businesses seem to think that fly-tipped items will be collected quickly and without repercussions which reinforce perceptions that fly-tipping is ‘low impact’. Certain fly-tipping behaviours are seen as more socially acceptable by perceptions of ‘helping others out’, for example leaving an item out for someone else to reuse.

Mayor’s Spotlight

- 3.8. The Committee held two spotlights with Mayor John Biggs. In July the Committee noted the Mayor’s key strategic priorities in relation to his vision for 2018/2019 which included; addressing poverty and social exclusion, maintaining progress on Children Services, investing in IT, setting up a Brexit Commission, improving air quality and tackling ASB and crime. The Committee considered the Mayor’s strategic priorities when developing its own work programme. In particular they questioned the Council’s plans to deal with abandoned vehicles, electrical vehicle charging points and plans for improving parks and youth access to sports in the borough.
- 3.9. At the December meeting, the Committee heard an account of the achievements the Council had made since the May 2018 election. The LGA Corporate Peer Challenge highlighted the improvements made by the Council and the Committee was pleased to hear of findings which focused on the council’s strong political and officer

leadership, healthy financial position and positive shift in organisational culture. The Committee welcomed news that the improvement journey resulted in the ending of the Government directions. The Committee's questioning covered a number of areas including; how school planning helps alleviate difficulties in school funding, what consideration is given to children's health and access to cheap unhealthy food in licensing and planning applications, and how green spaces are being preserved in light of the increasing need for new housing. The Committee would like more opportunity to engage the Executive to influence the council's policy development, for example they would like to jointly establish terms of reference on charging for homecare, work together on the Council Tax Reduction Scheme around the minimum floor income, and review the two child allowance to understand the impact on universal credit and housing benefit and aligning the council scheme with the governments scheme.

Chief Executive Spotlight

- 3.10. The Committee received a verbal presentation from the Chief Executive of the council which focused on the council's performance and future directions. The Chief Executive outlined plans for a new Strategic Plan which would help move the council to be more outcomes focused. As part of this process the council has revised its set of strategic performance indicators with the aim of measuring the impact on residents' lives. The Committee requested the opportunity to carefully review the council's performance indicators as it was noted that under half of the targets had been achieved by the 6 month period. Additionally, the Committee focused on the proposals for Tower Rewards which cover changes to terms and conditions for staff, benefits to support staff and rewarding excellence. The Chief Executive made clear that it was an important and challenging issue for the council and that management was working to achieve effective dialogue with staff and Trade Unions. The Committee requested that the changes to terms and conditions of local schools be undertaken in consistent approach. The Chief Executive also provided an overview of sickness absence and stated that staff sickness has dropped to 10.5% per annum compared to 10.9% in the previous year, which is higher than the local government average. The main reasons for sickness were stress, depression and muscular skeletal issues. The Committee recommended that the council support staff in remaining fit and healthy and advised more work was required to reduce sickness to the local government average. The Committee was therefore pleased to hear that the council was working on a

sickness policy with the Trade Unions to support staff and reduce the loss of productivity.

Children's Services Improvement

- 3.11. The Committee continued to deliver a 'critical friend' challenge to Children Services, following the Ofsted report (April 2017), rating the service as 'inadequate'. They were provided with expert advice and support from the independent Chair of the Children's Safeguarding Board as well as specialist training from the Centre for Public Scrutiny to support them. The Committee was encouraged by the progress achieved by the Children's improvement Board and the commitment offered by the Mayor, Members and senior officers to drive improvement. The Committee had allocated a significant amount of its work programme to scrutinise the implementation of the Children Improvement Plan and received quarterly updates on its progress.
- 3.12. The Committee highlighted numerous concerns to support the improvement journey and questioned the level of support that Children services received on Human Resources and ICT issues. The Committee scrutinised the timeframe for converting of temporary staff to become permanent and wanted to see this process improved. Equally, the Committee was also concerned with the timeliness of completing health assessments (which had not improved since initial Ofsted inspection) and wanted to see a focus on making this process more robust and efficient. Furthermore, the Committee raised concerns about the outcomes for children if the final stage of the improvement plan is not achieved.
- 3.13. The Committee received a presentation from the Cabinet Member for Children, Schools and Young People and the interim Divisional Director for Children Social Care which outlined the progress made since the previous Ofsted monitoring visit and preparations for further visits in August 2018. The Committee was informed that quality assessments were subject to regular audits and individual officers were responsible to oversee each case.
- 3.14. The Committee questioned the expectations of the council's positioning in the short and longer term. They were informed that the aim was to achieve a 'good' rating on leadership and management to maintain direction of travel. Moreover, the discussion focused on whether the council had considered how other agencies managed retention of social workers. Children Services was considering the social worker offer at year two and four as it's when most social worker are likely to consider leaving the authority.
- 3.15. The Committee recognised that while progress had been made there was still more work to be done. Changes in work culture had enabled staff and management to consider why they have to follow

a process for the good of the child and why they have to do interventions at specific times and in certain ways however this progress needs to be sustained and developed.

Local Children's Safeguarding Board

- 3.16. The Committee heard from the Chair of the Local Safeguarding Children's Board who provided an independent view of the council's improvement journey. The Committee scrutinised the Council's improvement work on children at risk of sexual exploitation, missing children and prevention work around Early Help. Furthermore, the Committee questioned if knowledge was effectively transferred from management to frontline staff. The Committee was pleased to hear that there has been a strong focus on areas of high risk and a shift to a performance management culture. The Committee also discussed the need to look ahead, after improvements had been embedded, to adopt a more financially sustainable way of working.

4. Strategic Performance Monitoring



Strategic monitoring reports are submitted to the Committee for scrutiny to review progress in delivering the Strategic Plan and to flag key risks.

Performance

- 4.1. The Committee received a report that provided an update on the strategic performance in the second quarter. The Committee challenged a number of areas where the Council was underperforming including why the number of children not getting social care assessments within 45 days was so high, and the reasons for the significant White British education attainment gap and what the Council was doing to address this.
- 4.2. The Committee was informed that as part of the budget setting report at the beginning of 2018, the council adopted a set of eleven new corporate outcomes grouped under three priorities. This was the first step on moving the Council to becoming a much more outcomes-based organisation focused on making a difference to people's lives. In July 2018 the Cabinet adopted a new Strategic Plan based on the new corporate outcomes.
- 4.3. The Committee reviewed the Complaints and Information Governance Annual Report 2017/18. The report set out the Council's activities and performance in response to information

governance matters and information requests. The Committee focused on three key areas of the report; how complaints on housing repairs informed the priorities of Tower Hamlets Homes and the Council, how the council monitored whether complaints led to changes in policy and practices, and why members' enquiries had not been included in the FOI statistics. The Committee highlighted the need to improve response rates and use intelligence from the report to inform development of future scrutiny work programmes.

5. Budget & Policy Framework Scrutiny



The Committee has a mandatory consultation role on all items that are the responsibility of the full Council to agree, including the budget

Quarterly budget monitoring report

- 5.1. The Committee played a key role in scrutinising and challenging the budget for 2018/19 and focused on the delivery of key services, value for money and whether the borough's most vulnerable residents are supported. The Committee raised concerns that the information provided was too high level and that it would be useful to have more detail in the reports to improve transparency. In particular, the Committee requested a directorate analysis to make the presentation of information clearer. The Committee also scrutinised the implications of the spending review and the fair funding review colliding in 2020 and discussed the impact of the lack of provision for deprivation within current Government principles.

Budget Scrutiny

- 5.2. The Committee held three sessions, including a training session and two Overview and Scrutiny Committee meetings, to consider and challenge the budget proposals.
- 5.3. The budget scrutiny training session was delivered by the Centre for Public Scrutiny with the aim of increasing the Committee's skills and capacity to effectively scrutinise the budget proposals. Training focused on questioning techniques, the impact on residents and whether the budget represents value for money. The Centre for Public Scrutiny also developed key lines of enquiry to assist Committee Members provide effective scrutiny.

- 5.4. The Committee focused on growth and savings proposals. Much of the recommendations by the Committee related to the improvement of the budget process and understanding the full impact on residents. The Committee also focussed on the Capital Programme, how determination of value for money is reached and Housing Revenue Account reserves. The Committee was of the view that equalities and impact assessments needed to be completed sooner as it helped to develop an understanding of the impact on residents and expedited decision-making processes. The Committee discussed the ability of fees and charges alone to impact behaviour changes and felt that if council intends to genuinely change behaviours then a greater role should be given to education campaigns (aligning to fees and charges).
- 5.5. The Committee made a number of recommendations to improve the budget setting process. The Committee wanted the Council to review its modelling for income projections and testing expenditure assumptions to ensure income growth was more accurately reflected. They also recommended that the Council develop an ambitious income generation strategy in collaboration with partners, businesses, residents and the Overview and Scrutiny Committee. Moreover, the Committee requested that the Council proactively monitor how partners and service providers address inequality and support access to employment and support progression into leadership roles for groups such as black and minority ethnic residents and women. Finally, the Committee recommended that the Council develop its budget and engage the Overview and Scrutiny Committee, businesses and local residents earlier in the year to more effectively scrutinise and contribute to development of budget proposals.

Medium Term Financial Strategy Updates

- 5.6. The Committee received the medium term financial strategy and focussed on potential factors impacting the balanced budget e.g. the business rate retention scheme, income generation strategy and fair funding review. In order for the Committee Members to better scrutinise the Council's budget reduction approach, the Committee requested to see other models of projections on a Council tax increase, income generations, and budget cuts.

6. Tracking Recommendations



Throughout the year, the Committee reviews progress on the implementation of 'Action Plans' from previous reviews and challenge sessions.

Social Value Act

- 6.1. The Committee was provided with a progress update on the implementation of the Social Value Act Scrutiny Challenge Session action plan. The Challenge Session identified that the development of a Social Value Policy would help provide contractors and residents with a clear definition of expectations and requirements in the commissioning, implementation and evaluation of social value elements. The Committee noted that the council was legally obliged to consider how its procurement might improve the economic, social or environmental wellbeing of its area and explained that it was taking steps to engage and consult with communities and potential suppliers to inform the format and scale of the Social Value Policy. The Committee was informed that the council was looking at best practice to develop and embed the action plan and that an associated toolkit had been developed to use across the council for services to understand how they could secure the best economic benefits. The Committee questioned whether the Council was confident it could measure the equality impact through the Social Value Act and stressed that it must ensure it took this into consideration.

Youth Service Challenge Session

- 6.2. The Committee received a progress update on the implementation of the Youth Service Scrutiny Challenge Session action plan. The Committee heard that the Council was working on an action-focused approach to implement the recommendations. In the east of the borough there were benefits in outsourcing certain elements of youth provision, as such providers were able to access funding streams not available to the Council. As of 28th August 2018 the Youth Service had all eight of its Youth Hubs opened and the service had successfully recruited new frontline staff, increasing frontline staffing by 23% from when the service was restructured in October 2017, and increasing the ratio of female staff by 12%. All Youth Hubs and Specialist Provision had increased outputs. Contracted provision had 2001 contacts in July; this increased to 2986 in September, whilst in-house provision had 1251 contacts in July; this had increased to 1837 in September. Youth provision needed to be delivered in the most effective fashion as to meet the particular needs of young people in the borough. The development of such provision needed to take into consideration best practice from other boroughs. Consideration was being given to how to work with young people at risk and their families.

- 6.3. The service was looking at how to develop and exploit the full range of services available from in-house and external providers e.g. effective sign posting for young people and providing meaningful interventions. Finally, the Committee heard that strengthening young people's participation and engagement in decision making was a vital aspect of developing the youth provision; including the elections for Young Mayor.

7. Petitions, Call-ins and Pre-decision Scrutiny

- 7.1. Three Mayoral Executive decisions were called in this year. Firstly, the Committee raised concerns about the decision to outsource the Community Equipment Service and felt it would not improve the quality of services that resident received. Additionally, the Committee was of the view it would not achieve the anticipated savings. The Committee considered the Community Equipment Service as a statutory service and one that is not failing. Accordingly, the Committee requested that the decision to outsource be withdrawn and consider alternative options. The Committee suggested that alternative options include plans to improve existing services further and secure better value for money over next two years with a service review to follow. The Committee also requested that more details be provided to outline how NHS partners would contribute funding towards community equipment. In recognition of the need to provide this key service, the Committee recommended that the decisions be referred to the Mayor in Cabinet for reconsideration.
- 7.2. The Committee also called in the decision to close three Local Authority day nurseries. The Committee was of the view that decision would not be in accordance with budget and policy framework, and this would have a disproportionate impact on SEN Children and black and minority ethnic women in the workforce (not reflected within in equality assessment). The Committee questioned whether £1million savings could be realistically achieved from the Early Years budget considering their budget pressures. The Committee also challenged the extent to which the council had considered the voluntary sector taking on the provision as an alternative way and acknowledged that there had been no formal consultation with the voluntary sector. Following a call-in by the OSC, the consultation period was extended to seven weeks

8. Scrutiny Lead for Children Services

Chair's Intro

- 8.1. *I have attended meetings of the Children's Services Improvement Board and its operational group in order to provide oversight and scrutiny to improve Children's Social Care. The function is further supported when performance reports are routinely shared at the Overview and Scrutiny Committee. I am pleased to report that Children's Social Care is making improvements and over the past year there have been three monitoring visits from Ofsted, which have gone well. The service is on course to improve on their Ofsted rating which will provide an assurance that the standard of services received by children, young people and families is good".*
- 8.2. Over the past year, the Scrutiny Lead for Children Services has met with a number of senior officers within Children and Culture to achieve a better insight on areas of opportunity and challenge within the portfolio so as to be able to make an informed decision about where to focus on for the review.
- 8.3. The Scrutiny Lead has worked closely with the Overview and Scrutiny Committee to ensure an ongoing focus to Children's Services. Particular focus was placed on exploration of educational aspiration, which began to provide an interesting picture of local education needs. This, alongside reports from monthly surgeries and meetings with local education leaders, helped to inform the focus for the challenge session.
- Exclusion in Schools Review and Challenge Session**
- 8.4. The review was designed to ensure schools had effective, contextualised behaviour management policies that created inclusive, supportive environments with a reduced rate of fixed term exclusions and managed moves. With this in mind, the review focused on:
- What causes the disparity in the rate of exclusions between schools in Tower Hamlets?
 - Which factors cause young people from certain demographics to be at greater risk of exclusion and what can be done to mitigate this?
 - How do head teachers and governors decide when to exclude and when to propose a managed move?
 - What are the outcomes for students who undertake a managed move, or are in alternative provision?
 - What are the impacts on, and risks to young people when they are excluded, or at risk of exclusion, from school?
 - How do young people and their parents view exclusions, managed moves and alternative provision?

- 8.5. The Challenge Session was held on the 30th April 2019. An update on the outcome of this session will be provided to the Committee in 2019/20.

9. Scrutiny Lead for Governance

Communications Challenge Session

- 9.1. Scrutiny Lead for Governance chaired a Scrutiny Challenge Session to assess the effectiveness of the Council's communications. Members wanted to review the quality of communications with local residents in order to develop a clear understanding of the issues facing the service. The session was held in January 2019 and was attended by five Members, one co-opted Members and two council officers.
- 9.2. The aim of the challenge session was to ensure that Council communications were promoting increased engagement with residents and stakeholders, and were effectively telling the Tower Hamlets story. It also aimed to ensure that the communications function was appropriately supporting corporate objectives and aimed to identify how elected Members could support this function.
- 9.3. Evidence was collected during the single session, with Members hearing statements from the Divisional Director of Communications at Tower Hamlets council, and the Director of Communications, Culture and Engagement at Hackney council.
- 9.4. The session made a total of nine recommendations on the following themes:
 - Being better at telling the Tower Hamlets story, including working with partners and encouraging staff members to be brand ambassadors for the council
 - Using best practise examples from other boroughs to improve how the council reaches seldom heard groups in the community
 - Providing Members with a weekly update on council activities, which can be sent out to local residents via social media
 - Better utilising the communications function in order to enable residents to engage in the lifecycle of the council's strategic and operational decision making, as well as developing a digital tool for residents to share views and concerns
 - Appointing a named lead Members for resident engagement
 - Ensuring data and intelligence from communications is being used strategically to plan within the council
- 9.5. Following the report being reviewed at the Overview & Scrutiny meeting in March 2019, an action plan to carry forward the recommendations has been developed and has been assigned to relevant stakeholders within the organisation.

- 9.6. The Scrutiny Lead for Governance also played an active role in the Tower Hamlets Partnership Brexit Commission as a Commissioner. The Commission made 24 recommendations which focused on public service, local economy, and civil society. The Brexit Commission was a follow up from the Scrutiny Challenge Session on Brexit which was undertaken in 2017/18.
- 9.7. Additionally, the Scrutiny Lead for Governance took part on the Spitalfields Community Governance review, and the Strengthening Local Democracy review.

10. Health Scrutiny Sub-committee

10.1. The role of the Health Scrutiny Sub Committee (HSSC) is to scrutinise local health services in accordance with the Health and Social Care Act 2001. In summary, the remit of the Sub-committee is:

- Review and scrutinise local health services within the Council's area and make reports and recommendations as necessary.
- Respond to consultation exercises undertaken by an NHS body.
- Questions appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.

Membership

Name	Role
Councillor Kahar Chowdhury	Chair
Councillor Eve McQuillan	Vice-Chair
Councillor Gabriela Salva Macallan	Member
Councillor Kyrsten Perry	Member
Councillor Leema Qureshi	Member
Councillor Andrew Wood	Member
David Burbidge	Co-Optee

Domestic Violence

10.2. This item explored key domestic violence issues and challenges in Tower Hamlets. Specifically the HSSC reviewed the provision in place to identify and manage residents at risk of domestic violence, and assessed reporting levels in the borough. Furthermore, it considered 'turn away' rates in Tower Hamlets, the impact universal credit has had on domestic violence and reviewed the provision of domestic violence services for residents with no course to public funds.

Health and Substance Misuse

10.3. The HOSC scrutinised the relationship between health and substance misuse in Tower Hamlets, reviewed substance misuse prevention services in place in Tower Hamlets, and challenged the quality of current treatment services to support people with alcohol and substance misuse issues.

Pain management at the Royal London Hospital

10.4. The HSSC examined pain management at the Royal London Hospital. It was found that there are a number of significant issues which include communication issues between the pain team and medical professionals from other departments, communication issues between doctors and patients on the subject of managing

pain (including around safe dosages of various painkillers), delays in receiving pain relief for hospital inpatients, and admin, planning and staffing issues that could impact upon availability of pain relief for hospital inpatients.

Residential and Nursing Care Homes and Home Care provision in the borough: Quality and Capacity

10.5. The HSSC considered the care home and home care markets in the borough, this included the regulatory framework within which these market sectors operate and the role of the Care Quality Commission in maintaining oversight of regulatory compliance. The HSSC looked at a range of quality and capacity issues relevant to the care home and home care market in the borough in order to comment on matters that should be taken into account in the planning of future commissioning arrangements for both care homes and home care provision in the borough.

Adult Social Care Charging Impact Assessment

10.6. Tower Hamlets council introduced a new charging policy for community based adult social care services in October 2017. This item provides an overview of the findings from the recent impact assessment that was carried out to review the impact of the new charging policy for community-based adult social care services on service users and carers. The impact assessment aimed to identify whether there has been a change in use of adult social care services and whether the administration of the policy has been fair and equitable.

Health Based Places of Safety in North and East London

10.7. A Health-Based Place of Safety (HBPoS) is a space where people can be detained under Section 136 of the Mental Health Act and assessed. Patients are typically detained under the Mental Health act under Section 136 by Police, then transported to a Section 136 Suite to be assessed. In 2017, the government formally announced changes to section 136 of the Mental Health Act 1983 (s136 MHA) through the Policing and Crime Act 2017. These came into effect on 11 December 2017. Under these amendments, CCGs must ensure plans for the designation, and appropriate staffing of CCG-commissioned health based places of safety. The HOSC scrutinised the new business case that proposes the 20 existing dedicated HBPoS sites across London are reduced to nine hubs, each with better facilities and immediately available 24/7 staffing on site.

Review / Challenge Session

10.8. The HSSC chose to review type 2 diabetes as it is a major cause of premature mortality with approximately 22,000 people with diabetes dying early each year. Type 2 diabetes is a leading cause of preventable sight loss in people of working age and is a major contributor to kidney failure, heart attack, and stroke. Diabetes is a

significant issue locally in Tower Hamlets. The prevalence of type 2 diabetes is expected to increase and we have a significant number of people at high risk of getting type 2 diabetes

10.9. A number of key local stakeholders took part in the challenge session. This included specialists in diabetes from Barts Health, the clinical GP lead on diabetes from the CCG, and experts from Public Health. Early findings reveal that:

- Lifestyle choices play an important role in impacting on the modifiable risk factors associated with obesity. There are strong interdependencies between ongoing work being carried out by Public Health to tackle obesity and diabetes that needs to be emphasised.
- Tower Hamlets has the highest number of people aged between 18-39 with Type 2 diabetes in London. Engaging with this cohort of people, and intervening at an early stage is crucial in tackling this issue. The current sentiment shared by those interviewed by Tower Hamlets Healthwatch is that it is inevitable they will get diabetes as it is a generational issue in their families and as such they do not live healthier lifestyles to try to avoid it.
- NHS healthchecks play a significant role in early diagnoses and intervention. However, these are not currently working as efficiently and effectively as possible for diabetes diagnosis. Given the specific demographic characteristics of Tower Hamlets, and the current challenge of having a high prevalence of people aged 18-19 with Type 2 diabetes, it would be much more effective if the age range for these healthchecks was lowered below the NHS mandated age range of 40-75. There is also no mechanism in place for following up with those identified as 'pre-diabetic'
- More work needs to be done to proactively engage those identified as being more susceptible to modifiable risk factors. A targeted communications campaign is one possible solution to get this historically resistant group to access services.

11. Grants Scrutiny Sub-committee

Overview

- 11.1. The Grants Scrutiny Sub-committee (GSSC) forms an important part of the council's overview and scrutiny function and was established to support an objective, fair and transparent and co-ordinated approach to grant funding across the council. Its role is to oversee and scrutinise the process and arrangements for awarding and administering grants and related procurement processes to ensure a strategic approach is followed. In the 2018/19 reporting period the GSSC has sought to ensure that grant funding is aligned with the council's priorities and mayors manifesto pledges outlined below:
- 11.2. The GSSC successfully carries out its role by undertaking the following actions:
- Overseeing the process and arrangements for awarding and administering grants and related procurement processes to ensure a strategic approach;
 - Overseeing the processing arrangements for developing grants criteria and assessment methodology;
 - Overseeing the monitoring, performance management and evaluation arrangements in relation to funded projects; and
 - Ensuring fairness and transparency in the grant awarding process.
- 11.3. In addition, the GSSC aimed to support the council's objective to create a thriving environment for the Third Sector.
- 11.4. In the period ending April 2019 the Sub-committee held seven meetings and focussed on pre-decision scrutiny of the reports being presented to the Grants Determination Sub-committee. Reports include quarterly monitoring updates on grants awarded, an emergency funding application and reports from council officers as requested.

Membership

Name	Role
Councillor Marc Francis	Chair
Councillor Sufia Alam	Member
Councillor Kahar Chowdhury	Member
Councillor Ehtasham Haque	Vice-Chair
Councillor Mohammed Pappu	Member
Councillor Andrew Wood	Member
Kim Hayman	Co-Optee
Sue Kenten	Co-Optee

Mainstream Grants (MSG) Programme

11.5. The Sub-committee continued to receive monitoring reports of project delivery in receipt of MSG Programme funds in the reporting period. Following the Sub-committee's support last period of an extension to the MSG programme until March 2019 an additional urgent extension of the fund for a further 6 months was requested. This was due to more in-depth work being required to ensure services and other organisations were prepared for the change to a new funding programme. Members of the Sub-committee agreed to recommend to the Grants Determination Sub-committee to agree to the MSG programme being extended by six months to 30 September 2019.

Event Fund Reporting

11.6. The Sub-committee continued to receive monitoring reports for the Event fund as well as a report on the 2018-19 applications and awards in which an overview of all of the applications received for the financial year was provided. The Sub-committee heard that a total of 60 applications for funding were received with 43 awards made totalling £52,500 and subsequently agreed to recommend both items to the Grants Determination Sub-committee to note.

Emergency Funding Application

11.7. One emergency funding application was received in the reporting period. The application related to Betar Bangla, a community radio station that operates within the borough. The Sub-committee was informed of the applicant's request for a sum of £20,000 to cover an unforeseen increase in their rent costs. Members undertook several lines of enquiry in relation to the rent increase and ultimately agreed to endorse the officer recommendation made to award emergency funding of £10,000 with the intention that the remaining amount sought would be obtained through other funding streams.

Historic Buildings Grant

11.8. Three items relating to the historical buildings grant were brought to the Sub-committee in the reporting period. Two items were applications for new funding and the third a request for a grant payment which had been previously approved to be made. The Sub-committee agreed to recommend approval of both funding applications and the grant payment to the Grant's Determination Committee.

A12 Acoustic Barrier

11.9. The Sub-committee did not endorse one item brought to them in the reporting period. The item related to the A12 Acoustic Barrier project which was seeking to award a grant of £100,000 for the purpose of designing and installing of an acoustic barrier for a section of the A12 to mitigate noise and air pollution. The Sub-committee undertook several lines of enquiry relating to the lack of

evidence that the barrier would improve air quality, potential alternatives to the barrier, and concerns about the value for money of the project. It ultimately felt unable to endorse the project and asked for the project to be halted unless other funding was already committed.

European Social Fund Community Employment Programme Updates

11.10. The Sub-committee received a report to update them on the grants that have been awarded through the European Social Fund (ESF) Community Employment Programme. The report related to the first and second of three rounds that had been launched as part of the programme. The Sub-committee undertook several lines of enquiry relating to the number of organisations applying for the funding, how new organisations could be targeted and unspent funding but ultimately resolved to agree and endorse the recommendations to the Grants Determination Sub-committee

Non-UK rough sleepers and complex couples

11.11. The Sub-committee resolved to agree and endorse the recommendations made to the Grants Determination Sub-committee to approve two grants related to supporting rough sleepers in Tower Hamlets. This funding would target non EEA rough sleepers as this group are more likely to stay with friends, go to a shelter or remain on the streets after experiencing illness. Following several lines of enquiry from sub-committee members it was confirmed that further research would be undertaken into how the council can work with complex co-dependent couples who sleep rough.

12. Housing Scrutiny Sub-committee

Overview

- 12.1. The Housing Scrutiny Sub-committee (HSSC) scrutinises housing matters impacting on residents of the borough. This includes providing overview and scrutinising the council's decisions or actions pertaining to housing matters and the discharge of housing functions. It reviews the performance of service providers holding them to account (as appropriate), supporting and advising on service improvements making evidence-based recommendations.
- 12.2. The HSSC also considers housing related matters brought to its attention by Ward Councillors, resident associations or members of the general public, addressing these issues as appropriate through Sub-committee meetings and/or the Chair's directive whilst ensuring the framework for this engagement and co-operation continues to be strengthened.

Membership

Name	Role
Councillor Dipa Das	Chair
Councillor Dan Tomlinson	Member
Councillor Muhammad HM Harun	Member
Councillor Shad Chowdhury	Member
Councillor Shah Ameen	Member
Councillor Andrew Wood	Member
Moshin Hamim	Co-opted Member, leasehold representative
Anne Ambrose	Co-opted Member, tenant representative

- 12.3. In delivering its theme based work programme, a number of issues were discussed, services improvements proposed and recommendations put forward for consideration by the Overview and Scrutiny Committee.
- 12.4. The Sub-committee identified a total of 5 theme based scrutiny priorities to be delivered across 5 meetings (one of which was an extraordinary meeting), which included:

Current Housing Supply

- 12.5. The Sub-committee explored measures to speed up the re-let of void housing stock, the empty property surcharge, collective actions to tackle social housing fraud and illegal subletting, and suggested strengthening uptake of housing moves to tackle under occupation and requested to feed into the review of the allocations policy raising concerns on the target set for band 3 applicants not in housing need. The Sub-committee reviewed proposals put forward in the social housing green paper, which was only a small step towards delivering more social homes feeding into the consultation process.

Quality Housing

12.6. The Sub-committee received an update on fire safety improvements of housing stock through precautions, resident engagement, remediation works, enforcement actions and implementation of recommendations from the fire safety scrutiny review and Hackitt review of building regulations. The Sub-committee requested two additional briefing notes one on remedial actions of unsafe Aluminium Composite Material (ACM) cladding, one for registered providers stock and access to funding and the other on enforcement actions and improvement notices of private sector high rises informed through a risk assessment. In addition, the Sub-committee received an information item on the delivery of statutory functions, legislative changes and acts to improve conditions in the private rented sector, including scrutiny's role in assisting through lobbying for further legislative and planning changes.

Affordability/Finance

12.7. The Sub-committee reviewed Cabinet approved budget proposals, priorities and performance, comprising of Housing Revenue Account, general fund expenditure, external funds secured and the delivery of pan-London initiatives. The Sub-committee requested that future budget-setting timescales allow for sub-committee's to feed into the process at an earlier stage. Following a delayed report of Tower Hamlets Home strategic review, the Sub-committee requested Mayoral consent to review and feed into recommendations prior to this going out to THH residents. Following a review of service charges for leaseholders (60-70% of stock), the Sub-committee explored current debt positions (£2m) arrears and financial inclusion/management advice available, identifying complaints and satisfactions as areas for improvements.

Housing needs

12.8. The Sub-committee considered the delivery of collective actions by the Council and social landlords to identify and support residents affected by welfare reforms and the roll out of universal credit, through intelligence, engagement, advice, assistance and referrals. It provided focused attention on the prevention of homelessness and priorities to tackle rough sleeping including through implementation of the homelessness reduction HRA and the Homelessness and Rough Sleeping Strategy for 2018 – 2023. It explored the current challenges faced by the Council including increased access to affordable and sustainable housing options, tackling and eliminating rough sleeping by 2027, reducing numbers in temporary accommodation, and strengthening partnership working to support children, families, young people and vulnerable adults. The Sub-committee considered an update on sheltered housing and landlord migration onto the intensive housing management model, reviewing the benefits and successes of the tenant activity pot to date. The Sub-committee requested an explanation from non-engaging landlords and for Tenants' Activity Pot participation information by ethnic group.

Planning and infrastructure / future demand

12.9. In light of a growing population, the Sub-committee considered how the Councils infrastructure delivery plan proposes to meet demands, the challenges and funding gaps and also considered whether the water infrastructure (Thames Water) was sufficient to meet the needs of existing and new housing developments. It considered the changes and implications of the national planning policy framework and the build out review in increasing housing supply, deliverability, increasing diversity and a new committee to provide challenge.

Standing items

12.10. The Sub-committee considered strategic plan priorities and challenged underperformance requesting an update on mayoral pledges. It considered the performance of social landlords inviting an underperforming social landlord to attend a meeting following a review of trend information.

Review

12.11. The Sub-committee undertook a scrutiny review of housing open spaces, the objective of which is to improve, health and wellbeing, environmental quality, economic and social outcomes through housing open spaces.

12.12. Evidence suggests that contact with safe, green spaces reduce health inequalities, increases community activity and residents' satisfaction, responds to climate change - heat waves, flooding and CO2 emissions, improves air and noise quality, enhances biodiversity and encourages active transport. Deprived areas suffer from the poorest health and have significantly less green space than wealthier areas, participation in natural environments are also the lowest amongst BME communities and those with poor socio economic status.

12.13. The review comprised of three evidence collection sessions exploring good practices in urban open space management, tackling health inequalities and open space strategies, priorities, plans and approaches to managing open spaces to support delivery of the objectives and how they work with social landlords, learning from community greening projects, friends groups and environmental organisations and exploring funding opportunities to deliver sustainable improvements. .

12.14. In response to the issues identified through the scrutiny review, proposed recommendations included the production of a GIS map of housing open spaces, assessing the accessibility of housing open spaces in areas of open space deficiencies, co-designing and transforming open spaces to deliver a balance between competing priorities and supporting social landlords to adopt good practices to achieve quality open spaces, including the delivery of projects and training for staff and residents on community greening and growing to

improve health, environmental quality, economic and social outcomes for residents through housing open spaces.

13. Looking Ahead

13.1. The Overview and Scrutiny Committee participated in an away day (16 March 2019), which led by CfPS. Going forward, the Committee established that they would like to:


- Improve the communication channels between the OSC and its sub committees.
- Consider new methods to engage non-executive councillors e.g. deputy councillors.
- Be clear and explicit about the intent and impact expectations
- Develop individual and team behaviours around scrutiny culture
- Consider making smarter pre meeting focussing to ensure successful meetings
- Improve questioning techniques and style – themes, KLE’s share workload, room and space.
- Smaller but more detailed work programme should focus on key corporate issues

How to get involved

13.2. Residents are crucial in challenging service delivery and helping to shape improvements. There are four main ways residents can get involved with Tower Hamlet’s overview and scrutiny processes:

- **Attending Overview and Scrutiny Committee meetings** (or one of its sub-committees): these are all public meetings and therefore open to any local resident who wishes to attend. The Committee meetings are now live cast through the Council website.
- **Giving evidence to the Committee or one of its sub-committees**, or a review or challenge session established by one of these committees, on any issue or matter that appears on an agenda or that is being scrutinised
- **Applying to join the Overview and Scrutiny Committee or one of its sub-committees** as a co-opted member when a vacancy arises
- **Proposing topics** for scrutiny by one of the committees. The Council actively seeks greater public participation in proposing topics for scrutiny through the council’s website. These topics will be considered alongside proposals from councillors to develop the work programme for the next municipal year

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Non-Executive Report of the: Council 17 July 2019	 TOWER HAMLETS
Report of: Sharon Godman, Divisional Director Strategy, Policy and Performance	Classification: Unrestricted
Overview and Scrutiny Work Programme 2019/20	

Originating Officer(s)	Daniel Kerr, Strategy and Policy Manager Adam Boey, Senior Strategy & Policy Manager
Wards affected	All Wards

Executive Summary

This report sets out the 2019/20 work programmes for the:

- Overview and Scrutiny Committee;
- Health & Adults Scrutiny Sub-Committee;
- Housing & Regeneration Scrutiny Sub-Committee; and
- Children & Education Scrutiny Sub-Committee.

This report also describes the work programmes for both Scrutiny Leads:

- Resources & Finance;
- Environment & Community Safety.

The work programme has been informed by a councillor workshop session (including co-optee members) and in consultation with senior officers.

Recommendations:

The Council is recommended to note the Scrutiny work programme for 2019-20 at Appendices 1-6.

1. REASONS FOR THE DECISIONS

- 1.1 The work programme of the Overview and Scrutiny Committee (OSC) and its three sub-committees and Scrutiny Leads (Appendices 1-6) set out focus areas that scrutiny members have identified as important to scrutinise over this Municipal Year.

2. ALTERNATIVE OPTIONS

- 2.1 The scrutiny function, undertaken by OSC and its Sub-Committees, does not plan its work, and undertakes an *ad hoc* and unstructured approach to scrutiny work. This is not recommended as it is unfocused and is not an efficient use of staff and resources, and does not allow time for information and expertise to input effectively.

3. DETAILS OF THE REPORT

- 3.1. For 2019/20, the scrutiny function at LBTH is undertaken by an Overview and Scrutiny Committee, three Scrutiny Sub-Committees (Health & Adults, Housing & Regeneration, and Children's & Education), together with two Scrutiny Leads – OSC members who have responsibility for leading the scrutiny of Resources & Finance and Environment & Community Safety.
- 3.2. As part of the review of the Council's constitution revised terms of references for OSC and the Sub-Committees have been agreed, with further work to review the scrutiny procedure rules planned to be undertaken in consultation with scrutiny members.
- 3.3. The work programming process was conducted for each Scrutiny Committee and Scrutiny Lead in order to provide focus for the scrutiny function as a whole.

Developing the work programme

- 3.4. Members and co-opted members of the Overview & Scrutiny Committee (OSC) and its three Sub-Committees attended a workshop on 15 June 2019 to discuss the work programme for the 2019/20 Municipal Year. This was a joint workshop across all Scrutiny Committees in order to develop a better co-ordinated approach to delivering Scrutiny in 2019/20.
- 3.5. To identify areas of focus for the Committee, the session considered:
- Scrutiny values
 - Prioritisation methods and tools
 - Council priorities, performance information and horizon scan
 - How to engage residents and partners more effectively
 - Outcomes the Committees wish to achieve.
- 3.6. Members also considered what makes an effective work plan and held discussions to explore how Scrutiny could add value to service delivery and

what Members understood to be the key priorities for the Council. The discussion focused on:

- how the Council communicates and consults any residents,
- how the Council can change its paternalistic practices,
- whether the Council has the relevant performance measures in place,
- breaking down silos (internally and externally),
- developing a placed based approach,
- improving the speed of delivery.

- 3.7. Members voted on their priorities for each Committee and produced a list of the top five areas for each Committee to cover. In developing the work programme, OSC were clear that they wanted to look at fewer issues in more depth, and be clear about what outcomes they want to achieve and how they can add value in order to allow them to make more effective recommendations.
- 3.8. Furthermore, General Purposes Committee on 25th June 2019 agreed a report on Strengthening Local Democracy which included a number of actions to support the development of Overview and Scrutiny. This includes improving public engagement through holding meetings in community venues, using digital technology to allow residents to feed into the work programme, engaging all non-executive Councillors in the OSC work programme, developing and promoting Councillor Call for Action and supporting Members place shaping role by undertaking placed based scrutiny.

Agreeing the work programme

- 3.9. Following the workshop, discussions were held with the Scrutiny Leads to prioritise, scope and agree the format of scrutiny activities for the year. Scrutiny Leads agreed and specified the priorities in their area, developed an understanding of OSC priority outcomes, and defined how scrutiny can add value. This was presented back to the OSC on 24 June for final discussion and agreement.
- 3.10. Additionally, an online form was developed to capture resident's views on what they feel the focus areas for the work programme should be. There has already been a number of submissions. All responses will be considered by Scrutiny Members for incorporation into agenda items or added to the work programme currently, and throughout the year.
- 3.11. Scrutiny leads have held discussions with relevant Divisional Directors and Corporate Directors to develop the work programme for their portfolio area. Following presentation at Full Council, they will engage Senior Leadership and Cabinet Leads further, and talk to Council partners, to encourage their buy-in in appropriate agenda items and identify how Scrutiny can best add value to their work. A final work programme will be agreed by the OSC at their meeting on the 29th July 2019.

Types of scrutiny

3.12. The 2019/20 the scrutiny work programme will comprise of different types of scrutiny focus:

- **Scrutiny Spotlight Sessions:** a Cabinet Member and/or a senior leader from a stakeholder organisation (e.g. the Borough Commander) provides an overview of their work, including key risks within their portfolio, and is then questioned by members of the Committee;
- **Scrutiny Reviews:** led by a scrutiny lead member to examine a topic over multiple evidence gathering sessions, followed by a report with recommendations for service improvement. These are directly supported by an officer from Corporate Strategy, Policy and Performance Team, with input from the relevant directorates;
- **Scrutiny Challenge Sessions:** led by a scrutiny lead member, these take place during one 'deep dive' evidence gathering session and are followed by a report with recommendations for service improvement. These are directly supported by an officer from Corporate Strategy, Policy and Performance Team, with input from the relevant directorates;
- **Budget & Policy Framework Scrutiny:** The Committee has a mandatory consultation role on all items that are the responsibility of Full Council to agree rather than the Executive, including the budget.

4. EQUALITIES IMPLICATIONS

- 4.1 The Public Sector Equality Duty (as set out in the Equality Act 2010) aims to embed equality considerations into the day to day work of public bodies, so that they tackle discrimination and inequality and contribute to making society fairer.
- 4.2 The Overview and Scrutiny Committee and scrutiny sub-committee work programmes include key equality considerations of the Strategic Plan, including reducing inequality, promoting community cohesion and enabling community engagement. Identifying and prioritising issues, which are important to local residents, will play an important role in developing the work programme to drive service improvement.
- 4.3 Key to addressing equalities issues, is making scrutiny more accessible to residents. Accordingly, the October meeting is planned to be held in the community to providing greater opportunities for residents to contribute during meetings.
- 4.4 To ensure the Scrutiny work programme captures the diverse range of resident's views and concerns, an online form has been created to allow them to submit their items for OSC to consider as part of the 2019/20 work programme. This has been promoted through the Council's social media channels to ensure all residents are aware of this opportunity and their submissions will be taken into account when reviewing relevant items.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

- 5.1. This report sets out the Overview and Scrutiny Committee work programme for the Municipal Year 2018/19. It also includes draft work programmes for the Health & Adults, Housing & Regeneration and Children's & Education Scrutiny Sub-committees.
- 5.2. It is envisaged that the work programme will be delivered through existing resources and therefore there are no additional financial implications arising from the recommendations within this report. However, in the event that additional resources may be required to deliver particular aspects of the work programme, these will need to be considered as part of the council's budget setting and medium term financial strategy.

6. COMMENTS OF LEGAL SERVICES

- 6.1. Section 9F of the Local Government Act 2000 requires authorities to set up an Overview and Scrutiny Committee. The Overview and Scrutiny Committee has a strategic and co-ordinating role over the Council's scrutiny function and in that regard, the Committee sets its own work programme.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix 1: Overview & Scrutiny Committee work programme 2019/20
- Appendix 2: Health & Adults Scrutiny Sub-committee work programme 2019/20
- Appendix 3: Housing & Regeneration Scrutiny Sub-committee work programme 2019/20
- Appendix 4: Children's & Education Scrutiny Sub-committee work programme 2019/20
- Appendix 5: Scrutiny Lead Resources & Finance work programme 2019/20
- Appendix 6: Scrutiny Lead Environment & Community Safety work programme 2019/20

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

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

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

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

Officer contact details for documents:

Or state N/A

Appendix 1: Overview & Scrutiny Committee Work Programme 2019/20

Meeting	Type of Scrutiny	Item	Outcome
Monday, 24 th June 2019	Spotlight	Mayors Spotlight	To understand the Mayor's priorities for the year to help feed into the work programme
	Tracking Recommendations	Night Time Economy Scrutiny Action Plan	To track actions implementation of recommendations of scrutiny challenge session.
	OSC Work Programme Report	OSC work programming	To review and approve the OSC work programme for 2018/19
	Strategic Performance Monitoring	Children's Services Improvement Update	To monitor implementation of the improvement plan
Monday, 29th July 2019	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Spotlight	Local Community Fund (LCF)	To review the progress of the LCF
	Spotlight	Environment Spotlight	To review progress of the mobilisation of in house waste services
	OSC Report: Scrutiny Challenge Session	School Exclusions Scrutiny Report	To agree the recommendations of the School Exclusion Challenge Session
Monday, 23rd September 2019	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Spotlight	Annual Residents Survey (ARS) 2019/20	To review the results of the ARS
	OSC Report: Scrutiny Challenge Session	Custom Service Transformation Scrutiny Report	To agree the recommendations of the Customer Transformation Challenge Session
	Strategic Performance Monitoring	Quarterly Performance Report	To review the Council's performance against the strategic goals and provide critical friend challenge to service delivery
	Strategic Performance Monitoring	Quarterly Budget Monitoring	To monitor the Council's finances to ensure these align with Council priorities and provide residents with value for money
Monday, 28th October 2019	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Spotlight	Transport Strategy and Parking Services	To review the council's transport strategy and understand the impact it has on parking policy and air quality.
	Spotlight	Consultation processes and internal governance processes	To review the Council's approach to consultation.
Monday, 25th November 2019	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Strategic Performance Monitoring	Quarterly Performance Report	To review the Council's performance against the strategic goals and provide critical friend challenge to service delivery
	Strategic Performance Monitoring	Quarterly Budget Monitoring	To monitor the Council's finances to ensure these align with Council priorities and provide residents with value for money
	Spotlight	Leisure Facilities	To review the provision of leisure facilities in the borough
Monday, 16th	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make

December 2019			strategic recommendations
	Spotlight	Community Safety Spotlight	To understand challenges and key areas of work undertaken to tackle community safety
	Spotlight	Community governance and a place based approach to decision making	To review the Council's approach to community governance and a placed based approach to decision making
Monday, 13th January 2020	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Budget & Policy	Budget Scrutiny	To provide critical friend challenge to the budget setting process in line with the Council's priorities
Monday, 27th January 2020	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Spotlight	Customer Service	To understand how the Council is responding to complaints and requests for information
Monday, 3rd February 2020	Budget & Policy	Hold for Budget Review	If required: to review and suggest recommendations on the 2020/19 budget
Monday, 24th February 2020	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Strategic Performance Monitoring	Quarterly Performance Report	To review the Council's performance against the strategic goals and provide critical friend challenge to service delivery
	Strategic Performance Monitoring	Quarterly Budget Monitoring	To monitor the Council's finances to ensure these align with Council priorities and provide residents with value for money
	Spotlight	Children's & Education Scrutiny Sub-Committee Update	Review progress of the Children's & Education Scrutiny Sub-Committee
Monday, 23rd March 2020	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Spotlight	Mayor's Spotlight	To hold the Mayor to account
	Strategic Performance Monitoring	Quarterly Performance Report	To review the Council's performance against the strategic goals and provide critical friend challenge to service delivery
	Strategic Performance Monitoring	Quarterly Budget Monitoring	To monitor the Council's finances to ensure these align with Council priorities and provide residents with value for money
Monday, 27th April 2020	OSC Report	OSC Annual Report	To review and approve report
	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Spotlight	Health & Adults Scrutiny Sub-Committee	Review progress of the Health & Adults Scrutiny Sub-Committee
Tuesday, 26th May 2020	Pre-Cabinet	Pre Decision Questions	To review Cabinet decisions and make strategic recommendations
	Spotlight	Liveable Streets Programme	To review the implementation of the Liveable Streets Programme and understand its impact on the borough.
	Spotlight	Housing & Regeneration Sub-Committee	Review progress of the Housing & Regeneration Scrutiny Sub-Committee

Appendix 2: Health & Adults Sub-Committee

Meeting	Type of Scrutiny	Item	Desired Outcomes
8th July 2019	Spotlight	ASC Charging Follow-up Impact Assessment	To note the contents of the follow-up impact assessment and provide any relevant comments
	Spotlight	Public Health Annual Report 2018	To note the contents of the report and provide any relevant comments
2nd September 2019	Spotlight	Diabetes Challenge Session feedback	To review and approve the findings, recommendations and next steps arising from the recently undertaken Diabetes Challenge Session
	Spotlight	Health and Wellbeing Strategy refresh	To engage in pre-decision input and provide any relevant recommendations on the strategy refresh
	Deep dive	Action on obesity	To review the current action being taken to tackle obesity and provide any recommendations for future practice
5th November 2019	Deep dive	Health and social care integration – joint commissioning proposals	To review the current proposals for commissioning integration and provide any recommendations going forward
	Spotlight	Changes to use of Direct Payments	To note the changes being made to Direct Payments and provide any relevant comments
	Spotlight	Safeguarding Annual Report	To note the contents of the report and provide any relevant comments
12th March 2020	Spotlight	Homelessness Action Plan Follow-up review	To note the contents of the follow-up review and provide any relevant comments
	Deep dive	Primary care access – waiting times, capacity and patient experience	To review the current situation regarding access to primary care and patient experience of services and provide any relevant recommendations for future practice
	Spotlight	New GP contract (national policy)	To note the new GP contract and provide any relevant comments
28th April 2020	Deep dive	Service access for minority groups	To review the current situation regarding minority groups access to services and provide any relevant recommendations for future practice
	Spotlight	New Pan-London Sexual Health Contract	To note the New Pan-London Sexual Health Contract and provide any relevant comments
	Scrutiny review	Learning disability service provision	To review and approve the findings, recommendations and next steps from the scrutiny review into LD service provision

Appendix 3: Draft Housing & Regeneration Scrutiny Sub-committee work programme 2019/20

Meeting	Type of Scrutiny	Item	Desired Outcomes
22nd July 2019	Spotlight <i>(Presentation)</i>	Allocations Policy	<ul style="list-style-type: none"> Review of proposed changes and impact, recommending any modifications Maximising engagement through proposed consultation strategy Policy compliance and transparency in housing management panel decisions - casework examples/resident views Review of medical assessment decisions and appeals processes, service performance and complaints, exploration of in-house delivery Criteria of acceptance of EU nationals, and likely impact of Brexit Improving the quality of temporary accommodation in Council and PRS stock
	Tracking recommendations <i>(Report)</i>	Fire Safety Scrutiny Review – Action plan monitoring	<ul style="list-style-type: none"> Review of progress in the delivery of scrutiny recommendations
	Challenge Session	Implementation of the Homelessness Reduction Act 1 year on	<ul style="list-style-type: none"> Committee to agree topic at this meeting Outcomes to then be agreed
	Information Item <i>(Report)</i>	Q4 Social Landlord Performance	<ul style="list-style-type: none"> Review of performance, concerns and proposed actions discussed with Chair outside of meeting.
10 September 2019	Spotlight, inviting witnesses with the option of a site visit <i>(Report & Presentation(s))</i>	High Streets and Town Centres - Supporting new and existing business	<p>High Streets and Town Centre Strategy (HS&TC)</p> <ul style="list-style-type: none"> Review of strategy progress, investments & impacts to improve competitiveness and vitality Responding to tackle challenges faced by traders / HS&TCs Responding to struggling / underutilised HS&TC's Actions to attract external investment , diversify town centres / markets Innovative solutions to prioritising and delivering joint priorities – i.e. public realm, open space, environmental health, waste management etc.)
	Scrutiny Report <i>(Report)</i>	Draft Housing open spaces scrutiny report	<ul style="list-style-type: none"> Draft report approved for Council and Cabinet considerations.
26 November 2019	Spotlight <i>(Report)</i>	Approach to Regeneration	<ul style="list-style-type: none"> The vision and review of 4 area based delivery plans developed. Engagement of key stakeholders to capture regeneration and growth proposals. Review of capital investment plans.
	Spotlight <i>(Report)</i>	Development of Council policy on London Living wage	<ul style="list-style-type: none"> Development of Council policy to encourage / transition employers into paying London Living Wage.

Meeting	Type of Scrutiny	Item	Desired Outcomes
21 st January 2020	Spotlight / <i>Report / (Presentation(s))</i>	Housing Policy	<ul style="list-style-type: none"> • Exploring innovative solutions to increase housing delivery • Strengthening role of housing delivery vehicles and Housing Revenue Account to achieve this • Delivery of 2,000 Council homes: <ul style="list-style-type: none"> - Schemes approved / refused at committee, and number of homes - Delivery against 2,000 Council homes target and rent mix • Review of new Council homes policy in light of the HRA borrowing cap being lifted – to maximise delivery of homes at London Affordable Rents (social target rents) • Money generated through new homes bonus • Right to buy - Homes sold and resold (buy backs) • Findings of the high density living survey exploring how planning policy can improve resident experiences (living in/close to)
	Tracking recommendations -	Under-occupation Scrutiny Review	<ul style="list-style-type: none"> • Review of progress in the delivery of scrutiny recommendations – outside of meeting.
6 May 2019	Spotlight	Local Authority Building Control Services	<ul style="list-style-type: none"> • Reinforcing LA powers and roles • The future of LA building control, ability to retain its position vs the commercialised market • Working with approved inspectors to achieve quality compliance
	Spotlight <i>(Report(s))</i>	Q3 Social Landlord Performance	<ul style="list-style-type: none"> • Review of performance • Spotlight on underperforming landlord (only if required).

Appendix 4: Children’s & Education Sub-Committee Work Programme 2019/20

Meeting	Type of Scrutiny	Item	Desired Outcomes
25th June 2019	Spotlight	School Organisation	An increased awareness and understanding of school place planning Public attendance and engagement at meeting
		School Improvement	An increased awareness and understanding of the performance of schools in the borough
8th October 2019	Deep Dive	SEND - The SEND service is due for inspection from Ofsted, who could call at any day. Oversight is needed of the ongoing SEND improvement work. In addition, nationally the high needs funding granted to local authorities since 2015 has failed to keep up with rapidly increasing demand for special educational needs and disabilities (SEND) provision and this is reflected in the local picture. Although additional government funding has been received since 2018, this is significantly short of what is required to support the current deficit in the High Needs block, which is now being consulted upon and cuts proposed	Increased confidence in, and awareness of, the ongoing improvement work. Recommendations to Cabinet re funding Public attendance and engagement at meeting
17th December 2019	Scrutiny Review	Youth Provision - we want to continue the work undertaken last municipal year on exclusions, expanding the scope to include the youth offer, uptake of Free Early Education Entitlement, AP provision funding and the links between gangs, knife crime, exclusions and vulnerability	Production of a comprehensive scrutiny report, with far-reaching recommendations that enhance current provision. Public attendance and engagement at meeting
11th February 2020	Tracking Recommendations	Ofsted – any recommendations suggested in the inspection report, plus future initiatives	Effective scrutiny and oversight of children’s social care continues, supporting the service to continue its improvement journey
7th April 2020	Spotlight	Children and Families Strategy 2019-24 - As this will be the umbrella strategy for Children's Services, the committee want oversight of the implementation and monitoring of it to ensure that outcomes are achieved and the impact measured	Increased awareness of the work of the Children and Families Partnership Increased understanding of the challenges faced Public attendance and engagement at meeting


**Appendix 5: Cllr Tarik Khan – Scrutiny Lead Resources & Finance
Work Programme 2019-20**

Area of work	Method	Timescale
Portfolio Overview	<ul style="list-style-type: none"> • Regular meetings with Corporate Director Resources • Induction meetings with Divisional Directors & Heads of Services • Service Visits – Idea Store, One Stop Shops, Benefits 	<p>On-going May-July 19</p> <p>Sept – Nov 19</p>
Grants Scrutiny	<ul style="list-style-type: none"> • Attendance at Grants Determination Sub Committee • Presenting OSC Questions and comments 	July 19 – Mar 20
Building community wealth and local economy	<ul style="list-style-type: none"> • Scrutiny review/challenge session or through OSC 	
Local Community Fund	<ul style="list-style-type: none"> • OSC 	July 2019
VCS Strategy Refresh & Premises	<ul style="list-style-type: none"> • Scrutiny Challenge Session or OSC 	Oct-Nov 2019
Fair Funding	<ul style="list-style-type: none"> • Fair Funding – Link to Budget Scrutiny 	TBC
Budget Scrutiny	<ul style="list-style-type: none"> • Quarterly Budget Monitoring – Possible Budget Working Group • Budget Scrutiny 	<p>Sept – May 19</p> <p>Jan 20</p>
Capital Expenditure on Town Hall	<ul style="list-style-type: none"> • Scrutiny Challenge Session or discussions with Corporate Directors Place and Resources 	Mar 20

**Appendix 6: Cllr Bex White – Scrutiny Lead Environment & Community Safety
Work Programme 2019-20**

Area of work	Method	Timescale
Portfolio Overview	<ul style="list-style-type: none"> • Regular Meeting with Corporate/ Divisional Directors of Place and HAC • Induction meetings with Divisional Directors and Heads of Services • Service Visits 	<p>Ongoing</p> <p>May to July 2019</p> <p>Sep – Nov 2019</p>
Environment Spotlight: In house Waste Services	OSC	Jul 2019
Transport Strategy and Parking Services	OSC	Oct 2019
Safer Neighbourhood Ward Panels	Challenge Session	Oct 2019
Community Safety Spotlight	OSC	Dec 2019
Behavioural Change	Challenge Session	Apr 2020
Liveable Streets Programme	OSC	May 2020

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Non-Executive Report of the: Council Wednesday, 17 July 2019	
Report of: Will Tuckley, Chief Executive	Classification: Open (Unrestricted)
Spitalfields and Banglatown Community Governance Review - Final Recommendations	

Originating Officer(s)	Matthew Mannion, Head of Democratic Services Steve Morton, Strategy, Policy and Performance Officer
Wards affected	Spitalfields & Banglatown; Weavers;

Executive Summary

Following receipt of a valid petition requesting that a Town Council (a name variation of the parish council governance arrangement) be established in the Spitalfields and Banglatown area of the borough, a Community Governance Review (CGR) was established in line with the Local Government & Public Involvement in Health Act 2007 to consider the application.

The CGR has consisted of background research by the Council plus two public consultation exercises; the first on the original proposals set out in the petition, and then a second stage which considered draft recommendations from the Council alongside other potential options.

The research and consultation phases are now complete and appended to this cover report is the final analysis and conclusions report of the Community Governance Review. Council is asked to consider the contents of the appended report and agree a recommendation to conclude the review.

The Council's proposed final recommendation is that there be no change to existing community governance arrangements within the wards of Spitalfields & Banglatown and Weavers and that a parish should not be created.

Recommendations:

The Council is recommended to:

1. To consider and review the final analysis and conclusions of the Community Governance Review as set out in Appendix 1 to this report.
2. To consider the equalities analysis as set out at Annexe 6 to Appendix 1 (final analysis and conclusions)
3. To review the reasons set out for the Council's proposed recommendation and the alternative options set out in sections 2 and the 3 of this report
4. To agree that there be no change to existing community governance arrangements within the wards of Spitalfields & Banglatown and Weavers and that a parish should not be created.

1. REASONS FOR THE DECISIONS

- 1.1 Following receipt of a valid petition the Council is required to undertake a CGR. This report presents the information required by Council in order to reach a final recommendation on that review.
- 1.2 The legislative framework for community governance reviews is set out in the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). Chapter 3 of Part 4 of the 2007 Act devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England.
- 1.3 Under the terms of the 2007 Act, the Council must have regard to guidance issued by the Secretary of State about undertaking community governance reviews.¹ The most recent guidance was issued in March 2010.²
- 1.4 In making its final decision the Council has a duty to secure that community governance within the area under review:
 - a) reflects the identities and interests of the community in that area, and
 - b) is effective and convenient³
- 1.5 Relevant considerations which should influence the Council's judgement against these two principal criteria include the impact on community cohesion and the size, population and boundaries of the proposed area.⁴

¹ Local Government & Public Involvement in Health Act 2007 100(4)

² Guidance on Community Governance Reviews. Department for Communities and Local Government and Local Government Boundary Commission for England. 2010

³ Local Government & Public Involvement in Health Act 2007. 93(4)

⁴ Guidance on community governance reviews DCLG & LGBCE 2010 para 53

- 1.6 The government has further clarified criterion b) by stating that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and to give users of services a democratic voice in the decisions that affect them.⁵
- 1.7 The Council is required to consult with local government electors for the area under review and any other person or body which appears to have an interest in the review.⁶ It must take into account any representations received in connection with the review.⁷
- 1.8 In making its final recommendations, the Council should consider the information it has received in the form of expressions of local opinion, representations made by local people and other interested persons, and also use its own knowledge of the local area. In taking this evidence into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made.⁸
- 1.9 Where a principal council has conducted a review following receipt of a petition, it will remain open to the Council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.⁹

2. ALTERNATIVE OPTIONS

- 2.1 There was no alternative option to setting up the CGR as this was required following receipt of a valid petition. However, the Council's draft recommendations published for the second stage consultation exercise provided for two alternative options.

Establish a Parish Council

- 2.2 The final analysis and conclusions report at Appendix 1 sets out the reasons why this is not recommended. However, should Council agree to establish a parish then it is recommended it do so on the terms set out in that report.

Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance

⁵ Guidance on community governance reviews DCLG & LGBCE 2010 para 62

⁶ Local Government & Public Involvement in Health Act 2007 93(3)

⁷ *ibid.* 93(6)

⁸ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 para 96

⁹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 para 95

- 2.3 The Council has considered other (non-parish) forms of community governance that have been or could be made in the area. The Council has concluded that there is little support for establishing new forms of community governance. A number of arrangements have been unsuccessful in the past. There are, however, existing groups and forums that the Council can support and engage with under existing governance arrangements without creating new arrangements. It is noted that proposals for strengthening local democratic engagement were supported by the General Purposes Committee on 25 June 2019.

Decision Making Process Options

- 2.4 In addition to the above formal Community Governance Review options, Town Council Campaigners have made requests in relation to how the Council reaches a decision.

Defer a decision until an independent audit is undertaken on the responses to the consultation.

- 2.5 This request was presented at the Cabinet meeting on 26 June 2019 and is due to their allegation that the consultation findings have not been accurately represented.

- 2.6 The Council strongly rejects this. There is no evidence that the Council has incorrectly analysed the consultation responses and, in any case, the Council will publish the raw data (with personal information redacted) to allow anyone to review it should they so wish. An independent audit will therefore not add any value to the process and will merely delay the conclusion of the review.

Hold an 'advisory ballot' of residents within the boundary of the proposed parish

- 2.7 Town Council campaigners have submitted a number of requests for the Council to hold a 'referendum' within the boundaries of the proposed parish council as a method of determining a final view of those within the area. They argue that it is a more definitive result than a consultation.

- 2.8 The Council is not required to conduct a referendum or ballot as part of the community governance review process. If any ballot were to be undertaken at any stage, then its outcome would be purely advisory. It would also not be sufficient to meet the legal requirement to consult a broad range of the community as well as local government electors. A ballot would not enable the Council to make a judgement on whether the creation of a parish would impact adversely on groups with protected characteristics as it is required to do under the Public Sector Equality Duty. If in the Council's judgement a recommendation to establish a parish council would negatively impact on community cohesion, either within the proposed parish area, or in the wider community within which it would be located, it should not be made. Any decision taken by the Council solely on the basis of either consultation findings or a ballot would be open to challenge on its decision making.

3. DETAILS OF THE REPORT

- 3.1 The power to establish Parish Councils within London was re-established by the Local Government and Public Involvement in Health Act 2007. Local authorities can consider whether it would be in the local interest to establish parish councils through a Community Governance Review (CGR).
- 3.2 A CGR can be triggered by the receipt of a valid petition from a specific area requesting that such a review be undertaken. The Council received such a petition on 23 July 2018.
- 3.3 An initial report on the CGR was presented to Cabinet on 26 September 2018 after which a final Terms of Reference for the CGR were agreed and published.
- 3.4 At the beginning of October 2018 the first stage consultation exercise commenced seeking views on the initial proposals as set out in the petition to the Council. The report setting out the responses received is attached as part of Appendix 1 to this report.
- 3.5 Following background research and after considering the results of the first stage consultation, the Council published its draft recommendation (to reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance) as well as alternative options, including the option of creating a parish council or to retain existing governance arrangements, and these were subject to a second phase of public consultation.
- 3.6 The responses to the second stage consultation are also set out as part of Appendix 1 to this report.
- 3.7 The Council is satisfied that the consultation exercises were conducted thoroughly and effectively enabled local residents, business and other interested parties to contribute to the CGR.
- 3.8 The Council has now considered the recommendations set out in the petition in the light of relevant legislation and guidance issued by the Secretary of State and has fully considered the responses to the consultation exercises. Final recommendations have now been drawn up.
- 3.9 The final recommendation to Council is to:
- “Agree that there be no change to existing community governance arrangements within the wards of Spitalfields & Banglatown and Weavers and that a parish should not be created.”
- 3.10 The CGR Final Analysis and Conclusions report at Appendix 1 sets out the reasons for this conclusion in detail but in summary, and after careful consideration, the Council considers that:

- There is not significant support for the creation of a parish council, either within the area or within the broader community.
- A parish would not be reflective of the identity and interests of the whole community.
- The creation of a parish would be likely to damage community cohesion both within the area and between the area and other parts of the borough.
- A parish council would not be an effective and convenient form of local governance and would not be best placed to deliver quality services efficiently and effectively.
- There is the potential for a significant additional financial cost to local residents from the precept raised by a parish council with a particular concern that this could have a greater impact on people living on lower incomes.

3.11 Members are requested to consider the evidence and conclusions set out in more detail in the CGR final analysis and conclusions report at Appendix 1 and then determine a final recommendation for the review.

Next Steps

3.12 Should Council reject the proposal to create a parish and parish council then the conclusions of the CGR will be published and those who responded to the consultation exercise notified.

3.13 Should Council agree to establish a parish and parish council then a report, will be presented to Council in September 2019 on the next steps.

4. EQUALITIES IMPLICATIONS

4.1 The Equality Analysis accompanying this report identifies the potential for a negative impact on community cohesion if a parish and parish council were to be established. Consultation findings have indicated strong opposition to the proposal amongst people who gave their ethnicity as Asian / Asian British and their religion as Muslim. Of those who opposed the creation of a parish and who provided comments, one in four gave a view that the proposal would divide communities. Whilst this was expressed in terms of dividing better off and less well off neighbourhoods and residents, evidence from the ward profiles and other sources shows that there are higher concentrations of people of Asian / Asian British ethnicity living the more deprived parts of the area.

4.2 Government guidance is clear that where a principal council has conducted a review following receipt of a petition, it will remain open to the principal council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.
- 5.2 Analysis of relevant risks and implications are set out in the CGR Final Recommendations report attached at Appendix 1 to this cover report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report recommends Council to consider and review the final analysis and conclusions of the Community Governance Review as set out in Appendix 1 to this report, and to consider the equalities analysis as set out at Annexe 6 to Appendix 1 (final analysis and conclusions). The recommendation of the review is that there be no change to existing community governance arrangements within the wards of Spitalfields & Banglatown and Weavers and that a parish should not be created in the area.
- 6.2 A Community Governance Review is a statutory process that has financial implications for the London Borough of Tower Hamlets as the principal council responsible for conducting the review. Costs arise from the legal requirement to consult local government electors within the area covered by the review, and others with an interest in the review. The cost of the review is not yet finalised, however spend to date is approximately £35,000. An initial estimate of costs was in the region of £15,000 to £20,000, and the main reason for the increase has been a comprehensive phase two consultation exercise involving printing and distributing over 13,000 hard copy booklets, and higher than anticipated staff costs.
- 6.3 The Council is seeking to recoup a proportion of these costs from the Ministry of Housing, Communities and Local Government's Community Governance Review New Burdens Fund. This fund was set up to support local authorities to meet the costs arising from reviews triggered following a 2015 reduction in the threshold for a valid petition from 10% to 7.5%. The Tower Hamlets Community Governance Review meets this criterion. The Council will look to absorb any remaining costs from within existing budgets.

7. COMMENTS OF LEGAL SERVICES

7.1 A Community Governance Review has been carried out in accordance with the Local Government and Public Involvement in Health Act 2007. This follows a valid petition being received which satisfies the requirements of s.80 of the Act, being:

- It has been signed by the relevant number of electors in the petition area;
- It defines the area for which the review relates and specifies the recommendations; and
- It defines the area of the new parish.

7.2 In undertaking the Community Governance Review, the council has ensured that it has had regard for the duties set out in s.93 Local Government and Public Health Act 2007. These were:

- The need to consult local government electors in the area and any other person or body that would have an interest;
- To have regard for the needs for a review to reflect the identities and interests of the community in that area and is effective and convenient;
- To take into account other arrangements that have already been made or could have been made; and
- To take into account any representations received.

7.3 All duties were satisfied during the research and consultation phases of the Community Governance Review. A notice was then published with the council's draft recommendation in accordance with the provisions of this Act.

7.4 During this Community Governance Review, the council was also to have regard for its public sector duty regarding socio-economic inequalities under s.1 Equality Act 2010. Under this Act, due regard was to be had for the desirability of exercising functions in a way that is designed to reduce the inequalities of any outcome which results from socio-economic disadvantage. There is a wider public sector Duty of Care at s.149 Equality Act 2010, which means the council must have due regard to the following when exercising its functions:

- The need to eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act;
- To advance equality of opportunity between those with a protected characteristic and those that do not share it; and
- To foster good relations between those with a protected characteristic and those that do not share it.

7.5 The Community Governance Review has considered this legislation. Any Equality Assessment for this Community Governance Report should also have regard for this legislation and the demographic of the proposed area of the parish.

Linked Reports, Appendices and Background Documents

Linked Report

- Second stage consultation reports (General Purposes Committee 25/6/19 and Cabinet 26/6/19)
- Draft Recommendation reports (General Purposes Committee 26/2/19 and Cabinet 27/2/19)
- Initial Community Governance Review report (Cabinet 26/9/18)

Appendices

- Appendix 1 (with 6 Annexes) - Community Governance Review – Final Analysis and Conclusions

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

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

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

- Consultation dataset (to be published shortly)

Officer contact details for documents:

N/A

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London Borough of Tower Hamlets community governance review

Final analysis and conclusions

Published 9 July 2019

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1. Executive summary

- 1.1. This report sets out the final analysis, conclusions and recommendations of a community governance review conducted by the London Borough of Tower Hamlets following receipt of a valid petition requesting the creation of a parish and parish council in the Spitalfields area.
- 1.2. The Council has considered four broad options during the review. These were to:
 - i. adopt the petitioners' proposals in full*
 - ii. create a parish and parish council but with modifications to the proposals made in the petition*
 - iii. reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance.*
 - iv. reject the proposal to create a parish council and retain existing governance arrangements*
- 1.3. At the end of phase one of the review the Council concluded that it could not support option i) adoption of the petitioners' proposals in full. In summary, the Council does not have the power in law to create a 'Town Council' as requested; it can only create a parish and parish council. The Council rejected the boundaries proposed by the petitioners as unsuitable. The Council also rejected the proposed name as not fully reflective of the current identity of the area.
- 1.4. In its initial analysis and draft recommendations the Council set out alternative proposals for the creation of a parish and parish council for the area - option ii) create a parish council with modifications to the proposals in the petition. It sought views on its proposals from local government electors and others with an interest in phase two of the review.
- 1.5. After careful consideration the Council has come to the conclusion that it cannot support this option. Consultation has confirmed the Council's view that there is not significant support for the creation of a parish council, either within the area or within the broader community. Of the 2,173 valid responses received in phase two, 1,239 were from people living within the area covered by the three boundary options put forward for consideration by the council. Of these 34.6% (429) supported the creation of a parish council; 63.1% (783) did not support the proposal; 2.2% did not express an opinion.
- 1.6. Consultation has also confirmed that there is significant opposition to the proposal, especially within the Bangladeshi community. Whilst consultation findings are only indicative of local views, the Council cannot discount these findings in reaching its decision. Government guidance is clear that community governance arrangements should

reflect, and be sufficiently representative, of people living across the whole community, and not just a discrete cross section of it.

- 1.7. In the light of consultation findings, the Council's judgement is also that the creation of a parish would not be in the interests of the community as it is likely to damage community cohesion both within the area and between the area and other parts of the borough.
- 1.8. Having considered other aspects of the proposals the Council has concluded that establishing a parish would not be an effective and convenient form of local governance and would not be suitable for the delivery of quality services efficiently and effectively. There is also the potential for a significant financial cost to local residents from a precept raised by the parish council with a particular concern that it could have a greater impact on people living on lower incomes.
- 1.9. In its initial analysis and draft recommendations the Council said it favoured creating an alternative, non-parish, arrangement for community governance in the area. This was option iii) create or strengthen non-parish forms of community governance.
- 1.10. Very little support was received for this option in phase two consultation. A number of forms of community governance have previously been tried in the area but subsequently abandoned on grounds of cost, difficulty sustaining in them, changes of political priorities and criticism from external bodies. They include full neighbourhood decentralisation in the 1980s and more recently, Local Area Partnerships and Neighbourhood Community Budget Areas.
- 1.11. Having considered and rejected options i) to iii) the Council's final recommendation is therefore option iv) reject the proposal to create a parish council and retain existing governance arrangements.

2. Introduction

- 2.1. This section sets out key considerations that members of the Council should take into account in reaching a decision on the request to create a parish and a parish council as set out in the petition received by the Council on 23 July 2018.
- 2.2. The legislative framework for community governance reviews is set out in the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). Chapter 3 of Part 4 of the 2007 Act devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England.
- 2.3. Under the terms of the 2007 Act, the Council must have regard to guidance issued by the Secretary of State about undertaking

community governance reviews.¹ The most recent guidance was issued in March 2010.²

- 2.4. In making its final decision the Council has a duty to secure that community governance within the area under review:
 - a) reflects the identities and interests of the community in that area, and
 - b) is effective and convenient³
- 2.5. Relevant considerations which should influence the Council's judgement against these two principal criteria include the impact on community cohesion and the size, population and boundaries of the proposed area.⁴
- 2.6. The government has further clarified criterion b) by stating that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and to give users of services a democratic voice in the decisions that affect them.⁵
- 2.7. The Council is required to consult with local government electors for the area under review and any other person or body which appears to have an interest in the review.⁶ It must take into account any representations received in connection with the review.⁷
- 2.8. In making its final recommendations, the Council should consider the information it has received in the form of expressions of local opinion, representations made by local people and other interested persons, and also use its own knowledge of the local area. In taking this evidence into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made.⁸
- 2.9. Where a principal council has conducted a review following receipt of a petition, it will remain open to the Council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to

¹ Local Government & Public Involvement in Health Act 2007 100(4)

² Guidance on Community Governance Reviews. Department for Communities and Local Government and Local Government Boundary Commission for England. 2010

³ Local Government & Public Involvement in Health Act 2007. 93(4)

⁴ Guidance on community governance reviews DCLG & LGBCE 2010 para 53

⁵ Guidance on community governance reviews DCLG & LGBCE 2010 para 62

⁶ Local Government & Public Involvement in Health Act 2007 93(3)

⁷ Local Government & Public Involvement in Health Act 2007. 93(6)

⁸ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 para 96

damage community relations by dividing communities along ethnic, religious or cultural lines.⁹

3. Background

- 3.1 Tower Hamlets Council received a valid petition on 23 July 2018 from 324 local residents requesting the creation of a new parish council.
- 3.2 To be valid, a petition to trigger a community governance review must be signed by at least 7.5% of local government electors living in the area covered by the petition. The petition must define the area to which the review is to relate and specify one or more recommendations which the petitioners wish the community governance review to consider making.
- 3.3 If the recommendations in a petition include the establishment of a new parish council, then the petition is to be treated as if it is also recommending that a new parish be created.¹⁰
- 3.4 The wording of the petition was as follows:

“We, the undersigned, are electors who live in Spitalfields and believe that Spitalfields should have a Town Council which we hope will be subdivided into at least three electoral wards.

We ask that Tower Hamlets Council undertake a Community Governance Review in accordance with its duties under Section 83 of the Act. We hope that the outcome of this review leads to the creation of a new local council for Spitalfields to be called Spitalfields Town Council, which would work with Tower Hamlets to represent our community and bring about improvements to our town. We recommend the Town Council area includes Spitalfields Neighbourhood Planning Area and the Former Bishopsgate Goods Yard site (only that part within Tower Hamlets).”
- 3.5 A map showing proposed boundaries of the parish was presented with the petition. The boundaries proposed by the petitioners sit entirely within the two wards of Spitalfields & Banglatown and Weavers. They comprise the western part of the ward of Spitalfields & Banglatown and a small portion of Weavers ward.
- 3.6 On receipt of a valid petition, if there is no ongoing community governance review, a council must undertake a community governance review that has terms of reference that allow for the petition to be considered.¹¹ The terms of reference for the review must specify the

⁹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 para 95

¹⁰ Local Government & Public Involvement in Health Act 2007 80(2-8)

¹¹ Local Government & Public Involvement in Health Act 2007 83(2)

area under review.¹² It is for the Council to decide the terms of reference for the community governance review and to decide what modifications (if any) to make to terms of reference.¹³

- 3.7 Terms of reference for this community governance review were considered by the Mayor in Cabinet on 26 September 2018 and agreed by the Chief Executive following further discussion with officers. They were modified on 1 March 2019 to extend the period of public consultation for phase two of the review from 8 to 12 weeks. Terms of reference for the review can be found on the Council website at www.towerhamlets.gov.uk/consultations.
- 3.8 The terms of reference set out the objectives of this community governance review as follows:
1. To fulfil the council's obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
 2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
 3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
 4. To take into account any other arrangements for community representation and engagement in the area that are already in place or that could be made.
 5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.
- 3.9 In specifying the area under review, the Council took a decision to set its geographical scope as comprising the wards of Spitalfields & Banglatown and Weavers. The original boundaries proposed by the petitioners sit entirely within these two wards.
- 3.10 The Council's intention in setting a broader area for review was to allow the petitioners' recommendations to be considered as required in legislation. The Council also wished to establish whether these recommended boundaries were indeed reflective of the identity and interests of the local community and whether they were suitable for effective and convenient community governance for the area.
- 3.11 Reviewing a broader area also allowed the views of those living in adjacent areas to be taken into consideration. The Council believes that this is especially important in an urban, inner city, context where there are not clear boundaries or areas of 'no mans land' between communities as envisaged by government guidance.¹⁴

¹² Local Government & Public Involvement in Health Act 2007 81(2)

¹³ Local Government & Public Involvement in Health Act 2007 81(4)

¹⁴ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.83

4. Consultation, evidence and guidance informing the review

- 4.1. The Council has had regard to government guidance on the conduct of community governance reviews. It has drawn on a number of sources of evidence to inform the review. These include two extensive public consultation exercises undertaken during phase one and two of the review and internal consultation with relevant council officers. It has considered the findings of other community governance reviews across the country and best practice guidance from organisations such as the National Association of Local Councils. It has also reviewed research on the role and functions of parish councils, for example House of Commons Library Briefings.
- 4.2. The consultation arrangements put in place by the Council included an initial phase of consultation on the proposals in the petition (phase one). This ran for twelve weeks from 8 October 2018 and closed on 31 December 2018. Following consideration of phase one findings and its initial analysis and options appraisal the Council published draft recommendations on 6 March 2019 for public consultation (phase two). This consultation exercise ran for twelve weeks and closed on 28 May 2019.
- 4.3. In both phases of consultation the Council defined consultees as all residents in the two wards of Spitalfields & Banglatown and Weavers as well as any other person, organisation or business that has an interest in the review. This included, but was not limited to, local government electors in the area, other local residents including council tax payers, residents of the wider borough, people and organisations with a connection to the area, local businesses, public sector bodies, civil society organisations, and neighbouring local authorities.
- 4.4. The Council considered 892 responses in phase one, of which 673 were from individuals, 40 were from an organisation; (179 responders did not say in what capacity they were responding).
- 4.5. In phase two 2,173 responses were considered by the Council of which, 2,082 were from individuals, 49 were from an organisation; (42 responders did not say in what capacity they were responding).
- 4.6. Detailed consultation reports for phase one and phase two are available on the Council website at www.towerhamlets.gov.uk/consultations.

5. Key considerations

Legislative criterion a) Is the proposal reflective of the identity and interests of the community in the area?

- 5.1. When considering a proposal to create a new parish (and parish council) a principal council must consider whether the proposal is reflective of the identities and interests of the community in that area.¹⁵ Government guidance stresses that how people perceive where they live is significant in considering the identities of local communities and depends on a range of circumstances often best defined by local residents. Factors can include the geography of the area, the make-up of the local community, sense of identity and whether the area is rural, suburban or urban.¹⁶
- 5.2. According to government guidance, parishes should reflect distinctive and recognisable communities of interest with their own sense of identity. The feelings of the local community and the wishes of local inhabitants should be primary considerations.¹⁷
- 5.3. Government guidance on the creation of parishes states that parish boundaries should reflect the 'no-man's land' between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable.¹⁸ In a densely populated urban area like Tower Hamlets there are not such clear physical boundaries between communities so that defining potential parish boundaries is less straightforward.
- 5.4. During public consultation a number of people mentioned the distinct identity of the area, giving this as a reason why it should have its own parish council. Spitalfields as a place name has appeared in records since the Middle Ages. Various historic maps exist showing the boundaries of ecclesiastical parishes in the area. Spitalfields is also recognised as a 'place' in the Council's Core Strategy published in 2010, which forms part of the Local Development Framework albeit with imprecisely defined boundaries.
- 5.5. Spitalfields was designated a Neighbourhood Planning Area by the Council in April 2016. A neighbourhood planning area enables local people, through a Neighbourhood Planning Forum, to develop a shared vision for their neighbourhood and to shape the development and growth in the area through a Neighbourhood Plan. The boundaries of the Spitalfields Neighbourhood Planning Area were assessed and agreed by the Council against criteria taken from the Town and Country Planning Act 1990 and the government's Planning Practice Guidance on Neighbourhood Planning. These boundaries

¹⁵ Local Government & Public Involvement in Health Act 2007 93(4)

¹⁶ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.58

¹⁷ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.59

¹⁸ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.83

could be seen as a starting point for defining any parish, should one be created.

- 5.6. Boundaries drawn up for neighbourhood planning purposes are not necessarily suitable for the creation of parish however. The Council is required to consider whether they are likely to result in efficient and effective local governance in the area. This includes consideration of whether services can be delivered effectively and efficiently by a parish within those boundaries and whether they are suitable for electoral purposes.
- 5.7. The parish boundaries proposed by the petitioners followed the boundaries of the Spitalfields Neighbourhood Planning Area. In addition the petitioners included the part of the Bishopsgate Goods Yard development site that sits within the London Borough of Tower Hamlets. These proposed boundaries are shown on the map at Annexe 1 and comprise areas A, C and D.
- 5.8. Through consultation in phase one and two the Council wished to test potential boundaries with local people and others to understand if they were indeed reflective of the identity and interests of the community living in the area and would be likely to result in effective and convenient local governance.
- 5.9. The Spitalfields & Banglatown Town Council Campaign, set up to represent the petitioners, themselves stated in their phase one submission *'that the precise delineation of our eastern boundary was not ideally placed, and it meant some people who strongly felt they were living in Spitalfields & Banglatown and would like to be living inside a future parish/town were left outside'*. They proposed an eastward extension of the parish boundary at this point. This area is shown as area B on the map at Annexe 1. It contains the Chicksand Estate and neighbouring streets.
- 5.10. At the close of phase one, the Council put forward three alternative boundary options for consideration. It excluded the Bishopsgate Goods Yard development site from any of the boundary options on the grounds that the site has London wide strategic significance and is shared with the London Borough of Hackney. It also abuts onto the area covered by the East Shoreditch Neighbourhood Planning Area which has an interest in the site. It is awaiting development and has no current residents to consult. The Council will keep this area under review and may consider it in a future community governance review if a parish were to be created.
- 5.11. Boundary Option I comprised the area put forward by the petitioners (excluding the Bishopsgate Goods Yard site). It also includes the area identified on the map at Annexe 1 as Area B. This extends the boundary of the proposed parish eastwards. The Council took note of

the submission by the Spitalfields & Banglatown Town Council Campaign on this matter as set out above.

- 5.12. Boundary Option II comprised the area covered by Boundary Option I with a further extension eastwards to Valence Road. The extended area is marked on the map at Annexe 1 as Area E. The Council wished to test whether residents of this area favoured inclusion in any parish, if one were to be created. The Council also views Valence Road as a potential 'natural' boundary and one which would better facilitate effective delivery of local services by a parish, were one to be created.
- 5.13. Boundary Option III further extended the proposed boundary south to the Whitechapel Road. The properties in this area are mainly commercial with fewer residents to consult, but Whitechapel Road appears to represent a clear 'natural' boundary which may facilitate the more effective delivery of local services by a parish council, were one to be created. The extended area is marked on the map at Annexe 1 as area F.
- 5.14. All three boundary options put forward by the Council included Area C. This covers a small part of Weavers ward along Brick Lane. It is part of the Spitalfields Neighbourhood Planning Area and was included in the boundaries proposed by the petitioners. Although the area could be seen as part of historic Spitalfields it may be less suitable for inclusion in a parish if guidance on 'natural' boundaries were followed. The railway line following the ward boundary may be a better and clearer boundary. Very few consultation responses were received from people living in this area so it is difficult to draw firm conclusions on the level of support from residents for its inclusion in a parish, were one to be created.
- 5.15. Government guidance recognises that while 'place' is important in shaping a sense of community identity it is not the only factor that needs to be taken into account.¹⁹ In a borough like Tower Hamlets, there are diverse communities of interest as well as those centred on neighbourhood or locality; for example, representing age, gender, ethnicity, faith or lifestyle groups. Any number of communities of interest may flourish in an area but they do not necessarily centre on a specific place or help to define it. The Council is mindful that the identity, needs and interests of all these various communities require balancing in making a decision on whether to create a parish.
- 5.16. Government guidance points out the potential role for parish councils in strengthening community engagement and participation and in generating a positive impact on community cohesion.²⁰ It states that principal councils should consider the impact on community cohesion

¹⁹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.60

²⁰ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.67

of community governance arrangements.²¹ Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. However, the guidance also specifically asks principal councils to consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.²²

- 5.17. Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. A principal council is advised not to make a decision to create a parish which may threaten community cohesion. Principal councils may decline to set up such community governance arrangements where they judge that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.²³
- 5.18. During both phases of consultation, concerns were expressed by some that the creation of a parish could divide local communities and have a negative impact on community cohesion. More than one in four of those opposing the creation of a parish gave this as a principal reason for their opposition to the proposal. Most set out their concerns in terms of the original boundary proposal dividing better off areas from more deprived ones. The Council notes that whilst the original area proposed does contain comparatively less deprived areas than much of the borough, it does have more deprived neighbourhoods. There is clearly a risk however that a perception of division on the basis of socio-economic status would persist in surrounding areas and other parts of the borough, were a parish to be created.
- 5.19. Some consultees argued that the creation of a parish council did not have the support of a broad cross section of the community in the area. This is confirmed by the Council's analysis of consultation responses. In phase two, for example, 80% of those who gave their ethnicity as Asian / Asian British did not support the creation of a parish council. Opposition to the creation of a parish council was also high amongst those who gave their religion as Muslim, with 91.2% of this group opposing the proposal.
- 5.20. In the light of these findings, the Council should have regard to the Public Sector Equality Duty as set out in the Equality Act 2010. In particular the Council should have regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Government guidance gives a working definition of this as 'the growth of relations and structures that acknowledge the diversity of society, and that seek to

²¹ Guidance on Community Governance Reviews. DCLG & LBGCE 2010 s.67

²² Guidance on Community Governance Reviews. DCLG & LBGCE 2010. s.75

²³ Guidance on Community Governance Reviews. DCLG & LBGCE 2010. s.74

promote respect, equity and trust, and embrace diversity in all its forms'.²⁴ Of particular relevance is the need to consider whether a parish council would be likely to increase diversity in civic and political participation and increase reported confidence and trust in institutions subject to the duty. In reaching its decision, the Council is also required to have regard to the need to advance equality of opportunity. Of particular relevance is the requirement to encourage participation in public life.

- 5.21. In assessing the likely impact that the creation of a parish council could have on community cohesion it is worth noting that social relationships can facilitate or hamper both individual and collective access to resources. Networks of relationships characterised by trust and reciprocity can be understood as generating 'social capital' because they enable people to use and exchange resources. However, social networks can also serve to entrench divisions and inequalities due in part to differences in access to power and resources.²⁵ Creating a new institution where there is evidence of a lack of trust based on perceptions of divisions along lines of ethnicity, religion or socio-economic status may be unwise without fully understanding how these perceptions arise and how they are best addressed.
- 5.22. The Council notes the argument put forward by campaigners for a parish council that there is little concrete evidence that parish councils elsewhere in the country have had a negative impact on community cohesion. (Conversely there is also no robust evidence that they have a positive impact.) Whilst government guidance is enthusiastic about the potential benefits of parishes for community cohesion, it also clearly states that a council should decline to set up such community governance arrangements where they judge that doing so would not be in the interests of either the local community or surrounding communities, or where the effect would be likely to damage community cohesion.²⁶ Government guidance on this matter recognises that challenges to community cohesion are very local and that local authorities because of their knowledge of local communities are in a good position to assess these challenges.²⁷
- 5.23. The petition proposed that the parish council should be named 'Spitalfields Town Council'. In its initial analysis and draft recommendations, the Council noted that it is unable in law to give a parish council the style 'Town Council'. That would be a matter for the parish council if one were to be established.

²⁴ Equality Act 2010: Technical Guidance on the Public Sector Equality Duty: England. Equality & Human Rights Commission 2014. 3.35

²⁵ Home Office Indicators of Integration framework 2019

²⁶ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.74

²⁷ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.76

- 5.24. The Spitalfields & Banglatown Town Council Campaign, in their phase one submission, acknowledged that concerns had been raised with them about the naming of the proposed parish and the importance of the name 'Banglatown' to the local Bangladeshi community. For this reason they proposed that any new parish should be called 'Spitalfields & Banglatown' rather than 'Spitalfields'. In its initial analysis and draft recommendations the Council accepted this proposal and did not consult further on naming.

Legislative criterion b) Would a parish council be an effective and convenient form of local governance?

- 5.25. Legislation requires a principal council to consider whether a parish council would be an effective and convenient form of local governance.²⁸ The government has stated that by 'effective and convenient' it means that a parish council is able to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.²⁹
- 5.26. During consultation a significant number of those supporting the creation of a parish argued that, if created, a parish council would be better placed to address specific local needs and provide better local services. Others stated that they believed a parish council would increase local democracy and give local people greater voice, both in their dealings with Tower Hamlets Council and greater influence over decisions which affected them, for example, the use of the Community Infrastructure Levy raised from development in the area.
- 5.27. The Council notes the challenge facing all levels of local government in terms of engaging people in the democratic process. It also notes that this challenge is particularly acute for parish councils. In the May 2015 elections in England, for example, only 20% of parish council seats were contested. Creation of a parish council would not automatically guarantee increased local democracy or participation. These challenges would remain for a parish council, were one to be created.
- 5.28. During phase two consultation we asked people about whether other (non-parish) forms of community governance should be put in place. This was the council's favoured option in its draft recommendations. Only 7.7% (169) of all respondents supported this option. However, when asked specifically about their support for various (non-parish) options for community governance, 98.2% (2,134) responded giving their views. Forty two percent (896) still did not support any of the options put forward. Of the remainder, support for the various forms of non-parish community governance was fairly evenly distributed.

²⁸ Local Government & Public Involvement in Health Act 2007. 93(4)

²⁹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.62

- 5.29. There have been a variety of community governance arrangements that have been put in place in the borough. They have been abandoned for different reasons, including cost, difficulty sustaining them, varying levels of engagement, and changes of political appetite for specific arrangements. Following consultation, the Council accepts that there is little support for new forms of community governance in the area, either parish or non-parish. It does intend, however, to work with and support existing forums, including ward panels, tenants and residents associations, and other civil society groups to increase community engagement and participation in line with its Community Involvement Strategy. This should be the case whether or not a parish council were to be created. Proposals on strengthening local democratic engagement across the borough were put to the Council's General Purposes Committee on 25 June 2019.
- 5.30. Parish councils have the option to exercise a variety of powers and duties, including the delivery of a small number of specific local services that add to those provided by the principal council. A parish council can enter into discussions with the principal council such as Tower Hamlets Council about the transfer of services, budgets and assets within the service areas listed above. However this is subject to mutual agreement and securing "best value" by law.
- 5.31. The Localism Act 2011 enables parish councils and others to express an interest in running a local authority service. This is called the community right to challenge (CRC). The CRC relates to 'relevant services' and not functions. Some services are excluded by legislation (e.g. packages of services for health and social care for named individuals). There is no guarantee that the eventual provider of the service would be the body that launched the expression of interest. Parish councils can also exercise the community right to bid to purchase assets of community value if they come up for sale, for example a pub, shop or community hall.
- 5.32. In practice, most parish councils do not have the capacity or resources to deliver more than a small range of services and functions. During consultation many of those who supported the creation of a parish council anticipated that it would be able to tackle issues such as litter, street cleaning, the provision of public toilets, crime and anti-social behaviour. Whilst parish councils do have some powers in relation to these issues, they also require the financial and human resources to deliver services. A parish council setting out to provide such services would either need to raise funds through the precept, thereby increasing the cost to local residents, or to negotiate with the principal council (Tower Hamlets) for the transfer of staff, budget, and equipment. At this point, Tower Hamlets Council would be unlikely to make such a transfer to a parish council, were one to be created.

- 5.33. Consultation feedback highlighted the need to improve service delivery in relation to waste management. Measures that we have in place or that we plan to implement include: bringing waste collection services back in house in April 2020; continuing our Big Clean Ups (we have had seven to date) and we actively encourage the community to get involved; working with housing associations and private landlords to improve waste issues on estates; an improved commercial waste offer to increase commercial recycling and reduce illegal dumping; rolling out Smart Bins and incorporating recycling into more street bins; and working to improve recycling to increase the household recycling rate.
- 5.34. Residents in the consultation also asked for better management of crime and anti-social behaviour in the area. The council is actively working with partners including Tower Hamlets Police to address criminal and anti-social behaviour. Operation Continuum is focusing on disruption of the drugs market and has resulted in 190 arrests so far. The council has invested in new police officers for housing estates and elsewhere. Tower Hamlets Enforcement Officers work to tackle anti-social behaviour and violence. Other activity includes seizure of cars and neighbourhood walkabouts.
- 5.35. A parish council can choose not to deliver any services and instead act purely as a means of influencing local service provision made by the principal council or other partners such as the police. However, existing mechanisms for local representation such as ward councillors, neighbourhood panels and tenants' and residents' associations are already in place to do this.
- 5.36. A parish council, if established, would take on the functions of the existing neighbourhood planning forum for Spitalfields. The Localism Act 2011 enables a parish council, or a neighbourhood planning forum if there is no parish council, to work with the principal council (the Planning Authority) to create a plan for their area. The plan sets out policies and priorities for the development and use of land in the area and must be in accordance with the local development plan, examined by an Independent Examiner and pass a referendum.
- 5.37. The Council designated a neighbourhood planning area in Spitalfields in 2016. If a parish were to be created, then the parish council would take on responsibility for neighbourhood planning within its area. There is no requirement for the neighbourhood planning area to be coterminous with the parish.³⁰ Parish councils are statutory consultees in the planning process and have no powers to approve or reject planning applications, they can only comment or not on applications. The Planning Authority remains the London Borough of Tower Hamlets.

³⁰ Planning Practice Guidance. MHCLG Paragraph: 026 Reference ID: 41-026-20190509

- 5.38. Amongst those opposing the creation of a parish council, one fifth expressed concern about increased costs and bureaucracy. It is important that residents understand the potential costs of a parish council and the likely cost to council tax payers within a parish. It is difficult to provide a clear estimate of cost, however, as the level of precept would depend on the scope of services and functions that a parish decided to deliver. Parish councils are funded principally through an annual precept, an additional council tax levied on eligible individuals. This is set by the principal council in the first year and then by the parish council itself once established. Nationally, the average Band D precept charged by a parish or charter trustee for 2018-19 will be £64.05, an increase of £3.02, or 4.9%, from 2017-18.³¹
- 5.39. For illustrative purposes only the Council calculated the tax base for a parish council in the area shown on the map at Annexe 1 as Boundary Option I. This area has 3,277 Band D equivalent properties. At the national average of a £64.05 precept, the estimated total precept for a parish council in this area is estimated to be £209,892.³²
- 5.40. With a precept set at this level a parish council would be unlikely to be able to do more than employ one or two staff and to provide very basic services. Unlike council tax, however, the precept is not capped. It would therefore be within the power of a parish council, were one to be created, to raise the precept if it wished to provide more extensive services. This could further increase costs for local council tax payers. It is difficult to estimate the likelihood or extent of this but the impact could be significant in terms of costs to council tax payers in the area.
- 5.41. A parish council could also raise income through, for example, by providing car parking spaces, hiring community spaces or running markets. In practice, this would be difficult to organise in an area of this nature and would require an outlay of resources or transfer of resources from the principal council to the parish council.
- 5.42. A parish council would also be eligible for a portion (15-25%) of the Community Infrastructure Levy (CIL) collected in the area. Some consultees said that a parish council would be a better vehicle for the allocation of CIL raised from development in the area and that it would give residents a greater voice in deciding how these monies should be used. In contrast others said that the decisions on the use of planning gain could remain in the hands of a small number of individuals. Arrangements for local people to get involved already exist through the Neighbourhood Planning Forum. Any arrangements for involving a larger number of local people could equally well be made under existing governance structures without necessarily creating a parish

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700668/Council_tax_levels_set_by_local_authorities_in_England_2018-19_revised.pdf

³² If a council tax collection rate of 97.25% is assumed then the figure would be 3,177 Band D equivalent properties with an estimated total precept of £203,487

council. It should be noted that the Mayor has agreed to the allocation of 25% of CIL in all neighbourhood planning areas within the borough so establishing a parish council would not result in any additional resources for the area or in resources being taken from other areas. The main difference would be that the parish council, if created, would make decisions on the allocation of these funds.

- 5.43. During the phase one consultation some businesses said they were concerned about the potential for an increase in business rates to fund a parish council. Parish councils do not currently receive any contributions from business rates. This misconception was addressed in the phase two consultation document.
- 5.44. A parish council as a separate legal entity would not be bound to apply any council tax support scheme agreed locally by Tower Hamlets Council. There is therefore a risk that people on lower incomes could be disproportionately impacted by the precept for a parish council. However, a parish council could choose to apply any locally agreed council tax support or indeed to set its own. The Council notes that, nationally, it has proved to be challenging for many parish councils to implement support schemes even where they have wished to do so.³³
- 5.45. A parish council, if created, would have to consider the scope of service delivery they propose, any income that can be generated, the tax base and the precept they wish to charge. This funding supports the governance and administration of the parish council and any additional services it provides. All councils have costs related to the actual functions of running a council. In the case of a parish council such costs include democratic, management, civic and central administrative expenses. It is therefore difficult to estimate the likely income, expenses and services for any new parish council. This depends on the level of income, nature of services, number of staff and so on. This would be for a parish council to decide, if one were to be established.
- 5.46. Tower Hamlets Council is required to consider what the electoral arrangements should be if a new parish were to be created. Section 95 of the Local Government and Public Involvement in Health Act 2007 requires the Council to consider whether the number, or distribution, of local government electors would make a single election of councillors impracticable or inconvenient and whether it is desirable that any area of a parish should be separately represented on a parish council, were one to be created. The petitioners recommended that the proposed parish should have three electoral wards.
- 5.47. All the boundary options the Council put forward for consultation included a small part of Weavers ward. This is shown on the map at Annexe 1 as Area C. There are electoral issues that need to be

³³ Parish and town councils: recent issues. Commons Briefing papers SN04827. 2019.

considered in relation to this area if it were to be included in a parish. Government guidance draws the principal council's attention to Schedule 2 (electoral changes in England: considerations on review) to the Local Democracy, Economic Development and Construction Act 2009. This provides that no parish ward should be split by a London borough ward boundary. The effect of this would be that Area C, in Weavers ward, would require its own parish ward, if a parish council were to be created, and would need to have at least one parish councillor for that ward. There is a risk that local electors could be confused if they are voting in borough council elections for Weavers ward councillors and in parish council elections for 'Spitalfields & Banglatown Parish Council' ward councillors.

- 5.48. The number of parish councillors cannot be less than five.³⁴ If a parish was created within Boundary Option III, the largest boundary area, it is likely to require three wards. With three councillors per ward (and possibly one for Area C if it were to be included in a parish), that would result in a parish council of nine or ten councillors. This is in line with parish councils nationally and with guidance from the National Association of Local Councils.³⁵
- 5.49. It is the Council's expectation, that if a parish were to be created, then elections would take place at the same time as borough council elections.³⁶ The first election, if a parish were to be created, would therefore be in 2022. Implementation would require the establishment of a working group to take forward the establishment of the parish council.

Support for the creation of a parish council

- 5.50. As part of a community governance review the Council is required to consult all local government electors in the area covered by the review as well as any other person, organisation or business which has an interest.³⁷ It has a duty to consider any representations made in connection with the review.³⁸
- 5.51. Of the 2,173 valid responses received in phase two, 1,239 were from people living within the area covered by the three boundary options put forward for consideration by the council. Of these 34.6% (429) supported the creation of a parish council; 63.1% (783) did not support the proposal; 2.2% did not express an opinion.
- 5.52. The highest level of support for the creation of a parish council was from people living in Boundary Option I, where 36.6% (381) supported

³⁴ Local Government Act 1972 s.16

³⁵ NALC circular 1126

³⁶ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.148

³⁷ Local Government & Public Involvement in Health Act 2007 93(3)

³⁸ Local Government & Public Involvement in Health Act 2007 100(4)

the creation of a parish council; 61.2% (638) did not support the proposal; 2.1% did not express an opinion.

- 5.53. The original petition had 324 signatories. The Council analysis of phase two consultation data for Areas A and C, covering the original area proposed by the petitioners,³⁹ shows that only 354 people in those areas expressed their support for the creation of a parish council. This was after two extensive consultation exercises on the proposals and considerable publicity locally, regionally and nationally. If the assumption is made that all these individuals are local government electors this still represents only 8% of the electorate in the area.
- 5.54. Consultation has confirmed the Council's view that there is not significant support for the creation of a parish council, either within the area or within the broader community. It has also confirmed that there is significant opposition to the proposal, especially within the Bangladeshi community. Whilst consultation findings are only indicative of local views, the Council cannot discount these findings in reaching its decision.
- 5.55. A suggestion was made during consultation that parish could be piloted in the area with a final decision made at a later date. Whilst the Council does have the power to both create and abolish a parish in its area, this is not straightforward. Once established, a parish council would need at least two terms of operation (eight years), not counting any interim arrangements, so any 'pilot' would be in place until at least 2030. Abolition also requires robust evidence of sustained public opposition to a parish. Principal councils have been successfully challenged in the High Court in deciding to abolish a parish without this evidence.⁴⁰
- 5.56. Campaigners supporting the creation of a parish council have requested a referendum to determine the outcome of the community governance review. The Council has considered this request. It is not required to conduct a referendum or ballot as part of the community governance review process. If any ballot were to be undertaken at any stage, then its outcome would be purely advisory. It would also not be sufficient to meet the legal requirement to consult a broad range of the community as well as local government electors. A ballot would not enable the Council to make a judgement on whether the creation of a parish would impact adversely on groups with protected characteristics as it is required under the Public Sector Equality Duty. If in the Council's judgement a recommendation to establish a parish council would negatively impact on community cohesion, either within the proposed parish area, or in the wider community within which it would be located, it should not be made. Any decision taken by the Council

³⁹ Excluding Area D, the Bishopsgate Goods Yard site which has no residents to consult.

⁴⁰ For example, *Britwell Parish Council, R (on the application of) v Slough Borough Council* [2019] EWHC 998 (Admin)

solely on the basis of either consultation findings or a ballot would be open to challenge on its decision making.

6. Conclusions

- 6.1. The Council is mindful of the legal presumption in favour of the creation of a parish council unless there are clear reasons not to do so. It also has regard to its primary duty to secure that community governance within the area under review:
- a) reflects the identities and interests of the community in that area, and
 - b) is effective and convenient.
- 6.2. It has taken into account government guidance which clarified criterion b) by stating that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them. It has applied this in considering the proposal to create a parish council.
- 6.3. Factors which have influenced the Council's judgement against the two principal criteria include the potential impact on community cohesion within the area and between the area and the broader community and the size, population and boundaries of the proposed parish.
- 6.4. As required by law the Council has consulted all local government electors in the area covered by the review as well as any other person, organisation or business which has an interest. It has considered and taken into account representations made in connection with the review.
- 6.5. In its initial analysis the Council set out what it believed to be the four broad options for consideration. These were to:
- i. adopt the petitioners' proposals in full*
 - ii. create a parish and parish council but with modifications to the proposals made in the petition*
 - iii. reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance.*
 - iv. reject the proposal to create a parish council and retain existing governance arrangements*
- 6.6. At the end of phase one, the Council concluded that it could not recommend option i) adoption of the petitioners' proposals in full. It set out its reasons for rejecting this option in its initial analysis and draft recommendations document. In summary, the Council does not have

the power in law to create a 'Town Council' as requested. It can only create a parish and parish council. The style 'Town Council' would be a matter for a parish council to adopt, were one to be established. The Council rejected the boundaries proposed by the petitioners as unsuitable for a parish based on considerations of identity and interest and efficiency and effectiveness. The Council also rejected the name proposed by the petitioners as not fully reflective of the current identity of the area.

- 6.7. In its initial analysis and draft recommendations the Council set out alternative proposals for the creation of a parish and parish council for the area – option ii) create a parish council with modifications to the proposals in the petition. Taking into account representations received during phase one consultation and officers' assessment of the feasibility of the proposals, these included a revised name for the parish – 'Spitalfields & Banglatown'. The Council also proposed three alternative boundary options which it felt better balanced the identity and interests of the area and suitability for effective and efficient local governance. It sought views on these proposals in phase two consultation.
- 6.8. If option ii) were to be adopted the Council recommends that a parish in the area should be named 'Spitalfields & Banglatown'
- 6.9. If a parish were to be created, the area that the Council believes best balances the various considerations set out in legislation and guidance comprises areas A, B, E and F on the map at Annexe 1. This excludes the Bishopsgate Goods Yard development site and area C within Weavers ward for the reasons set out above.
- 6.10. If a parish were created, it should have three electoral wards and three parish councillors per ward. The precise boundaries of these parish wards would need to be determined in consultation with the Local Government Boundary Commission for England.
- 6.11. The Council recommends that, if a parish were created, the precept should be set in the first year at the national average rate for a Band D property. It would be for a parish council to determine the precept in subsequent years.
- 6.12. After careful consideration of option ii) create a parish and parish council with modifications to the proposals made in the petition, the Council has come to the conclusion that it cannot support this option. The reasons for this are set out below.
- 6.13. In its initial analysis and draft recommendations the Council expressed concern that the creation of a parish would risk undermining community cohesion both within the area and also between the area and other parts of the borough. This was informed by many of those who responded to the consultation. Consultees in both phase one and

phase two expressed this in terms of a parish creating or reinforcing divisions between more and less deprived neighbourhoods. In an attempt to mitigate this risk the Council accepted the proposal made by campaigners for a parish boundary to be extended eastwards to include the Chicksand Estate and surrounding streets.

- 6.14. Government guidance is clear that community governance arrangements should reflect, and be sufficiently representative, of people living across the whole community, and not just a discrete cross section of it.⁴¹ It states that it would be difficult to imagine a situation in which a principal council could make a decision to create a parish and a parish council which reflects community identity and interests in the area and at the same time threatens community cohesion.
- 6.15. The Council's analysis of phase two consultation findings has demonstrated that the proposal to create a parish has significant opposition amongst Asian / Asian British members of the community and people who gave their religion as Muslim. The Council has concluded that the creation of a parish does not have the support of a broad cross section of those living in the area.
- 6.16. Consultation has identified perceptions of division within the area based on socio-economic status. To some extent this is confirmed by the data in the Borough Profile 2018. There is also the potential for division to arise in relation to ethnicity and religion. Whether or not a parish / parish council is established it is important to better understand the impact of gentrification on the area and also the integration of communities linked to ethnicity and religion. There may also be work needed on how to increase the civic and democratic engagement of women, especially ethnic minority women. It is recommended that Tower Hamlets Council undertakes further work to explore these issues. This could assist a parish council, if established, or other institutions in the area in terms of promoting social integration and community cohesion.
- 6.17. A parish council in the area, if created at any point in the future, would be a separate legal entity from the London Borough of Tower Hamlets. It would however be subject to the Public Sector Equality Duty and as such should have regard to relationships between groups with protected characteristics and put in place measures to address and mitigate them. It is the view of the Council that further work is needed to understand and address issues of integration and community cohesion within the area before a decision could be taken to create a parish council. The Council would need to take this into account in any future Community Governance Review in deciding whether or not to create a parish council.

⁴¹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.74

- 6.18. It is the Council's judgement that the creation of a parish would be not be reflective of the identity of the whole community, nor would it be in the interests of the community if it were to have a negative impact on community cohesion. Government guidance is clear that principal councils should be able to decline to set up such community governance arrangements where they judge that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be to damage community cohesion.
- 6.19. The Council has been unable to draw firm conclusions on the likely costs of a parish council as this in part would depend on the amount of money the parish council decided it would need to raise which would be a matter for it. This was clearly a concern for some residents during both phases of consultation. A parish would need to raise income principally through a precept. This would increase council tax for residents living in a parished area. The Council has only been able to provide indicative costs based on national average figures and benchmarking. The precept would depend on the extent to which a parish council decided to deliver its own services. If it chose to do this then the cost could be significantly higher to residents than the indicative figures provided by the Council. The precept is also not capped. The Council is concerned about the risk that the precept could have a greater impact on people living on lower incomes. This again indicates that the creation of a parish would not be in the interests of a broad cross section of those living in the area.
- 6.20. The Council has considered other (non-parish) forms of community governance that have been or could be made in the area. In its initial analysis and draft recommendations the Council said it favoured creating an alternative, non-parish, arrangement for community governance. This was option iii) to create or strengthen non-parish forms of community governance. Very little support was received for this option in phase two consultation.
- 6.21. A number of forms of community governance have previously been tried in the area but subsequently abandoned on grounds of cost, difficulty sustaining them, changes of political priorities and criticism from external bodies. They include full neighbourhood decentralisation in the 1980s and more recently, Local Area Partnerships and Neighbourhood Community Budget Areas.
- 6.22. The Council has concluded from phase two consultation that, whilst there is little support for establishing new forms of community governance either parish or non-parish, there are existing groups and forums including tenants' and residents' associations, the neighbourhood planning form, community safety ward panels that the Council should support and engage with actively. Proposals on strengthening local democratic engagement were put to the Council's General Purposes Committee on 25 June 2019.

- 6.23. Having considered and rejected options i) to iii) the Council therefore recommends option iv) to reject the proposal to create a parish council and retain existing governance arrangements

7. Final recommendation

- 7.1. This recommendation is made under section 87(1) of the Local Government & Public Involvement in Health Act 2007 *The Community Governance Review must make recommendations as to what new parish or parishes (if any) should be constituted in the area under review.*
- 7.2. Tower Hamlets Council recommends that there be no change to existing community governance arrangements within the wards of Spitalfields & Banglatown and Weavers and that a parish should not be created in the area.
- 7.3. The Council makes no further recommendations in connection with this Community Governance Review.

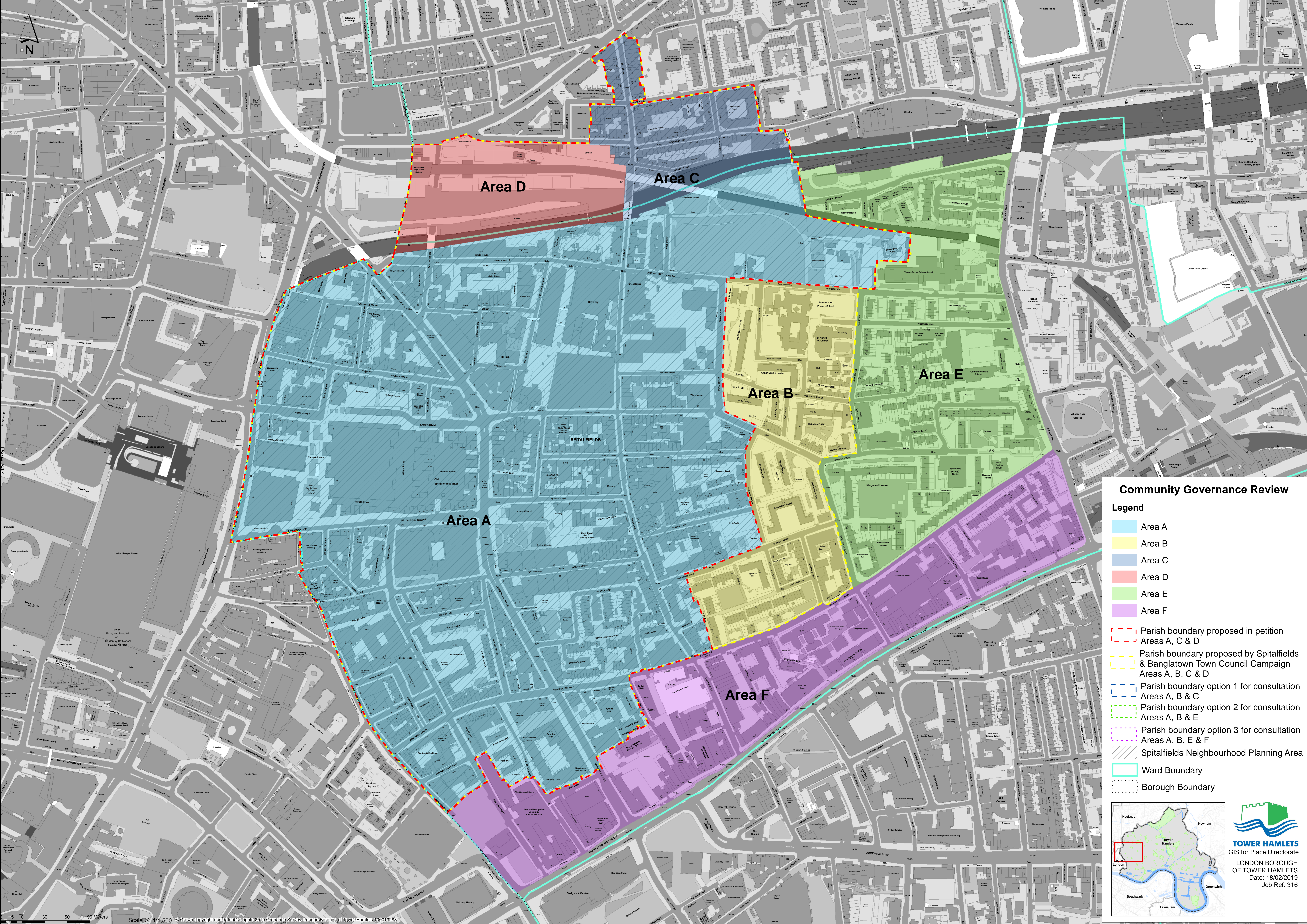
8. What happens next?

- 8.1. The conclusions of this report will be presented to Council on 17 July 2017.
- 8.2. If the final recommendation is accepted by Council then the decision will be communicated in line with legislation.
- 8.3. If the Council rejects the recommendation and agrees to create a parish council, then a report and implementation plan will be presented to Council in September 2019. Implementation of any arrangements would need to be set out in a Reorganisation Order and would begin in 1 April 2020.

List of Annexes:

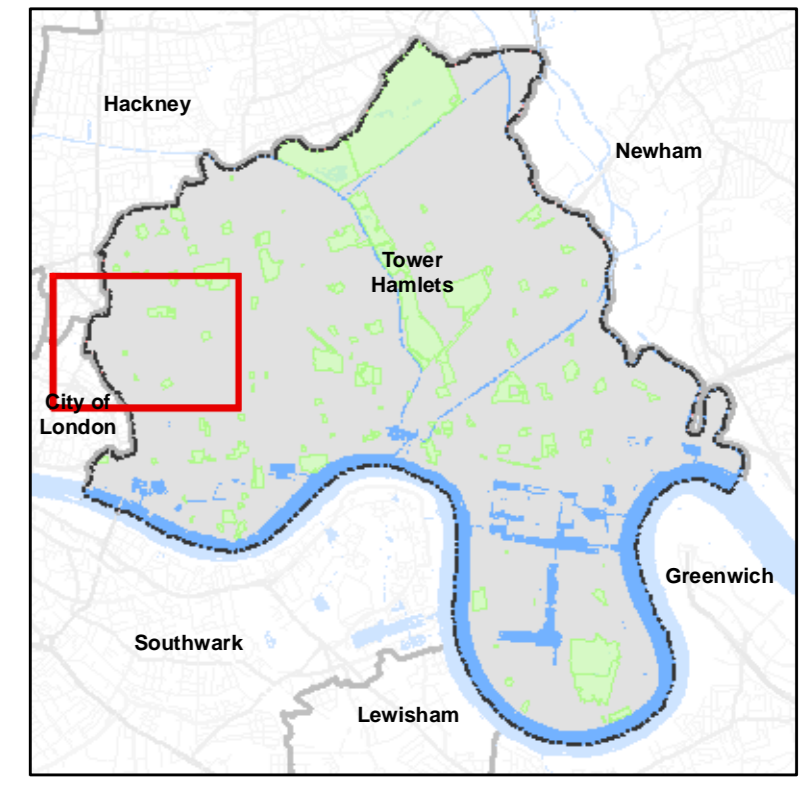
- [Annexe 1 Boundaries map](#)
- [Annexe 2 CGR Terms of Reference](#)
- [Annexe 3 Phase One consultation report](#)
- [Annexe 4 Initial analysis and draft recommendations](#)
- [Annexe 5 Phase Two consultation report](#)
- [Annexe 6 Equality analysis](#)

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Community Governance Review

- Legend**
- Area A
 - Area B
 - Area C
 - Area D
 - Area E
 - Area F
- Parish boundary proposed in petition
Areas A, C & D
 - Parish boundary proposed by Spitalfields & Banglown Town Council Campaign
Areas A, B, C & D
 - Parish boundary option 1 for consultation
Areas A, B & C
 - Parish boundary option 2 for consultation
Areas A, B & E
 - Parish boundary option 3 for consultation
Areas A, B, E & F
 - Spitalfields Neighbourhood Planning Area
 - Ward Boundary
 - Borough Boundary



TOWER HAMLETS
 GIS for Place Directorate
 LONDON BOROUGH
 OF TOWER HAMLETS
 Date: 18/02/2019
 Job Ref: 316

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London Borough of Tower Hamlets community governance review

Terms of reference

**Published 8 October 2018
Updated 1 March 2019**

Introduction

Tower Hamlets Council ('the council') is carrying out a community governance review ('the review') under the provisions of the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act').

The council is required to consider the Government's [guidance on community governance reviews](#). This is to ensure that the review reflects the identities and interests of the community in that area and that any arrangements put in place by the review are effective and convenient. This and other relevant legislation and guidance have been considered in drawing up these terms of reference.¹

Section 81 of the Local Government and Public Involvement in Health Act 2007 requires the council to publish its terms of reference for the review. The legislation also expects the terms of reference to set out clearly the matters on which a community governance review is to focus.

Why is the council undertaking the review?

Tower Hamlets Council has received a valid petition from local residents requesting the creation of a new parish council² under the 2007 Act as detailed below:

"This petition is addressed to Tower Hamlets Council under section 80 of the Local Government and Public Involvement in Health Act 2007.

"We, the undersigned, are electors who live in Spitalfields and believe that Spitalfields should have a Town Council which we hope will be subdivided into at least three electoral wards.

"We ask that Tower Hamlets Council undertake a Community Governance Review in accordance with its duties under section 83 of the Act. We hope that the outcome of the review leads to the creation of a new local council for Spitalfields, to be called "Spitalfields Town Council, which would work with Tower Hamlets to represent our community and bring about improvements to our town. We recommend the Town Council includes Spitalfields Neighbourhood Planning Area and the Former Bishopsgate

¹ In undertaking the review, the council will be guided by Part 4 of the Local Government and Public Involvement in Health Act 2007, the relevant parts of the Local Government Act 1972, guidance on community governance reviews issued in accordance with section 100(4) of the Local Government and Public Involvement in Health Act 2007 by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010, and the following regulations which guide, in particular, consequential matters arising from the Review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626). (The 2007 Act has transferred powers to the principal councils which previously, under the Local Government Act 1997, had been shared with the Electoral Commission's Boundary Committee for England.)

² References in these terms of reference to a 'parish' should be taken to include a parish which has an alternative style. Legislation allows for that area to be known as a town, community, neighbourhood or village, rather than as a parish.

Goods Yard site (only that part within Tower Hamlets). A detailed map of this area has been sent separately to your officers.

This petition was jointly organised and circulated by Spitalfields Forum, the Spitalfields Society and Spitalfields Community Group.”

The petition was submitted to the council on 23 July 2018. The petition was signed by the required number of local government electors for the area as set out in section 80(3) of the Local Government and Public Involvement Health Act 2007. The council is therefore required to undertake a review in accordance with section 83(2) of the 2007 Act.

What is a community governance review?

Community governance reviews provide the opportunity for councils to review and make changes to community governance within their areas. The recommendations made in a community governance review have two main objectives:

- To improve community engagement and better local democracy
- To enable more effective and convenient delivery of local services.

A community governance review considers one or more of the following:

- Creating, merging, altering or abolishing parish councils
- The naming of and the style of new parish councils
- The electoral arrangements for parish councils (the ordinary year of election; council size; the number of councillors to be elected to the council and warding)
- Grouping or degrouping parish councils.

In this case, the review is considering whether a parish council for the Spitalfields area should be created and the electoral arrangements for that parish council should the proposal be adopted.

Review objectives

The objectives of the review as a whole are as follows:

1. To fulfil the council’s obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
4. To take into account any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Which area is being reviewed?

The area being reviewed includes the area proposed in the petition as well as adjacent areas within the borough. This includes all of Spitalfields and Banglatown ward and Weavers ward.

A map of the area proposed by the petitioners is attached to this document in Appendix 1. The map also shows the boundaries of current council wards.

How will the review take place?

A full timetable is set out in Appendix 2 but in summary the following steps will be followed:

1. Initial general consultation based on this terms of reference (phase 1 consultation).
2. The council considers the responses and prepares draft recommendations.
3. The draft recommendations are presented for consultation (phase 2 consultation).
4. The council prepares final recommendations, which are considered at a council meeting.

Who will be consulted in the review?

Tower Hamlets Council is responsible for conducting the review. The council will consult with all local government electors for the wards of Spitalfields and Banglatown and Weavers, and any other person, organisation or business who appears to have an interest in the review.

How will the consultation be conducted?

The council will write to all local government electors in the area informing them of the review and asking for their views on the proposals in the petition (phase 1 consultation). It will also write to organisations and businesses that appear to have an interest in the review. Information will be made available on the council website, social media, press releases and displayed in public venues in the area affected where possible. The council will employ community researchers to reach out to residents who may not be able to submit a written response. Following this initial phase of consultation, the council will prepare and publish draft recommendations and the reasons for making them. There will be a further period of consultation (phase 2) on the draft recommendations before final proposals are agreed by the council.

All information relating to the community governance review will be published on the council's website.

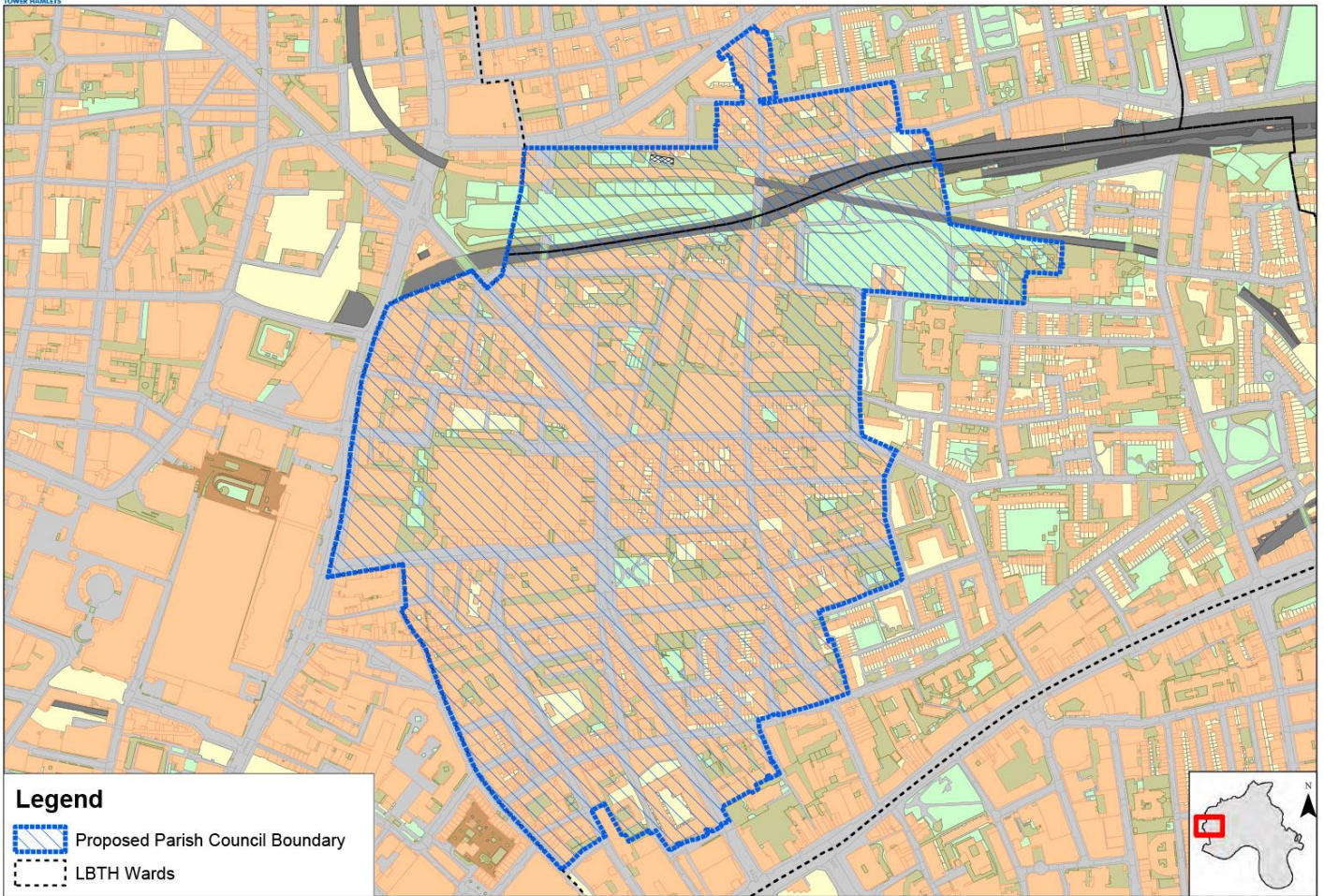
Consultation responses will also be published on the council's website. All personal information will be removed.

The review timetable is detailed in Appendix 2.

Appendix 1 – the petition proposed area



Spitalfields



Appendix 2 Timetable for the review

Publication of these terms of reference formally begins the community governance review. The review must be completed within twelve months of the receipt of a valid petition.

Stage	What happens?	Timescales	Dates
Initiation	Valid petition received	Milestone	23 July 2018
Preparing for the review	Project planning Preparation of terms of reference	Eight weeks	1 August – 30 September
Review begins	Terms of reference published	Milestone	8 October 2018
Consultation phase 1	Initial submissions are invited	Twelve weeks	8 October – 31 December 2018
Review phase 1	Consideration of submissions received Draft recommendations are prepared	Ten weeks	1 January 2019 – 1 March 2019
Draft recommendations	Draft recommendations published	Milestone	4 March 2019
Consultation phase 2	Consultation on draft recommendations	Twelve weeks	4 March 2019 – 27 May 2019
Review phase 2	Consideration of submissions received Final recommendations prepared and agreed by council	Seven weeks	28 May 2019 – 17 July 2019
Conclusion of review	Final recommendations are published – concluding the review	Milestone	19 July 2019
Implementation	Council resolves to make a Reorganisation Order if required	Milestone	July / August 2019

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Tower Hamlets Council

Community Governance Review Consultation

Phase 1 Consultation Findings Report

06 March 2019

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Introduction

This report summarises the responses to the first phase of a Community Governance Review consultation which is being undertaken in response to a petition from residents requesting the creation of a new parish council in the Spitalfields area of the London Borough of Tower Hamlets.

Phase 1 of the Community Governance Review consultation opened on the 8 October and ran for 12 weeks until the 31 December 2018. The council chose a consultation period of 12 weeks to enable a broad range of views to be gathered. The consultation programme covered online, print and face-to-face channels to encourage a broad range of responses from different groups.

Background

The council received a valid petition on 23 July 2018 from residents requesting the creation of a new parish council, 'Spitalfields Town Council', to be located within the two wards of Spitalfields and Banglatown and Weavers.

The petition was organised and submitted by the Spitalfields Forum, the Spitalfields Society and Spitalfields Community Group. The council is now carrying out a community governance review under the provisions of the Local Government and Public Involvement in Health Act 2007.

Terms of reference for the review were published on the council website on 8 October 2019. The review is considering whether a parish council should be created. The council is consulting all residents in the two wards of Spitalfields & Banglatown and Weavers as well as any other person, organisation or business who has an interest in the review.

Two consultation phases will take place as part of the review. The first phase, on the proposals as set out in the petition, ran from 8 October 2018 and closed on 31 December 2018. This report details the findings from this phase of consultation.

A second consultation stage, putting forward the council's draft recommendations, will take place in spring 2019.

Phase 1 Consultation

Phase one of the consultation was designed to gather views and gauge the level of support for the proposals made by the petitioners. Namely:

- that a new parish council should be created;
- that its boundaries should be those set out by the petitioners in the map submitted with the petition
- that its name should be 'Spitalfields Town Council'
- that it should be divided into at least three wards

The consultation document explained that a parish council operates at a local level below the principal council, in this case Tower Hamlets Council. A parish council is a democratically elected, additional and legally independent tier of local government with its own councillors, which can provide a range of local services within a defined area. The petitioners proposed the creation of new

parish council, to be called 'Spitalfields Town Council'. They also proposed boundaries for the new parish and that it should have at least three electoral wards.

Government guidance states that parish councils work towards greater responsiveness to community needs and interests. Their activities fall into three main categories:

1. Representing the local community
2. Delivering services to meet specific local needs
3. Striving to improve quality of life and community wellbeing, including promoting community cohesion

Consultation documents outlined the areas where parish councils could exercise powers and duties, with the consent of the principle authority (i.e. Tower Hamlets). It would also be a statutory consultee for planning applications.

The consultation document stated that the parish council would be funded principally by an annual precept – an additional council tax levied on local council tax payers. But it could also be funded through income generated through, for example, car parking or markets. A parish council would also be eligible for a portion of the Community Infrastructure Levy collected in the area.

Objectives

The objectives of this consultation were:

1. To fulfil the council's obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
4. To consider any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Consultation Programme

Public consultation on whether a new parish council should be created commenced on the 08 October and lasted for 12 weeks until the 31 December 2018. The consultation programme covered online, printed and face-to face channels to encourage a broad range of responses from different groups including residents, workers, visitors, business owners/representatives and organisations such as Residents Associations and amenity groups.

Proposed Boundary

The border of the parish proposed by the petitioners was outlined in the consultation document and in a detailed map on the council website. During the consultation, the Spitalfields & Banglatown Town Council Campaign Group suggested an alternative boundary that encompassed the original boundary, plus an extension eastward. The council has agreed to consult further with this revised boundary in phase 2.



Figure 1 Original parish council boundary proposed by the petitioners

Responding to the Consultation

The council stated that its preferred means for people to respond to the consultation was on its website through an online questionnaire. This consisted of a mixture of closed and open questions to understand support or opposition to the creation of a new parish council. The questions included are listed below. The online questionnaire also requested some demographic information about the respondent if they wished to provide this.

The full questionnaire can be found in Appendix A.

The consultation questionnaire was accessible online via the council website. Additionally, a designated email address which was advertised, allowing respondents to request a paper questionnaire or any additional information or support they needed to help inform them of the process and how to respond.

To ensure the council could reach a wide cross section of the community a decision was taken to work with community researchers employed by the council. They conducted outreach to raise awareness of the consultation and encourage people to complete the questionnaire online. They distributed posters and fliers in both English and Bengali. The community researchers also supported nineteen people to complete a questionnaire. During the consultation period a review of demographic information collected through the online survey showed lower than expected response rates from women and people of Bangladeshi ethnicity. The community researchers were tasked with developing strategies for increasing responses from these two groups. This included outreach at places of worship and local schools.

Communications Programme

A broad range of communications were used to inform the local area about the consultation. The consultation was publicised on the council's website and through its social media channels. A press release was issued with the launch of the consultation. Letters were sent to over eight thousand residents of the two wards who are on the council tax register. The council also wrote to local faith organisations and places of worship, voluntary and community groups in the area, and local businesses. Posters were put up in council premises and other public venues. The council also distributed 500 dual language fliers (English / Bengali). The consultation was also promoted by word of mouth through face to face engagement and outreach.

Social media

The consultation was promoted on the councils' Twitter account (@TowerHamletsNow) and the councils' Facebook page.

- The council posted 11 of tweets about the consultation and received 20178 impressions.
- The council published 8 posts on the Tower Hamlets Council Facebook page, which had a combined reach of 7761.

Leaflets

To provide information about the consultation and the proposed parish council, Tower Hamlets produced 500 dual language leaflets that could be read in either English or Bangladeshi. These leaflets were distributed at various venues in the proposed area.

Letters

Letters about the consultation were sent to 8664 residents that were listed on the Council Tax Register as living in the proposed area.

Emails

Emails were sent to a variety of relevant organisations including:

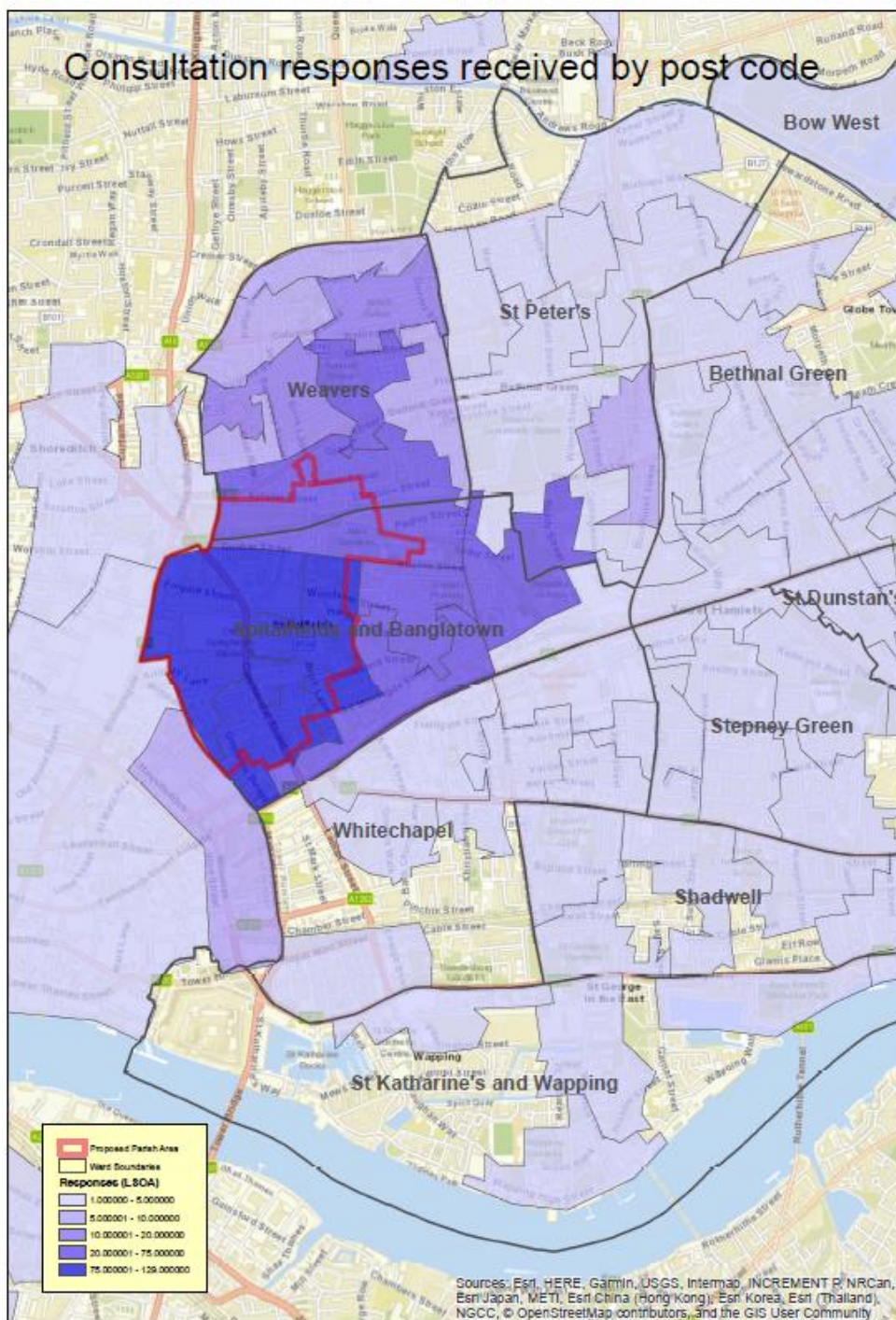
- Local businesses
- Local voluntary sector organisations and community groups
- Neighbouring local authorities (City of London Corporation, Hackney Council, Newham Council).

Other promotion

A5 posters were produced and distributed in council owned premises and other public spaces to promote the consultation.

Consultation Response

In total, the council receive 1028 responses to the consultation. Through data cleaning 136 responses were removed. As a result, 892 responses were considered of which, 673 responded as individuals, 40 responded on behalf of an organisation and 179 did not say in what capacity they were responding. Maps showing the distribution of responses by type of respondent and geographical area can be found in the maps in section below.



Analysis Methodology

There were 892 responses, 515 responses were submitted online, 19 were submitted by community researchers on council designed questionnaires and 350 paper questionnaires were handed in at the council reception, and eight responses were received in the form of a letter. N.b the 350 questionnaires handed in at council reception were not designed by the council but asked the same questions as the online questionnaire and were therefore deemed to be valid consultation responses. Only basic demographic information was included on these questionnaires.

Responses to the survey were cleaned to remove duplicate responses, where an individual has submitted more than one response to the consultation. Where duplicate responses were found, the most recent response was retained, and older versions were removed. This is because the most recent duplicate response is seen as providing the respondent's most recent views on the proposal.

All the open-ended questions in the consultation questionnaire were coded into themes to allow the responses to be quantified. This encompassed reading every response to these questions and creation of a code frame.

A breakdown of validated responses by survey method is presented below.

Analysis Methodology	Total	Living in proposed parish area	% of total received by method
Online	515	216	41.9%
Paper questionnaires handed in at Council Reception	350	132	37.7%
Paper questionnaires submitted by community researchers	19	11	57.9%
Responses by letter	8	3	37.5%
Total	892	362	40.6%

Next steps

The next phase of the Community Governance Review will be for the council to publish and consult on their draft recommendations. The findings from this phase 1 consultation will inform the recommendations.

The draft recommendations are scheduled for publication in March 2019 at which point there will be a further consultation period of twelve weeks.

The final recommendations will be prepared and agreed by the council in July 2019.

Executive Summary

Three quarters of respondents (75%) oppose the creation of a parish council. Opposition is uniform across all areas but particularly strong in Tower Hamlets wards other than Weavers and Spitalfields & Banglatown, with nine out of ten (90%) opposing the creation of a new parish council.

It is also noteworthy that 100% of the 358 responses handed in at the council reception oppose the creation of a parish council. The most likely explanation is that these were collected and submitted by campaigners against the proposals in the petition. The council is aware that there are groups campaigning actively both for and against the proposal to create a parish council.

The reasons given for this opposition vary greatly. Almost a quarter (24%) are worried that the creation of a parish council will divide the local community. Respondents also have financial concerns both in terms of having to pay more taxes and fees (18%) and in terms of dividing wealthy areas from more deprived areas (15%).

Of those supporting the proposal to create a parish council the main reasons given were wanting to have a voice in local decision making (25%), greater local democracy (23%) and a desire to address the needs of the area (18%).

The vast majority of respondents oppose the proposed boundaries (80%). This indicates that even amongst some who support the proposal in general, there are concerns with the proposed boundaries.

Again, the level of opposition varies by locations, with marginally more support for the boundaries, amongst those located in the area proposed by the petitioners (35%). In contrast, fewer than two out of ten respondents located in the extended area proposed by the Spitalfields & Banglatown Town Council Campaign Group offer their support (14%).

The reasons why respondents oppose these boundaries vary. Almost a quarter oppose the proposals in general and so oppose the boundaries (23%). Similarly, approximately one in five oppose the boundaries because they believe it will divide communities (23%).

About three out of five (59%) of respondents do not agree with naming the parish council 'Spitalfields Town Council'. Just over half of those who responded online disagree with the name (51%) compared with 78% of those who responded in other ways.

There was no consensus on the proposed electoral wards. About one in five (21%) agree with that there should at least three electoral wards, while 45% disagree.

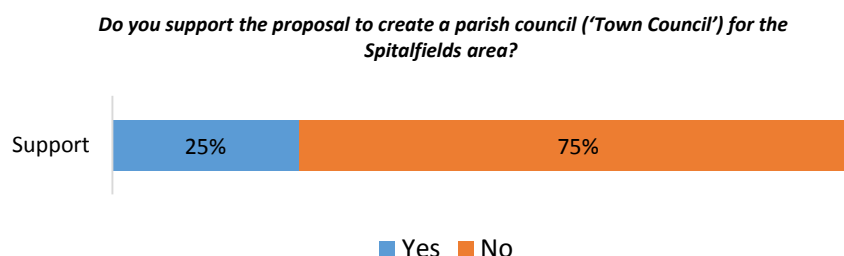
Appendix C provides a breakdown of responders by response method and geography.

Analysis

1. Overall support for creation of parish council

Q. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area?

Only a quarter (25%) of respondents who answered this question said that they agree with the proposal to create a parish council in the Spitalfields area. The majority of those that answered (75%) said they oppose the creation of a parish council.



Analysis by respondent type

The level of support for the proposal varies greatly between respondents situated in the proposed boundary for 'Spitalfields Town Council'. While a quarter of respondents to this question overall support the establishment of a parish council, almost four out of ten (39%) of residents living in the proposed area would like this to happen. This indicates that there might be slightly more support for this proposal within the proposed area, compared with people located outside the proposed boundary.

Only 67 of the respondents who answered this question are in the extended area proposed by the Spitalfields & Banglatown Town Council Campaign Group. Of these, only 15% support the creation of a parish council.

The level of support for a new parish council in Weavers and Spitalfields & Banglatown is slightly higher (30%) than the overall responses. In contrast, only 10% of Tower Hamlets residents living outside these two wards support the creation of a parish council.

Outside of Tower Hamlets, approximately one in five (21%) support the creation of a parish council.

Fewer than one in ten who responded via a paper survey (5%) support the creation of a parish council. The contrasts with 40% of those online.

Q. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area?

Analysis by area

There are significant differences in the way people responded, depending on their location. A higher proportion of respondents located in the area proposed by the petitioners support the creation of a parish council (39%), than respondents overall (25%).

	Yes	No
<i>No. of responses</i>	222	665
Total	25%	75%
Area proposed by the petitioners	39%	61%
Weavers (ward)	27%	73%
Spitalfields & Banglatown (ward)	31%	69%
Weavers and Spitalfields & Banglatown (wards combined)	30%	70%
Other wards in Tower Hamlets (excl. Weavers and Spitalfields & Banglatown)	10%	90%
Outside of Tower Hamlets	21%	79%

Analysis by methodology

There are significant differences in the level of support for the proposal based the response channel. All bar one paper response opposes the plans (100%). This contrasts strongly with online responses, where two in five (40%) support a new parish council.

	Yes	No
<i>No. of responses</i>	222	665
Total	25%	75%
Online (515)	40%	60%
Paper (377)	5%	95%

[Q. Please give the reasons for your response.](#)

Once respondents had said whether they support or oppose the creation of 'Spitalfields Town Council', respondents were asked to give the reasons for their answer in an open question. The section below explores these justifications. There were 887 responses to this question. The responses were divided between those who support and oppose the proposal as understandably their reasoning differs significantly.

'Yes'

Of those that gave their reasoning, 222 respondents support the creation of a parish council. Amongst these respondents, a quarter argue that they need to have a voice in local decision making (25%).

'Spitalfields is different to the rest of the borough. We need a council which could represent us and prioritise our interest.'

Similarly, more than one in five (23%) want greater levels of democracy and local democracy.

'More direct involvement and local say in the neighbourhood. More local democracy.'

Fewer, respondents (18%) feel that a parish council will address local needs.

'Tower Hamlets Council is in docklands, E14, The council does not represent us in anyway, they are too far away and aloof. We need proper representation on a local level away from bureaucrats.'

The table shows the top 10 open answer themes to this question.

Answer	Number of responses	% among those who responded to this question
Want/ need to have a voice/ be represented/ have a say	56	25%
Greater democracy/ local democracy/ local governing	50	23%
Local area needs / address local needs	41	18%
Get control of crime/ the streets/ services/ planning	34	15%
I agree/ I support proposal	26	12%
Spitalfields is a great/ unique/ special area	24	11%
It will help the area/ be good for the area	19	9%
Will be good/ nice a good idea (unspecific)	19	9%
Hold Tower Hamlets Council to account/ dislike Tower Hamlets Council	15	7%
Independence/ autonomy/ our own area	13	6%

Analysis by respondent type

Those that support the creation of a parish council have fairly uniform reasons for doing so. We cannot compare the justifications by respondent types as to few people responded on behalf of organisations to allow for reliable comparisons to be made. Similarly, no one who responded via a paper survey supported the proposal.

Analysis by area

The top reason given by respondents living in the area proposed by the petitioners is that the creation of a parish council will lead to greater levels of democracy (26%). A similar proportion of respondents argue that they need to have a voice (25%).

Area proposed by the petitioners only	Number of responses	% among those who responded to this question
<i>No. of responses</i>	140	
Greater democracy/ local democracy/ local governing	37	26%
Want/ need to have a voice/ be represented/ have a say	35	25%
Local area needs / address local needs	25	18%
Get control of crime/ the streets/ services/ planning	23	16%
I agree/ I support proposal	16	11%
Spitalfields is a great/ unique/ special area	16	11%
Will be good/ nice a good idea (unspecific)	15	11%

32 of the responses to this question are from responders who live in Weavers ward. Caution should be taken when analysing results among this group due to the small number of responses. The most common comments among this group were in favour of the parish council, saying they want to have a voice/need to be represented (11 comments), feel this will address local needs and help control services and local issues.

Weavers (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	32	
Want/ need to have a voice/ be represented/ have a say	11	34%
Get control of crime/ the streets/ services/ planning	7	22%
Local area needs / address local needs	6	19%
Accountability/ accountability is good	4	13%
Using money/ resources for local needs	2	6%

156 of the responses to this question from responders who are living in Spitalfields & Banglatown ward, who answered this question, the most common comments were in favour of the parish council. The top comments centered on having local representation (26%), addressing local needs (19%) and getting control of services and local issues (15%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	156	
Want/ need to have a voice/ be represented/ have a say	40	26%
Local area needs / address local needs	29	19%
Get control of crime/ the streets/ services/ planning	24	15%
Using money/ resources for local needs	8	5%
Accountability/ accountability is good	6	4%
Not representative	1	1%
Not good for the area	1	1%
Poor communication to Bengali residents / ignored	1	1%

The combined comments from those living in both wards can be seen in the table below.

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	188	
Want/ need to have a voice/ be represented/ have a say	51	27%
Local area needs / address local needs	35	19%
Get control of crime/ the streets/ services/ planning	31	16%
Using money/ resources for local needs	10	5%
Accountability/ accountability is good	10	5%
Not representative	1	1%
Not good for the area	1	1%
Poor communication to Bengali residents / ignored	1	1%

Only 19 respondents outside of Weavers and Spitalfields & Banglatown wards and 15 outside of Tower Hamlets borough answered this question. As a result, it is not possible to draw reliable conclusions about the views of these groups from the survey.

Tower Hamlets Excl. Weavers and Spitalfields & Banglatown	Number of responses	% among those who responded to this question
<i>No. of responses</i>	19	
Local area needs / address local needs	4	21%
Want/ need to have a voice/ be represented/ have a say	3	16%
Get control of crime/ the streets/ services/ planning	2	11%
Using money/ resources for local needs	2	11%
Accountability/ accountability is good	1	5%
Not representative	1	5%

Only 15 respondents outside Tower Hamlets borough answered this question. As a result, it is not possible to draw reliable conclusions about the views of this group from the survey.

Outside of Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	15	
Want/ need to have a voice/ be represented/ have a say	2	13%
Local area needs / address local needs	2	13%
Get control of crime/ the streets/ services/ planning	1	7%
Using money/ resources for local needs	1	7%

Analysis by methodology

Those who responded online also want more of a voice (25%) and greater local democracy (24%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	205	
Want/ need to have a voice/ be represented/ have a say	52	25%
Greater democracy/ local democracy/ local governing	49	24%
Local area needs / address local needs	40	20%
Get control of crime/ the streets/ services/ planning	34	17%
Spitalfields is a great/ unique/ special area	24	12%

Only 17 people who responded via paper, support a new parish council. As a result, it is not possible to draw reliable conclusions on the views of this group from the survey.

Paper	Number of responses	% among those who responded to this question
<i>No. of responses</i>	17	
Will be good/ nice a good idea (unspecific)	6	35%
It will help the area/ be good for the area	5	29%
Want/ need to have a voice/ be represented/ have a say	4	24%
I agree/ I support proposal	3	18%
Local area needs / address local needs	1	6%
Hold Tower Hamlets Council to account/ dislike Tower Hamlets Council	1	6%
A way to change/ a change for the better	1	6%

'No'

Of the 887 responses to this open question, 665 responses are from respondents who do not want a new parish council.

Almost a quarter of those who oppose a new parish council argue that it will divide communities (24%).

'It is divisive and smacks of the "them and us" attitude that causes social exclusion.'

Just under a fifth are worried about how finance implications of the proposal, such as higher taxes (18%).

'To run a parish council a new administration would have to be created and paid for by a new council tax precept. This will cost the people of Tower Hamlets more money, with no benefits.'

In a similar vein to other themes, 15% are concerned that the proposal creates further divides between wealthy and poorer residents.

'I don't think it's valid for a wealthy part of the borough to try and separate from its responsibilities to the rest of the borough'

Below is a breakdown of the top ten reasons of opposing the creation of a parish council.

Answer	Number of responses	% among those who responded to this question
It will divide communities	158	24%
Extra cost/ higher taxes/ fewer services	117	18%
Wealthy vs. poor / Poorer areas	101	15%
Do not support/ do not agree/ do not like	99	15%
Happy with existing council/ with Tower Hamlets Council	70	11%
Profit – personal Financial gain for some/ few	68	10%
No need for this	68	10%
More layers of bureaucracy/ government	57	9%
Bad idea (unspecific)	38	6%
Satisfied with the current system	38	6%

Analysis by respondent type

The reasoning behind respondents' opposition is also relatively uniform. However, online response tends to focus more on financial concerns, for instance they are significantly more likely to cite concerns that the proposals will divide wealthy areas from more deprived areas (30%) and argue that the creation of a new parish council is motivated by people pursuing personal financial gains (18%).

Analysis by area

Around one in five (21%) of respondents located in the area proposed by the petitioners expressed concern that a new parish council would lead to high taxes and conversely fewer services.

Area proposed by the petitioners only	Number of responses	% among those who responded to this question
<i>No. of responses</i>	211	
Extra cost/ higher taxes/ fewer services	44	21%
Divisive/ will divide communities	38	18%
Do not support/ do not agree/ do not like	26	12%
Happy with existing council/ with Tower Hamlets Council	26	12%
Wealthy vs. poor / Poorer areas	24	11%

86 of the respondents to this question live in Weavers ward. The most common comments among this groups centred on this being a divisive proposal (25%) and the difference between the economic outlook for those within the boundary compared with those outside (21%).

Weavers (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	86	
Divisive/ will divide communities	21	25%
Wealthy vs. poor / Poorer areas	18	21%
Extra cost/ higher taxes/ fewer services	14	16%
Do not support/ do not agree/ do not like	13	15%
Happy with existing council/ with Tower Hamlets Council	7	8%

Among those living in Spitalfields & Banglatown, the most common reasons to oppose the creation of a parish council, are that it will divide the community (22%) and perceived cost this will create (20%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	346	
Divisive/ will divide communities	76	22%
Extra cost/ higher taxes/ fewer services	67	20%
Do not support/ do not agree/ do not like	49	14%
Happy with existing council/ with Tower Hamlets Council	39	11%
Wealthy vs. poor / Poorer areas	37	11%

When looking at the combined comments from those living in both wards, the most common comments centre on this being a divisive proposal (23%) and costs (19%).

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	432	
Divisive/ will divide communities	97	23%
Extra cost/ higher taxes/ fewer services	81	19%
Do not support/ do not agree/ do not like	62	15%
Wealthy vs. poor / Poorer areas	55	13%
Happy with existing council/ with Tower Hamlets Council	46	11%

Among those living outside of Weavers and Spitalfields & Banglatown wards the most common reasons to oppose the creation of a parish council are that this will divide communities and cost.

Tower Hamlets Excl. Weavers and Spitalfields & Banglatown	Number of responses	% among those who responded to this question
No. of responses	176	
Divisive/ will divide communities	52	30%
Wealthy vs. poor / Poorer areas	33	19%
Extra cost/ higher taxes/ fewer services	28	16%
Do not support/ do not agree/ do not like	21	12%
Happy with existing council/ with Tower Hamlets Council	16	9%

Among those living outside of Tower Hamlets altogether, the most common comment given was general opposition (29%) to the parish council followed by the divide between wealthy and poorer areas (23%).

Outside of Tower Hamlets	Number of responses	% among those who responded to this question
No. of responses	57	
Do not support/ do not agree/ do not like	16	29%
Wealthy vs. poor / Poorer areas	13	23%
Divisive/ will divide communities	9	16%
Extra cost/ higher taxes/ fewer services	8	14%
Happy with existing council/ with Tower Hamlets Council	8	14%

Analysis by methodology

Online respondents are very concerned that the proposals will divide wealth and poorer neighbourhoods (30%). Linked with this, these respondents are concerned more generally that proposals will divide communities (26%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	308	
Wealthy vs. poor / Poorer areas	91	30%
Divisive/ will divide communities	80	26%
Extra cost/ higher taxes/ fewer services	72	23%
Profit – personal Financial gain for some/ few	56	18%
More layers of bureaucracy/ government	52	17%

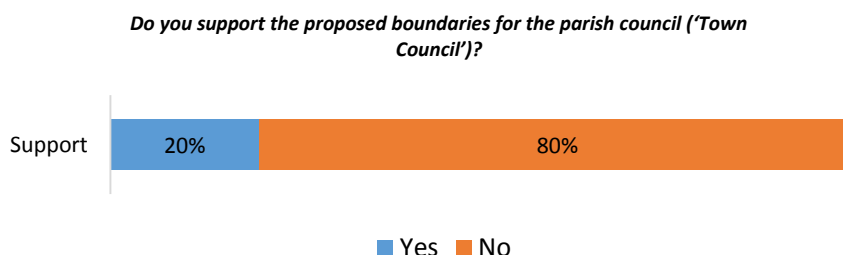
In contrast to online responses, those who completed the paper question are more likely to simply express general disagreement with the proposal (23%) followed by concern that it will divide communities (22%).

Paper	Number of responses	% among those who responded to this question
<i>No. of responses</i>	347	
Do not support/ do not agree/ do not like	80	23%
Divisive/ will divide communities	78	22%
Extra cost/ higher taxes/ fewer services	45	13%
Bad idea/ rubbish (unspecific)	30	9%
No need for this	30	9%
Happy with existing council/ with Tower Hamlets Council	28	8%

2. Overall support for proposed boundaries

Q. Do you support the proposed boundaries for the parish council ('Town Council')

Participants were asked to consider the proposed boundaries of the 'Spitalfields Town Council'. They were then asked where to support the proposed boundaries. Only one in five (20%) support the proposed boundaries, instead the vast majority (80%) oppose the proposal.



Analysis by respondent type

As with the first question, almost all paper responses opposed the proposed boundaries (100%). Understandably, respondents located in suggested extension to the boundaries are the least likely to support the proposed boundaries.

Q. Do you support the proposed boundaries for the parish council ('Town Council')??

Analysis by area

In a similar pattern to the earlier question asking whether respondents want a parish council, more respondents located in the area proposed by the petitioners are supportive of the proposed boundaries.

	Yes	No
<i>No. of responses</i>	176	710
Total	20%	80%
Proposed boundary (359)	35%	65%
Weavers (ward)	19%	81%
Spitalfields & Banglatown (ward)	26%	74%
Weavers and Spitalfields & Banglatown (wards combined)	25%	75%
Other Tower Hamlets wards	6%	94%
Outside Tower Hamlets	17%	83%

Analysis by methodology

As with earlier questions, almost all those who responded via a paper questionnaire oppose the new boundaries. In contrast, roughly a third (32%) of online responses support the proposed boundary.

	Yes	No
No. of responses	176	710
Total	20%	80%
Online (515)	32%	63%
Paper (371)	4%	96%

Q. Please give the reasons for your response.

Once respondents had said whether they support or oppose the proposed boundaries, in an open question they were asked to explain why. The section below explores these justifications. There were 886 responses to this question. The responses were divided between those who support and oppose the boundary, as understandably their reasoning differs significantly.

'Yes'

Of those that answered this question, 176 support the proposed boundaries.

Just under a third of supporters argue that the proposed boundaries define the area well (31%). The boundaries encompass an area with a distinctive and different.

'It would seem to be a coherent area, where there is already a sense of community.'

One in five supporters (20%) argue that it covers the area known as Spitalfields and so is appropriate.

'They are appropriate and cover the town-centre of Spitalfields.'

Almost one in ten supporters say that the boundaries will allow the parish council to offer better local governance of the area.

'The proposed area is big enough to warrant the governance of a parish council but includes only those areas that share specific planning and management issues.'

The table overleaf shows the top ten justifications for the supporting the proposed boundaries.

Answer	Number of responses	% among those who responded to this question
Defines area well/ covers core areas/ defines areas correctly/ appropriate boundaries/ areas/ accurate	55	31%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	35	20%
Areas that need better management/ policing/ care	16	9%
Support proposals	11	6%
I am living in these areas	11	6%
Looks good/ seems good	9	5%
Larger area/ include more areas	9	5%
Historic reasons/ historic streets/ areas	8	5%
Reasonable idea/ good idea/ sensible/ logical	7	4%
More representative	7	4%

Analysis by respondent type

As relatively small sample, the reasoning given for support of the boundaries is fairly uniform across all types of respondents. Additionally, too few people who responded as representatives of organisations, support the boundaries to allow comparisons between individuals and organisations. Finally, no one responding via paper surveys support the current boundaries and so comparisons cannot be made.

Analysis by area

When asked why they support the proposed boundaries, a third of those living in the area proposed by the petitioners said that it defines that area well (34%). Just under a quarter agreed with the boundaries because it covers the Spitalfields area (22%).

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	<i>125</i>	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	43	34%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	28	22%
Areas that need better management/ policing/ care	12	10%
I am living in these areas	9	7%
More representative	7	6%

Only 23 residents living Weavers ward commented on why they support the proposed boundary, and as a result it is not possible to make reliable conclusions about the views of this group.

Weavers (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	23	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	7	30%
Larger area/ include more areas	5	22%
Support proposals	4	17%
Looks good/ seems good	3	13%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	2	9%
Areas that need better management/ policing/ care	2	9%

Among those living in Spitalfields & Banglatown who support the proposed boundary, 130 commented on why they feel this way. The most common comments were that this defines the area appropriately (32%) and covers the area currently known as Spitalfields (24%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	130	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	41	32%
Covers the area known as Spitalfields/ covers the centre of Spitalfields	31	24%
Areas that need better management/ policing/ care	12	9%
I am living in these areas	10	8%

When the views of those living In Weavers and Spitalfields & Banglatown are combined the most commons reasons for supporting the proposed boundary is that it defines the area appropriately (31%) and covers the Spitalfield & Banglatown area (22%).

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	<i>153</i>	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	48	31%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	33	22%
Areas that need better management/ policing/ care	14	9%
I am living in these areas	11	7%
Looks good/ seems good	9	6%
Support proposals	9	6%

Only a small number of respondents living outside of the two wards commented here. As a result, we are not able to draw reliable conclusions about the views of this group.

Other Tower Hamlets wards	Number of responses	% among those who responded to this question
<i>No. of responses</i>	<i>11</i>	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	5	45%
Support proposals	2	18%

Similarly, there were too few responses from people living outside of Tower Hamlets borough to draw reliable conclusions about the views of this group.

Outside Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	11	
Defines area well./ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	2	18%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	2	18%
Reasonable idea/ good idea/ sensible/ logical	2	18%

Analysis by methodology

The top reason for online responses, the main reasons for supporting the boundaries remain that it defines the area well (31%) and covers the Spitalfields area (21%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	163	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	50	31%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	34	21%
Areas that need better management/ policing/ care	16	10%
I am living in these areas	11	7%
Support proposals	9	6%
Looks good/ seems good	9	6%
Larger area/ include more areas	9	6%

Only 12 people who responded by a paper support the proposed boundaries. As a result, it is not possible to draw reliable conclusions about the views of this group.

Paper	Number of responses	% among those who responded to this question
No. of responses	12	
Defines area well/ Covers core areas/ defines areas correctly/ Appropriate boundaries/ areas/ accurate	5	42%
Unique business hub/ area	2	17%
Covers the are known as Spitalfields/ covers the centre of Spitalfields	1	8%
Support proposals	2	17%
Reasonable idea/ good idea/ sensible/ logical	1	8%
Good sizes/ not too big	1	8%
Divisive/ don't want to divide Tower Hamlets/ the community	1	8%
Wealthy vs poor/ gentrification	1	8%

'No'

Of those that justified their answer, 710 oppose the new boundaries. Their concerns mirror the issues raised when asked whether people support the proposal overall.

Respondents top concern, with almost a quarter (23%) arguing that the boundaries will literally be divisive and divide the local community.

'Creates a further ghetto of desirable accommodation and businesses, destroying the local sense of cohesion.'

A similar number of people (23%) simple just do not support this option.

'I don't agree with the proposal anyway, so any border is going to be unacceptable. i.e. there are no borders that would make me change my mind.'

Around 16% are concerned that the boundaries will divide the wealthier and more economically deprived.

'These proposed boundaries divide the wealthier and poorer parts of Spitalfields creating further division in the local community.'

The table overleaf shows the top ten justifications for not supporting the boundaries.

Answer	Number of responses	% among those who responded to this question
Divisive/ don't want to divide Tower Hamlets/ the community	159	23%
Do not support the option/ don't agree/ do not do this/ No	157	23%
Wealthy vs poor/ gentrification	107	16%
Don't like boundaries	55	8%
Larger area/ include more areas	55	8%
Not needed/ no need for this	54	8%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	52	8%
Bad idea	29	4%
Happy as it is/ Happy to be one borough	28	4%
Happy with Tower Hamlets Council/ once council	27	4%

Analysis by respondent type

There were few differences in the reasons given for opposing the boundaries by different groups of respondents. People who responded online tended to be more concerned about dividing the wealthier areas from areas of deprivations (26%), whereas paper responses tend to focus on the division of the area more generally.

Q. Do you support the proposed boundaries for the parish council ('Town Council')

Analysis by area

When asked why they do not support the proposed borders around three out ten (28%) just simply do not support the proposal overall. Roughly one in five (22%) feel that the borders will divide the community.

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	213	
Do not support the option/ don't agree/ do not do this/ No	59	28%
Divisive/ don't want to divide Tower Hamlets/ the community	46	22%
Wealthy vs poor/ gentrification	26	12%
Not needed/ no need for this	19	9%
Don't like boundaries	16	8%
Larger area/ include more areas	18	8%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	18	8%

Among those living in Weavers ward, the most common comments from those who oppose the proposed boundary express general opposition (18%) and that this will gentrify the area (16%).

Weavers (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	94	
Do not support the option/ don't agree/ do not do this/ No	17	18%
Wealthy vs poor/ gentrification	15	16%
Divisive/ don't want to divide Tower Hamlets/ the community	13	14%
Don't like boundaries	12	13%

Results among those living in Spitalfields & Banglatown are similar to those living in Weavers, with comments centring on general opposition to the parish council (26%) and that this will divide the community (23%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	355	
Do not support the option/ don't agree/ do not do this/ No	92	26%
Divisive/ don't want to divide Tower Hamlets/ the community	83	23%
Wealthy vs poor/ gentrification	46	13%
Larger area/ include more areas	38	11%
Not needed/ no need for this	30	8%

When the views of residents living in both Weavers and Spitalfields & Banglatown are combined almost a quarter (24%) express general opposition and more than one in five are worried that proposal will divide the community (21%).

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	449	
Do not support the option/ don't agree/ do not do this/ No	109	24%
Divisive/ don't want to divide Tower Hamlets/ the community	96	21%
Wealthy vs poor/ gentrification	61	14%
Larger area/ include more areas	46	10%
Not needed/ no need for this	38	8%

Amongst those that living in other wards, almost a quarter (24%) believe that the proposed boundaries will divide the community. There are some that are concerned that boundaries will accentuate gentrification (17%).

Other Tower Hamlets wards (excl. Weavers and Spitalfields & Banglatown)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	181	
Divisive/ don't want to divide Tower Hamlets/ the community	43	24%
Do not support the option/ don't agree/ do not do this/ No	35	19%
Wealthy vs poor/ gentrification	31	17%
Don't like boundaries	16	9%
Not needed/ no need for this	15	8%

Over a third of those who responded to the survey, oppose the boundaries and don't live in the borough, are worried that the boundaries will divide the community (36%). Over a quarter are concerned that the boundaries will further increase the rate of gentrification (27%).

Outside Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	56	
Divisive/ don't want to divide Tower Hamlets/ the community	20	36%
Wealthy vs poor/ gentrification	15	27%
Do not support the option/ don't agree/ do not do this/ No	13	23%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	8	14%
Don't like boundaries	7	13%

Analysis by methodology

As with other groups, the main concern for respondents online is that the proposals will divide the community (28%). There is also a significant level of concern that these divisions will divide people based on their wealth (26%).

Online	Number of responses	% among those who responded to this question
<i>No. of responses</i>	352	
Divisive/ don't want to divide Tower Hamlets/ the community	98	28%
Wealthy vs poor/ gentrification	93	26%
Larger area/ include more areas	50	14%
Don't like boundaries	43	12%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	36	10%

Around two in five responses via paper focus on general opposition to the creation of a parish council (38%). Almost one in five are concerned that the proposed boundaries will create divisions in the community (18%)

Paper	Number of responses	% among those who responded to this question
<i>No. of responses</i>	334	
Do not support the option/ don't agree/ do not do this/ No	127	38%
Divisive/ don't want to divide Tower Hamlets/ the community	61	18%
Bad idea	26	8%
Not needed/ no need for this	22	7%
Waste of money/ extra costs/ fewer services/ CIL would not help poor areas	16	5%

3. Name of parish council

Q. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?

Respondents were asked what they think of the proposed name for the parish council - Spitalfields Town Council.

Overall, 29% of those who answered this question said they agree or are content with the proposed name for the parish council. However, three in five (61%) disagree or are not content with this name. The top ten most common comments on this question are detailed below.

Response	Number of responses	% among those who responded to this question	% of all respondents
<i>Base</i>	861	861	892
Net : Agree with name	249	29%	28%
Net: Disagree with name	527	61%	59%
No/No way	142	16%	16%
Disagree/ I do not agree/ do not support	80	9%	9%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	66	8%	7%
Bad idea/ not a good idea/ do not like the idea	51	6%	6%
Good name/ fantastic name	50	6%	6%
Disagree with the creation of a Parish Council	47	5%	5%
Agree/ I agree/ Agree with the name	47	5%	5%
It will destroy the heritage of Spitalfields and Banglatown	34	4%	4%
Spitalfields is a well-known name for the area	25	3%	3%
Not representative/ unfair	22	3%	2%
Prefer other names (Spitalfields Council/ Spitalfields & Brick Lane/ Spitalfields & Banglatown Council/ Spitalfields & Weavers Town Council)	21	2%	2%

Analysis by respondent type

Analysis by Area

Among those living within the proposed boundary area, just over two in five (43%) agree or are positive about the proposed name for the parish council. Half (50%) disagree or a negative about the name.

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	345	
Net : Agree with name	148	43%
Net: Disagree with name	171	50%
Agree/ I agree/ Agree with the name	37	11%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	38	11%
Good name/ fantastic name	30	9%
Spitalfields is a well known name for the area	19	6%
No/ No way (No more specific)	46	13%
Disagree/ I do not agree/ do not support	27	8%
Disagree with the creation of a Parish Council	20	6%
Bad idea/ not a good idea/ do not like the idea	17	5%
It will destroy the heritage of Spitalfields and Banglatown	13	4%

Among those living in Weavers ward, a third agree with the propose name (34%), with three in five disagreeing (59%).

Weavers (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	115	
Net : Agree with name	39	34%
Net: Disagree with name	68	59%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	15	13%
Good name/ fantastic name	12	10%
Disagree/ I do not agree/ do not support	10	9%
No/ No way (No more specific)	14	12%
Prefer other names (White Spitalfields/ Spitalfields Council/ Spitalfields & Brick Lane/ Spitalfields & Banglatown Council/ Spitalfields & Weavers Town Council	6	5%

Similarly, 34% of those living in Spitalfields & Banglatown agree with the name while 57% oppose.

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	491	
Net : Agree with name	168	34%
Net: Disagree with name	282	57%
No/ No way (No more specific)	78	16%
Disagree/ I do not agree/ do not support	47	10%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	44	9%
Agree/ I agree/ Agree with the name	40	8%
Bad idea/ not a good idea/ do not like the idea	29	6%

When the views of Weavers and Spitalfields & Banglatown residents are combined, approximately a third (34%) support the name, while 58% oppose the name.

Weavers and Spitalfields & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	606	
Net : Agree with name	207	34%
Net: Disagree with name	350	58%
No/ No way (No more specific)	92	15%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	59	10%
Disagree/ I do not agree/ do not support	57	9%
Agree/ I agree/ Agree with the name	41	7%
Good name/ fantastic name	41	7%

Agreement with the proposed name of the parish council is even lower among those living outside of the two wards– with around one in five agreeing (15%).

Other Tower Hamlets wards (excl. Weavers and Spitalfields & Banglatown)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	188	
Net : Agree with name	28	15%
Net: Disagree with name	130	69%
No/ No way (No more specific)	36	19%
Disagree/ I do not agree/ do not support	18	10%
Bad idea/ not a good idea/ do not like the idea	16	9%

Similarly, around one in five people living outside the borough (21%) agree that the parish council should be called 'Spitalfields Town Council'.

Outside of Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	67	
Net : Agree with name	14	21%
Net: Disagree with name	47	70%
No/ No way (No more specific)	14	21%
Disagree with the creation of a Parish Council	11	16%
Disagree/ I do not agree/ do not support	5	7%
Agree/ I agree/ Agree with the name	4	6%
Bad idea/ not a good idea/ do not like the idea	4	6%

Analysis by Methodology

Just over two in five of those who responded online agree or are positive about the proposed name of the parish council (43%). Around half disagree or are not supportive of the name (51%).

Online	Number of responses online	% of responses online
<i>No. of responses</i>	514	
Net : Agree with name	223	43%
Net: Disagree with name	264	51%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	58	11%
Disagree/ I do not agree/ do not support	57	11%
Good name/ fantastic name	47	9%
Agree/ I agree/ Agree with the name	46	9%
Disagree with the creation of a Parish Council	43	8%

Among those who responded via paper survey, only 7% agree with the proposed name, 76% disagree or do not support this. The most common comments from this group are all negative.

Paper	Number of responses via paper	% of responses via paper
<i>No. of responses</i>	347	
Net : Agree with name	26	7%
Net: Disagree with name	263	76%
No/ No way	131	38%
Bad idea/ not a good idea/ do not like the idea	34	10%
Disagree/ I do not agree/ do not support	23	7%

4. Proposed electoral wards

Q. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?

Respondents were asked whether they think the new parish council should be split into at least three electoral wards.

Overall, 21% of those who answered this question said they agree or are positive about this proposal. Over two in five however, disagree or are negative about this proposal. The top ten most common comments on this question are detailed below.

Response	Number of responses	% among those who responded to these questions	% of all respondents
<i>Base</i>	861	861	892
Net: Agree with proposal/positive response	188	22%	21%
Net: Disagree with proposal/negative response	402	46%	45%
Disagree/ I do not agree/ do not support	101	12%	11%
Agree/ I agree	73	8%	8%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	46	5%	5%
Waste of resources/ waste of money	45	5%	5%
Disagree with the creation of a Parish Council	43	5%	5%
Wards too small for number of councillors/too many councillors for areas/ people would be underrepresented/ not enough people will live in them	34	4%	4%
Divisive/ would cause divisions	32	4%	4%
Bad idea/ not a good idea/ do not like the idea	31	4%	3%
No need/ unnecessary	26	3%	3%
Keep it as it is/ Don't change	24	3%	3%

Analysis by respondent type

Analysis by Area

Results for respondents living within the proposed boundary area, around a third (34%) agree or are content with the proposal to have at least three electoral wards, and two in five (39%) disagree or are not content with this.

Proposed boundary	Number of responses	% among those who responded to this question
<i>No. of responses</i>	343	
Net : Agree with proposal/positive response	118	34%
Net: Disagree with proposal/negative response	133	39%
Disagree/ I do not agree/ do not support	51	15%
Agree/ I agree/ Agree with the name	50	15%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	32	9%
It would make each ward fairly represented/ more democracy	21	6%
Divisive/ would cause divisions	17	5%

Among those living in Weavers ward, one in five agree (21%) with the proposed electoral wards for the parish council.

Weavers (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	115	
Net : Agree with proposal/positive response	24	21%
Net: Disagree with proposal/negative response	53	46%
Waste of resources/ waste of money	10	9%
Don't know	9	8%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	8	7%
Disagree/ I do not agree/ do not support	8	7%
No Need/ unnecessary	8	7%

Just under three out of ten (27%) agree with the proposed electoral wards while more than two in five disagree (43%).

Spitalfields & Banglatown (ward)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	490	
Net : Agree with proposal/positive response	132	27%
Net: Disagree with proposal/negative response	212	43%
Disagree/ I do not agree/ do not support	72	15%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	33	7%
Divisive/ would cause divisions	24	5%
Bad idea/ not a good idea/ do not like the idea	20	5%
Wards too small for number of councillors/ Too many councillors for areas/ people would be underrepresented/ not enough people will live in them/ low density of people	19	4%
Don't know	19	4%

When the views of residents living in both Weavers and Spitalfields and Banglatown are combined, just over a quarter support the proposal (26%) and while 44% disagree with the proposed electoral wards.

Weavers and Spitalfield & Banglatown (wards combined)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	605	
Net : Agree with proposal/positive response	156	26%
Net: Disagree with proposal/negative response	265	44%
Disagree/ I do not agree/ do not support	80	13%
Agree/ I agree/ Agree with the name	64	11%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	41	7%
Don't know	28	5%

Amongst those living in other wards, only 11% agree with the electoral ward divisions whereas over half oppose (56%).

Other Tower Hamlets wards (excl. Weavers and Spitalfields & Banglatown)	Number of responses	% among those who responded to this question
<i>No. of responses</i>	189	
Net : Agree with proposal/positive response	20	11%
Net: Disagree with proposal/negative response	105	56%
Waste of resources/ waste of money	20	11%
Disagree/ I do not agree/ do not support	18	10%
No Need/ unnecessary	10	5%
Wards too small for number of councillors/ Too many councillors for areas/ people would be underrepresented/ not enough people will live in them/ low density of people	9	5%

Outside Tower Hamlets, only 18% agree with the electoral wards. Whereas almost half disagree with the proposed electoral wards (48%).

Outside Tower Hamlets	Number of responses	% among those who responded to this question
<i>No. of responses</i>	67	
Net : Agree with proposal/positive response	12	18%
Net: Disagree with proposal/negative response	32	48%
Disagree with the creation of a Parish Council	14	21%
Agree/ I agree/ Agree with the name	4	6%
Disagree/ I do not agree/ do not support	3	4%
No/ No way (No more specific)	3	4%
Other answers	3	4%

Analysis by Methodology

Just over a third (34%) of those who responded online agree or are positive about the proposal to have at least three electoral wards. However, half disagree or are not supportive of this.

Online	Number of responses online	% of responses online
<i>No. of responses</i>	514	
Net : Agree with proposal/positive response	173	34%
Net: Disagree with proposal/negative response	255	50%
Agree/ I agree/ Agree with the name	72	14%
Disagree/ I do not agree/ do not support	66	13%
Good idea/ Good/ fine/ cool/ great/ ok/ Sounds good	41	8%
Disagree with the creation of a Parish Council	39	8%

Among those who responded via paper survey, only 4% agree with the proposal to have at least three electoral wards. Two in five disagree or are negative about this (42%). The most common comments from this group are all negative.

Paper	Number of responses via paper	% of responses via paper
<i>No. of responses</i>	347	
Net : Agree with proposal/positive response	15	4%
Net: Disagree with proposal/negative response	147	42%
Disagree/ I do not agree/ do not support	35	10%
Waste of resources/ waste of money	22	6%
Divisive/ would cause divisions	18	5%
Bad idea/ not a good idea/ do not like the idea	16	5%

Appendix A Phase 1 consultation questions

1a. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area?

*

- Yes
- No

1b. Please give the reasons for your response.

2a. Do you support the proposed boundaries for the parish council ('Town Council')? *

- Yes
- No

2b. Please give the reasons for your response.

3. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?

4. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?

So we can validate the outcome of the consultation, please provide us with the following information. We will not share your personal details with other parties and will only use it for the purposes of this consultation. For further information on how we handle your data and privacy read our privacy notice.

5. Name

6. Address *

7. Postcode *

8. Are you responding as a *

- As an individual
- On behalf of an organisation or group

9. Do you:

- Live
- Work
- Study
- Have a business in the area _____

10. How old are you?

- 0-15
- 16-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65+
- Prefer not to say

11. What is your ethnic origin?

- White: British
- White: Irish
- White: Gypsy/Roma or Traveller
- White: Any other background
- Black or Black British: African
- Black or Black British: Caribbean
- Black or Black British: Somali
- Black or Black British: Any other background
- Asian or Asian British: Bangladeshi
- Asian or Asian British: Indian
- Asian or Asian British: Pakistani
- Asian or Asian British: Any other background
- Mixed/Dual Heritage: White & Black African
- Mixed/Dual Heritage: White & Asian
- Mixed/Dual Heritage: White & Black Caribbean
- Mixed/Dual Heritage: Any other background
- Other Ethnic Groups: Vietnamese
- Other Ethnic Groups: Chinese
- Other Ethnic Groups/ Any Other Group
- Prefer not to say
- Other _____

12. Which of the following describes how you think of yourself?

- Male
- Female
- Trans Intersex
- Prefer not to say

13. Is your gender identity the same as the sex you were assigned to at birth?

- Yes
- No
- Prefer not to say

14. What is your sexual orientation?

- Bisexual
- Homosexual (Lesbian/Gay)
- Heterosexual (Straight)
- Prefer not to say
- Other _____

15. What is your religion or belief system?

- No Religion
- Agnostic
- Muslim
- Christian
- Jewish
- Buddhist
- Sikh
- Hindu
- Humanist
- Prefer not to say
- Other _____

16. What is your relationship status?

- Civil partnership
- Married
- Single
- Co-habiting
- Prefer not to say

17. Do you consider yourself to have a disability according to the terms given in the Equality Act 2010?

- Yes
- No
- Prefer not to say

Appendix B Equalities data

Equalities data of responders is provided against the protected characteristics. Data relates to responders to the online consultation, where consent to publish was sought. Data is show for all responders to the online consultation and for those responders who indicated they live in the proposed parish area. Equalities data gathered from the Census 2011 is also provided for comparison purposes.

Age

Survey Responders by Age	All Responders		Responders from proposed parish area	
	Count	%	Count	%
0 to 15	2	0.4%	1	0.5%
16 to 24	30	5.8%	11	5.1%
25 to 34	104	20.2%	35	16.2%
35 to 44	110	21.4%	39	18.1%
45 to 54	92	17.9%	47	21.8%
55 to 64	81	15.7%	35	16.2%
65+	47	9.1%	26	12.0%
blank	1	0.2%	0	0.0%
Prefer not to say	48	9.3%	22	10.2%
Grand Total	515	100.0%	216	100.0%

Census Data by Age (KS102EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
0-15	19.7%	14.7%	14.7%	11.6%
16-24	16.8%	21.2%	21.2%	18.5%
25-44	43.4%	45.5%	45.5%	52.3%
45-64	13.9%	13.4%	13.4%	13.3%
65+	6.1%	5.2%	5.2%	4.4%
Total	100%	100%	100%	100%

Disability

Survey Responders by Disability	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Blank	12	2.3%	3	1.4%
No	393	76.3%	173	80.1%
Prefer not to say	86	16.7%	34	15.7%
Yes	24	4.7%	6	2.8%
Grand Total	515	100.0%	216	100.0%

Census Data by General Health (QS302EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
All categories: General health	254,096	12,578	12,885	5,732
Very good health	50.6%	51.6%	49.5%	53.7%
Good health	32.7%	31.3%	32.6%	32.2%
Fair health	10.7%	10.2%	11.1%	8.9%
Bad health	4.4%	4.8%	5.0%	3.9%
Very bad health	1.6%	2.0%	1.8%	1.3%
Total	100.0%	100.0%	100.0%	100.0%

Gender Reassignment

Survey Responders by Gender Reassignment ¹	All Responders		Responders from proposed parish area	
	Count	%	Count	%
no	2	0.4%	1	0.5%
Prefer not to say	84	16.3%	35	16.2%
yes	418	81.2%	174	80.6%
Blank	11	2.1%	6	2.8%
Grand Total	515	100.0%	216	100.0%

Marriage & Civil Partnership

Survey Responders by Living Arrangements	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Blank	17	3.3%	7	3.2%
Civil partnership	5	1.0%	3	1.4%
Co-habiting	36	7.0%	14	6.5%

¹ . Is your gender identity the same as the sex you were assigned to at birth?

Married	161	31.3%	70	32.4%
Prefer not to say	132	25.6%	56	25.9%
Single	164	31.8%	66	30.6%
Grand Total	515	100.0%	216	100.0%

Census Data by Living Arrangements (QS108EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
All categories: Living arrangements	200,214	9,891	10,605	4,650
Living in a couple: Married	28.3%	25.7%	22.2%	21.7%
Living in a couple: Cohabiting (opposite-sex)	10.3%	9.5%	10.7%	13.4%
Living in a couple: In a registered same-sex civil partnership or cohabiting (same-sex)	2.0%	1.9%	2.6%	2.9%
Not living in a couple: Single (never married or never registered a same-sex civil partnership)	44.7%	49.7%	49.3%	50.3%
Not living in a couple: Married or in a registered same-sex civil partnership	3.5%	3.9%	2.9%	3.3%
Not living in a couple: Separated (but still legally married or still legally in a same-sex civil partnership)	2.7%	2.0%	2.7%	1.8%
Not living in a couple: Divorced or formerly in a same-sex civil partnership which is now legally dissolved	4.9%	3.9%	5.3%	4.0%
Not living in a couple: Widowed or surviving partner from a same-sex civil partnership	3.6%	3.4%	4.2%	4.7%
Total	100.0%	100.0%	100.0%	102.1%

Race

Survey Responders by Ethnicity	All Responders		Responders from proposed parish area	
	Count	%	Count	%
A variety	1	0.2%	1	0.5%
Asian or Asian British: Any other background	7	1.4%	4	1.9%
Asian or Asian British: Bangladeshi	85	16.5%	32	14.8%
Asian or Asian British: Indian	7	1.4%	3	1.4%
Asian or Asian British: Pakistani	3	0.6%	1	0.5%
Black or Black British: African	3	0.6%	1	0.5%
Black or Black British: Caribbean	4	0.8%	1	0.5%
Blank	6	1.2%	4	1.9%
British	1	0.2%	0	0.0%
British arab	1	0.2%	0	0.0%

Survey Responders by Ethnicity	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Middle Eastern	1	0.2%	0	0.0%
Mixed/Dual Heritage: Any other background	5	1.0%	2	0.9%
Mixed/Dual Heritage: White & Asian	7	1.4%	2	0.9%
Mixed/Dual Heritage: White & Black African	1	0.2%	0	0.0%
Mixed/Dual Heritage: White & Black Caribbean	1	0.2%	0	0.0%
Native American of Choctaw Nation	1	0.2%	0	0.0%
Other Ethnic Groups/ Any Other Group	3	0.6%	3	1.4%
Other Ethnic Groups: Chinese	3	0.6%	1	0.5%
Prefer not to say	88	17.1%	35	16.2%
White: Any other background	64	12.4%	35	16.2%
White: British	207	40.2%	88	40.7%
White: Irish	16	3.1%	3	1.4%
Grand Total	515	100.0%	216	100.0%

Survey Responders by Ethnicity (compressed categories)	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Black	7	1.4%	2	0.9%
Blank	6	1.2%	4	1.9%
Bangladeshi	85	16.5%	32	14.8%
Mixed	14	2.7%	4	1.9%
Prefer not to say	88	17.1%	35	16.2%
Other White	80	15.5%	38	17.6%
All Other	28	5.4%	13	6.0%
White: British	207	40.2%	88	40.7%
Grand Total	515	100.0%	216	100.0%

Census Data by Ethnicity (KS201EW)	All LBTH	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
Black	7.3%	3.3%	4.6%	30.1%
Bangladeshi	32.0%	28.6%	19.1%	20.2%
Mixed	4.1%	2.2%	3.0%	3.4%
Other White	12.4%	11.1%	9.1%	26.5%
All other	13.0%	37.4%	40.4%	3.8%
White British	31.2%	17.5%	23.7%	16.0%
Total	100%	100%	100%	100%

Religion or Belief

Survey Responders by Religion	All Responders		Responders from proposed parish area	
	Count	%	Count	%
Agnostic	17	3.3%	8	3.7%
Athiest	1	0.2%	0	0.0%
Blank	16	3.1%	5	2.3%
Buddhist	2	0.4%	0	0.0%
Catholic	1	0.2%	0	0.0%
Christian	77	15.0%	38	17.6%
Hindu	4	0.8%	1	0.5%
Humanist	6	1.2%	2	0.9%
Jewish	10	1.9%	4	1.9%
Muslim	87	16.9%	33	15.3%
My beliefs are not systematic.	1	0.2%	1	0.5%
No Religion	156	30.3%	64	29.6%
Pagan	2	0.4%	1	0.5%
Prefer not to say	128	24.9%	55	25.5%
Society of Friends (Quakers)	3	0.6%	2	0.9%
Sikh	3	0.6%	2	0.9%
SPIRITUALIST	1	0.2%	0	0.0%
Total	515	100.0%	216	100.0%

Census Data by Religion (QS601EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
All categories: Religion	254,096	12,578	12,885	5,732
Christian	27.1%	18.4%	24.7%	22.9%
Buddhist	1.1%	0.6%	1.0%	0.9%
Hindu	1.7%	1.2%	0.5%	1.2%
Jewish	0.5%	0.6%	0.8%	0.8%
Muslim (Islam)	34.5%	41.5%	30.1%	28.0%
Sikh	0.3%	0.3%	0.2%	0.2%
Other religion: Total	0.3%	0.3%	0.4%	0.4%
No religion: Total	19.1%	21.1%	25.2%	26.8%
Religion not stated	15.4%	16.0%	17.1%	18.7%
Total	100.0%	100.0%	100.0%	100.0%

Sex

Survey Responders by Sex	All Responders		Responders from proposed parish area	
	Count	%	Count	%
blank	7	1.4%	3	1.4%
Female	153	29.7%	57	26.4%
Intersex	1	0.2%	1	0.5%
Male	282	54.8%	125	57.9%
Prefer not to say	71	13.8%	30	13.9%
Trans	1	0.2%	0	0
Grand Total	515	100.0%	216	100%

Census Data by Sex (QS104EW)	ALL	Spitalfields and Banglatown	Weavers	Proposed Parish Council Area
Male	51.50%	53.90%	51.50%	55%
Female	48.50%	46.10%	48.50%	45%
Total	100.00%	100.00%	100.00%	100%

Sexual Orientation

Survey Responders by Sexual Orientation	All Responders		Responders from proposed parish area	
	Count	%	Count	%
A variety	1	0.2%	1	0.5%
Bisexual	19	3.7%	10	4.6%
Blank	17	3.3%	6	2.8%
Heterosexual (Straight)	296	57.5%	117	54.2%
Homosexual (Lesbian/Gay)	32	6.2%	14	6.5%
Prefer not to say	150	29.1%	68	31.5%
Grand Total	515	100.0%	216	100.0%

Appendix C Summary of responses

Support for creation of parish council

All responders	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	310	60.20%	205	39.80%	515
Paper questionnaires handed in at reception	5	1.40%	345	98.60%	0	0.00%	350
Paper questionnaires submitted by community researchers	0	0.00%	3	15.80%	16	84.20%	19
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8
Total	5	0.6%	665	74.6%	222	24.9%	892

Responders living in the parish council area proposed in the first stage consultation	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	84	38.90%	132	61.10%	216
Paper questionnaires handed in at reception	4	3.00%	128	97.00%	0	0.00%	132
Paper questionnaires submitted by community researchers	0	0.00%	3	27.30%	8	72.70%	11
Responses by letter	0	0.00%	3	100.00%	0	0.00%	3
Total	4	1.1%	218	60.2%	140	38.7%	362

Responders living in the Weavers Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	54	65.90%	28	34.10%	82
Paper questionnaires handed in at reception	0	0.00%	24	100.00%	0	0.00%	24
Paper questionnaires submitted by community researchers	0	0.00%	2	50.00%	2	50.00%	4
Responses by letter	0	0.00%	1	50.00%	1	50.00%	2
Total	0	0.0%	81	72.3%	31	27.7%	112

Responders living in the Spitalfields & Banglatown Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	147	49.50%	150	50.50%	297
Paper questionnaires handed in at reception	5	2.50%	199	97.50%	0	0.00%	204
Paper questionnaires submitted by community researchers	0	0.00%	2	15.40%	11	84.60%	13
Responses by letter	0	0.00%	6	100.00%	0	0.00%	6
Total	5	1.0%	354	68.1%	161	31.0%	520

Responders living in Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	288	59.10%	199	40.90%	487
Paper questionnaires handed in at reception	5	1.50%	338	98.50%	0	0.00%	343
Paper questionnaires submitted by community researchers	0	0.00%	3	16.70%	15	83.30%	18
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8
Total	5	0.6%	636	74.3%	215	25.1%	856

Responders living outside Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	22	78.60%	6	21.40%	28
Paper questionnaires handed in at reception	0	0.00%	7	100.00%	0	0.00%	7
Paper questionnaires submitted by community researchers	0	0.00%	0	0.00%	1	100.00%	1
Responses by letter	0		0		0		0
Total	0	0.0%	29	80.6%	7	19.4%	36

Support for proposed boundaries

All responders	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	352	68.30%	163	31.70%	515
Paper questionnaires handed in at reception	6	1.70%	344	98.30%	0	0.00%	350
Paper questionnaires submitted by community researchers	0	0.00%	7	36.80%	12	63.20%	19
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8
Total	6	0.7%	710	79.6%	176	19.7%	892

Responders living in the parish council area proposed in the first stage consultation	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	97	44.91%	119	55.09%	216
Paper questionnaires handed in at reception	4	3.03%	128	96.97%	0	0.00%	132
Paper questionnaires submitted by community researchers	0	0.00%	5	45.45%	6	54.55%	11
Responses by letter	0	0.00%	3	100.00%	0	0.00%	3
Total	4	1.1%	233	64.4%	125	34.5%	362

Responders living in the Weavers Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	62	75.60%	20	24.40%	82
Paper questionnaires handed in at reception	0	0.00%	24	100.00%	0	0.00%	24
Paper questionnaires submitted by community researchers	0	0.00%	2	50.00%	2	50.00%	4
Responses by letter	0	0.00%	1	50.00%	1	50.00%	2
Total	0	0.0%	89	79.5%	23	20.5%	112

Responders living in the Spitalfields & Banglatown Ward	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	172	57.90%	125	42.10%	297
Paper questionnaires handed in at reception	5	2.50%	199	97.50%	0	0.00%	204
Paper questionnaires submitted by community researchers	0	0.00%	5	38.50%	8	61.50%	13
Responses by letter	0	0.00%	6	100.00%	0	0.00%	6
Total	5	1.0%	382	73.5%	133	25.6%	520

Responders living in Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	329	67.60%	158	32.40%	487
Paper questionnaires handed in at reception	6	1.70%	337	98.30%	0	0.00%	343
Paper questionnaires submitted by community researchers	0	0.00%	7	38.90%	11	61.10%	18
Responses by letter	0	0.00%	7	87.50%	1	12.50%	8
Total	6	0.7%	680	79.4%	170	19.9%	856

Responders living outside Tower Hamlets	Not answered		No		Yes		Grand Total
	Number	%	Number	%	Number	%	
Online	0	0.00%	23	82.10%	5	17.90%	28
Paper questionnaires handed in at reception	0	0.00%	7	100.00%	0	0.00%	7
Paper questionnaires submitted by community researchers	0	0.00%	0	0.00%	1	100.00%	1
Responses by letter	0	0.00%	0	0.00%	0	0.00%	0
Total	0	0.0%	30	83.3%	6	16.7%	36

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**London Borough of Tower Hamlets community governance
review**

Initial analysis and draft recommendations

Published 6 March 2019

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Introduction

Tower Hamlets Council received a valid petition on 23 July 2018 from 324 local residents requesting the creation of a new parish council, which they wished to be titled 'Spitalfields Town Council'. The boundaries of the parish proposed in the petition would sit within the two wards of Spitalfields & Banglatown and Weavers.

On receipt of a valid petition the council is required to carry out a community governance review under the provisions of the Local Government and Public Involvement in Health Act 2007. This review is considering whether a new parish should be created. The review covers the area proposed by the petitioners as well as adjacent areas. For the purposes of the review the council has defined adjacent areas as comprising the two wards of Spitalfields & Banglatown and Weavers. The parish boundaries proposed by the petitioners falls within these two wards.

The revised terms of reference for the review extending the phase 2 consultation period to twelve weeks can be found on the council website at www.towerhamlets.gov.uk/cgr2.

The wording of the petition was as follows:

"We, the undersigned, are electors who live in Spitalfields and believe that Spitalfields should have a Town Council which we hope will be subdivided into at least three electoral wards.

"We ask that Tower Hamlets Council undertake a Community Governance Review in accordance with its duties under Section 83 of the Act. We hope that the outcome of this review leads to the creation of a new local council for Spitalfields to be called Spitalfields Town Council, which would work with Tower Hamlets to represent our community and bring about improvements to our town. We recommend the Town Council area includes Spitalfields Neighbourhood Planning Area and the Former Bishopsgate Goods Yard site (only that part within Tower Hamlets)."

A map showing the boundaries of the parish proposed by the petitioners was presented with the petition. This map was shown in the community governance review terms of reference.

As part of a community governance review the council is required to consult all local government electors in the area covered by the review as well as any other person, organisation or business who has an interest.

Two consultation phases are taking place as part of the review. The first phase ran from 8 October 2018 and closed on 31 December 2018. This sought views on the proposals in the petition. This report summarises the feedback the council received from the first phase of the consultation, clarifies the options available and presents the council's draft recommendations for consultation.

The second stage of consultation, on the council's draft recommendations, will take place from 6 March to 28 May 2019. Local government electors as well as any other person, organisation or business that has an interest in the review will be able to respond to the council's draft recommendations.

A final decision will be made by the council in July 2019.

Phase 1 consultation summary

Consultation methods

Phase 1 of the community governance review consultation sought views on the petitioners' proposal from local government electors in the two wards of Spitalfields & Banglatown and Weavers as well as any other person, organisation or business that appeared to have an interest in the review.

The council stated that its preferred means for people to respond to the consultation was on its website through an online questionnaire. Additionally, a designated email address was advertised, allowing respondents to request a paper copy questionnaire or any additional information or support they needed to help inform them of the process and how to respond.

Supporting information on the council website included terms of reference for the review, the phase 1 consultation document and a detailed map of the parish boundaries proposed by the petitioners. At the request of the Spitalfields & Banglatown Town Council Campaign, the council also added a link to the National Association of Local Councils' booklet 'All About Local Councils'.

The council wrote to all households in the two wards under review drawing their attention to the community governance review and informing them how they could respond. Emails and letters were also sent to resident associations and community groups in the area, Third Sector organisations, all councillors, local MPs, neighbouring boroughs, the GLA and others.

To ensure that the consultation would reach a wide cross section of the community a decision was taken to use community researchers employed by the council. They conducted outreach to raise awareness of the consultation and to encourage people to complete the questionnaire online. They distributed posters and fliers in both English and Bengali. The community researchers also supported nineteen people to complete a questionnaire. During the consultation period a review of demographic information showed lower than expected response rates from women and people of Bangladeshi ethnicity. The community researchers were tasked with developing strategies for increasing responses from these two groups. This included outreach at places of worship and local schools.

Consultation questions:

In order to elicit views on the petitioners' proposals the council asked the following questions:

1. Do you support the proposal to create a parish council ('Town Council') for the Spitalfields area? Please give the reasons for your response.
2. Do you support the proposed boundaries for the parish council ('Town Council'). Please give the reasons for your response.
3. If a parish council is created, the petitioners propose that it is called 'Spitalfields Town Council'. What do you think?
4. If a parish council is created, the petitioners propose that it is divided into at least three electoral wards. What do you think?

Consultation responses

In all, 892 valid responses were received. Of these 515 were received via the survey on the council website. A further 377 responses were received on paper (19 questionnaires from community researchers employed by the council, 350 from questionnaires handed in at the council reception and 8 by letter).

A full analysis of the phase 1 consultation responses can be found on the council website at www.towerhamlets.gov.uk/cgr2.

This section summarises the key findings of that report.

Of all responses received 75% were against the proposal to create a parish council, with 25% supporting the proposal. A majority from all areas opposed the proposal but opposition was particularly strong in areas outside the boundary proposed by the petitioners. Of those living within the proposed parish boundary 39% supported the proposal to create a parish council and 61% were against.

There are differences in the level of support for the proposal based on the response channels used. All but one of the papers response oppose the creation of a parish. This contrasts with the online responses, where two in five support a new parish. All the responses handed in at the council reception oppose the creation of a parish council. The council understands that these were collected and submitted by campaigners against the proposals in the petition. The council is aware that there are groups campaigning actively both for and against the proposal to create a parish council.

Of those supporting the proposal to create a parish council the main reasons given were wanting to have a voice in local decision making (25%), greater local democracy (23%) and a desire to address the needs of the area (18%).

The reasons given for opposition vary greatly. Almost a quarter (24%) are worried that the creation of a parish council will divide the local community. Respondents also have financial concerns in terms of having to pay more taxes (18%). Others were concerned that the proposal would divide wealthy areas from more deprived areas (15%).

The majority of respondents oppose the boundary proposed by the petitioners (80%). This indicates that even amongst some who support the proposal in general there are issues with the proposed boundary. Again the level of opposition varies by location, with marginally more support for the boundaries, amongst those located in the area proposed by the petitioners (35%). The reasons why respondents oppose these boundaries vary. Almost a quarter oppose the proposals in general and so oppose the boundaries (23%). Similarly, approximately one in five oppose the boundaries because they believe it will divide communities (23%).

About three out of five (59%) of respondents do not agree with naming the parish council 'Spitalfields Town Council'. Just over half of those who responded online disagree with the name (51%) compared with 78% of those who responded in other ways.

There was no overall consensus on proposals for electoral arrangements. About one in five (21%) agree that there should at least three electoral wards, while 45% disagree.

Key considerations

Identity and interests of the community in the area

When considering a proposal to create a new parish a principal council must consider whether the proposal is reflective of the identities and interests of the community in that area.¹ Parishes should reflect distinctive and recognisable communities of interest, with their own sense of identity. The feelings of the local community and the wishes of local inhabitants are key considerations that a principal council needs to take into account.²

In a borough like Tower Hamlets, there may well be a variety of different communities of interest; for example, representing age, gender, ethnicity, faith or life-style groups. There are other communities with specific interests in schools, hospitals or in leisure pursuits. Any number of communities of interest may flourish in an area but they do not necessarily centre on a specific place or help to define it.

Spitalfields as a place name has appeared in records since the Middle Ages. The area is recognised as a distinct identifiable place in the council's Local Development Framework 2010. Government guidance states that boundaries should reflect the 'no-man's land' between communities represented by areas of low population or barriers such as rivers, roads or railways. They need to be, and be likely to remain, easily identifiable.³ In a densely populated urban area like Tower Hamlets there are not always such clear physical boundaries between communities.

¹ Local Government & Public Involvement in Health Act 2007 93(4)

² Guidance on Community Governance Reviews. DCLG 2010 s.59

³ Ibid. s.83

Government guidance also suggests that principal councils consider the impact on community cohesion of community governance arrangements.⁴ Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. However, the guidance specifically asks principal councils, like Tower Hamlets Council, to consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.⁵

Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. A principal council is further advised not to make a decision to create a parish and a parish council which reflects community identities and interests in the area and at the same time threatens community cohesion. Principal councils may decline to set up such community governance arrangements where they judge that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.⁶

Effective and convenient local governance

Legislation requires a principal council to consider whether a parish council would be an effective and convenient form of local governance. The government has stated that by 'effective and convenient' it means that a parish council is able to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.⁷

Clarifying the role of a parish council

We want people to clearly understand what a parish council is, what it can do and the implications of setting one up. This section restates some of the facts about the functions of a parish council contained within the phase 1 consultation document. It also corrects some of the misconceptions that arose during the first phase of the consultation.

The functions of parish councils

A parish council operates at a local level below the principal council, in this case Tower Hamlets Council. A parish council can also be called 'community council', 'neighbourhood council', 'village council', or 'town council'. The universal term is 'local council'. They all operate within the same legal framework. Parish councils are the lowest tier of local government. There are over 10,000 parish councils across the country. The areas they serve are called civil parishes. Parish councils are different from Parochial Church Councils (or PCCs). Civil parishes have no connection to religious bodies.

⁴ Guidance on Community Governance Reviews. DCLG 2010 s.67

⁵ Ibid. s.75

⁶ Ibid. s.74

⁷ Ibid. s.62

A parish council is a democratically elected, additional and legally independent tier of local government with its own councillors, which can provide a range of local services within a defined area. A parish council is not a replacement for a principal council and will not deliver complete independence and autonomy for an area.

Parish councils' activities fall into three main categories: representing the local community; delivering services to meet local needs; and striving to improve quality of life and community well-being.

Parish councils are not tasked with statutory responsibilities relating to the provision of housing, social care, education and waste collection. They are a statutory consultee in relation to planning but they are not a planning authority.

They have the option to exercise a variety of powers and duties, including the delivery of a small number of specific local services that add to those provided by the principal council including allotments, bridleways, burial grounds, bus shelters, car parks, commons and open spaces, community transport schemes, community safety and crime reduction measures, events and festivals, footpaths, leisure and sports facilities, litter bins, public toilets, street cleaning and lighting, tourism activities, traffic calming measures, village greens and youth projects.

A parish council can choose not to deliver any services and instead act purely as a means of influencing local service provision made by the principal council or other partners such as the police. Alternatively, a parish council can provide additional services to those provided by the principal council such as the provision of car parking with the consent of the principal council.

When a parish council is formed it can enter into discussions with the principal council (e.g. Tower Hamlets Council) about the transfer of services, budgets and assets within the service areas listed above. However this is subject to mutual agreement and securing "best value" by law.

The Localism Act 2011 enables parish councils and others to express an interest in running a local authority service. This is called the community right to challenge (CRC). Exceptions to this are services that are excluded by legislation (e.g. packages of services for health and social care for named individuals). The CRC relates to 'relevant services' and not functions. Principal councils must consider an expression of interest to run a local authority service submitted by a parish council or other relevant group. There are various reasons why an expression of interest can be rejected or modified, but if it is accepted, the authority must carry out a procurement exercise. There is no guarantee that the eventual provider of the service would be the organisation that launched the expression of interest. Parish councils can also exercise the community right to bid to purchase assets of community value if they come up for sale, for example a pub, shop or community hall.

The Localism Act 2011 also created a new process for neighbourhood planning, which enables parish councils, as well as neighbourhood forums, to work with the principal council (the planning authority) to create a plan for their area. The plan sets out policies and priorities for the physical development of the area and must be in accordance with the local development plan approved by the planning authority and the secretary of state.

Guidance on neighbourhood planning in Tower Hamlets can be found on the council's website at:

www.towerhamlets.gov.uk/lgnl/planning_and_building_control

More information about parish councils can be found online:

www.gov.uk/government/get-involved/take-part/set-up-a-town-or-parish-council

www.nalc.gov.uk/our-work/create-a-council

Financing a parish council

It is important that residents are clear about the potential costs of a parish council and the likely cost to council tax payers within a parish. Parish councils are funded principally through an annual precept, an additional council tax levied on eligible individuals. This is set by the principal council in the first year and then by the parish council itself once elected. Nationally, the average Band D precept charged by a parish or charter trustee for 2018-19 will be £64.05, an increase of £3.02, or 4.9%, from 2017-18.⁸

For illustrative purposes we have calculated the tax base for a parish council in the area shown on the map at Appendix 1 as boundary option I. This area has 3,277 Band D equivalent properties. At the national average of a £64.05 precept, the estimated total precept for a parish council in this area is estimated to be £209,892.⁹

A parish can also be funded through income generated through, for example, car parks or markets. A parish council would also be eligible for a portion (15-25%) of the Community Infrastructure Levy collected in the area. Parish councils do not receive any contributions from business rates.

Parish councils have to consider the scope of service delivery they propose, any income that can be generated, the tax base and the precept they wish to charge. This funding supports the governance and administration of the parish council and the additional services it provides. All councils have costs related to the actual functions of running a council. In the case of a parish council

⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700668/Council_tax_levels_set_by_local_authorities_in_England_2018-19_revised.pdf

⁹ If a council tax collection rate of 97.25% is assumed then the figure would be 3,177 Band D equivalent properties with an estimated total precept of £203,487

such costs include democratic, management, civic and central administrative expenses.

It is difficult to estimate the likely income, expenses and services for a new parish council. This depends on the level of income, nature of services, number of staff etc. This would be for a new parish council to decide, if one were to be established. Examples of the income, expenses, services and precept for existing parish councils can be found at Appendix 2.

Options appraisal

The council is mindful of its duty to have regard to the need to secure that community governance within the area under review:

- a) reflects the identities and interests of the community in that area, and
- b) is effective and convenient¹⁰¹¹

Relevant considerations which influence judgements against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.

Where a principal council has conducted a review following receipt of a petition, it will remain open to the council to make a recommendation which is different to the recommendation the petitioners wished the review to make.¹² This could be different boundaries, electoral arrangements or a different name from those set out in the petition.

After considering responses to the first phase of consultation the council believes that there are four broad options for community governance in the Spitalfields area.

a) *Adopt the petitioners' proposals in full*

This would entail the creation of a new parish along the boundaries set out in the petition, with a parish council established. It would also involve the establishment of a number of wards with up to three councillors elected for each of those wards. The council is unable to give the new parish council the style 'Town Council'. This would be a matter for the parish council, if it were to be established.

The council will not be including the parish name or boundary proposed in the petition for further consultation. At this stage the council is of the view that the original name and boundary proposed could have a potentially negative impact on community cohesion. The parish area proposed is significantly less deprived than neighbourhoods to the

¹⁰ Local Government & Public Involvement in Health Act 2007 93(4)

¹¹ The government has said that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them. Guidance on community governance reviews 2010 para 62

¹² Guidance on community governance reviews DCLG 2010 para 95

south, east and north of the proposed parish boundary, potentially dividing more affluent communities from their less affluent neighbours.

b) Create a parish council but with modifications to the proposals made in the petition

While the council is not persuaded at this stage that the creation of a parish would be in the interest of the local community or a suitable area for the delivery of services it wishes to consult further on these matters.

At this stage the council believes that if a parish were to be created its boundaries would need to vary from the original proposal in the petition. Any boundary proposal would need to clearly reflect the identities and interests of the community and be effective and convenient in terms of service delivery. Relevant considerations which influence judgements against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.

During phase 1 of the consultation the Spitalfields & Banglatown Town Council Campaign proposed an extension of the boundary of the proposed parish eastwards. The council will consult on a modified version of this boundary proposal, which does not include the Bishopsgate Goods Yard site. This area is shown on the map at Appendix 1 as boundary option I for consultation.

The council will not include the former Bishopsgate Goods Yard site in any option for consultation for the following reasons. The site has strategic significance and is shared with the London Borough of Hackney. It abuts onto the area covered by the East Shoreditch Neighbourhood Planning Area which also has an interest. The site is awaiting development and has no residents to consult. The council will keep this area under review and may consider it in a future community governance review if a parish were to be created.

The council will include two further boundary options for consultation in phase 2.

- a boundary extending the area of boundary option I eastwards to Valence Road. This boundary is shown on the map at Appendix 1 as boundary option II for consultation.
- A further extension of the area of boundary option II southwards to the Whitechapel Road. This area is shown on the map at Appendix 1 as boundary option III for consultation.

The map at Appendix 1 shows the three parish boundary options that the council will be putting forward for further public consultation. The council considers these boundaries balance different considerations in respect of community identity, service provision and clear natural boundaries.

All the boundary options the council is putting forward for consultation include a small part of Weavers ward. This is shown on the map at Appendix 1 as Area C. There are a number of issues that need to be considered. The area is part of the Spitalfields Neighbourhood Planning Area. If a new parish were to be created, it would be responsible for the Neighbourhood Plan. There would, however, be consequential issues relating to electoral boundaries that would need to be resolved. For example, local electors could be confused if they are voting in borough council elections for Weavers ward councillors and in parish council elections for 'Spitalfields & Banglatown Parish Council' ward councillors. There are also considerations about where the best natural boundary for a parish would lie. The council will consider any views on the inclusion of this area within a parish, if one were to be created.

There was some support in the phase 1 consultation for naming a new parish 'Spitalfields', should one be created. Other people said that the name could be divisive as it did not recognise the area's more recent heritage. For these reasons, if a parish were to be created, the council recommends that it should be called 'Spitalfields & Banglatown Parish'.

If a new parish council were to be created, the principal council has a duty to make recommendations covering electoral arrangements for a parish council should one be established. Tower Hamlets Council will follow national guidance on electoral arrangements including the number of parish council wards and councillors.

- c) *Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance.*

The council respects the views of the local government electors who signed the original petition which triggered this community governance review. However, it is also mindful that they represent only 8.6% of the electorate within the proposed parish boundary (3784 registered electors). Only 222 responses in favour of the proposal to create a parish were received by the council during phase 1 of the consultation. The council does not regard this level of support as indicating strong local opinion in favour of a parish being established.

The council has a duty, however, to take into account any other arrangements that could be made for the purposes of community engagement or community representation in respect of the area under review.¹³

The council remains strongly committed to localism and community engagement. We want to ensure that people have a say over decisions that affect them. We acknowledge that the borough cannot and should not be run from one central location. The diversity of the borough and

¹³ Local Government & Public Involvement in Health Act 2007 93(5)

local needs must be reflected in how decisions are made.

The council is currently reviewing arrangements to strengthen local democratic accountability across the borough. Options under consideration include strengthening existing neighbourhood forums, neighbourhood management arrangements, community forums, or additional support for residents and community associations.

- d) *Reject the proposal to create a parish council and retain existing governance arrangements*

This option would involve no change, with Tower Hamlets Council remaining the lowest tier of local government in the area. Current arrangements for community involvement and engagement would continue. At this stage the council believes that the proposal to create a parish is not reflective of the identity and interests of the community in the area nor would it provide effective and convenient local governance. It has significant concerns about the impact that establishing such a parish would have on community cohesion.

The council's conclusions and recommendations

The council has set out what it believes are the four broad options:

- a) *Adopt the petitioners' proposals in full*
- b) *Create a parish council but with modifications to the proposals made in the petition*
- c) *Reject the proposal to create a parish council but instead create or strengthen non-parish forms of community governance.*
- d) *Reject the proposal to create a parish council and retain existing governance arrangements*

At this stage the council's recommended option is option c). It will be seeking views outside the scope of this community governance review, proposals and ideas for how non parish forms of community governance could be created or strengthened.

The council will also consult further on options b) and d). It acknowledges that parish councils are not a familiar form of local government in London and that information needs to be available to help local people come to a final view on their preferred option.

The council is treating the petition from over three hundred local government electors with the utmost seriousness, as an expression of the wishes of those individuals. However, the council is also mindful of its duty to ensure that the

other residents in the area, surrounding areas and the wider borough can have a say.

Following the first phase of consultation and subsequent analysis the council's assessment, prior to the second consultation phase and analysis taking place, is that it is not at this point persuaded that creating a parish would reflect the identities and interests of the community in that area nor be an effective and convenient form of local governance. Our reasons are as follows:

- i) The council does not believe that significant local support for the proposal to create a parish has been demonstrated, although it recognises that there are committed campaigners both for and against.
- ii) The council acknowledges the historic and current identity of Spitalfields as a place; however it does not believe that the creation of a parish would best reflect the interests of the community in that area. Community identity is diverse and complex with many different interests and needs which have to be balanced.
- iii) The council is particularly concerned that the establishment of a parish could have a negative impact on community cohesion. This was a significant concern expressed by respondents in phase 1 of consultation. The council would welcome views on how these concerns could be addressed.
- iv) The option of a parish council for the Spitalfields area should also be considered alongside the broader needs of the borough. The strength of its many local communities adds up to a bigger community that is more than the sum of its parts. In the council's view all areas of the borough should contribute to its civic life and public services.
- v) The council does not believe that the original proposal by the petitioners would lead to the delivery of effective and efficient local governance in terms of value for money or service provision. The council would welcome views on whether the extended boundaries proposed would address this concern.

The council remains strongly committed to localism and community engagement within the borough. We acknowledge that the borough cannot and should not be run from one central location and the diversity of the borough and local needs must be reflected in how decisions are made. We are committed to giving local people an effective say over decisions that affect them and an enhanced focus on responding to service users and local communities.

What happens next?

In this report the council has set out its draft recommendations and the rationale for them. Before it makes a final decision it will consult further on these as required by law.¹⁴ Phase 2 of the community governance review will take place from 6 March to 28 May 2019.

In accordance with the terms of reference for the review the council will consult on its draft recommendations with all local government electors for the wards of Spitalfields & Banglatown and Weavers, and any other person, organisation or business who appears to have an interest in the review.

The council will write to all those who submitted a response in phase 1 of the consultation inviting them to give their views on the draft recommendations. It will also contact households in the area who did not submit a response inviting them to also contribute to the review. A consultation document containing frequently asked questions from phase 1 will be distributed. This will provide factual information about parish councils including their legal status, powers and how they are funded. It will also include information about the likely cost of a parish council to local council tax payers if one were to be established. The consultation document will be posted on the council's website and may also be requested by email or post.

An online consultation form will be made available on the council's website. This is the council's preferred method for gathering views for reasons of cost and efficiency. However, the council recognises that this may not be suitable for everyone. It will therefore make the consultation form available for download, or send it by email or post on request. Responses by letter will also be accepted. Individuals may ask for support in making a response if they are unable to do this themselves. The minimum requirement for a paper consultation response to be deemed valid is that a name, address and signature are provided.

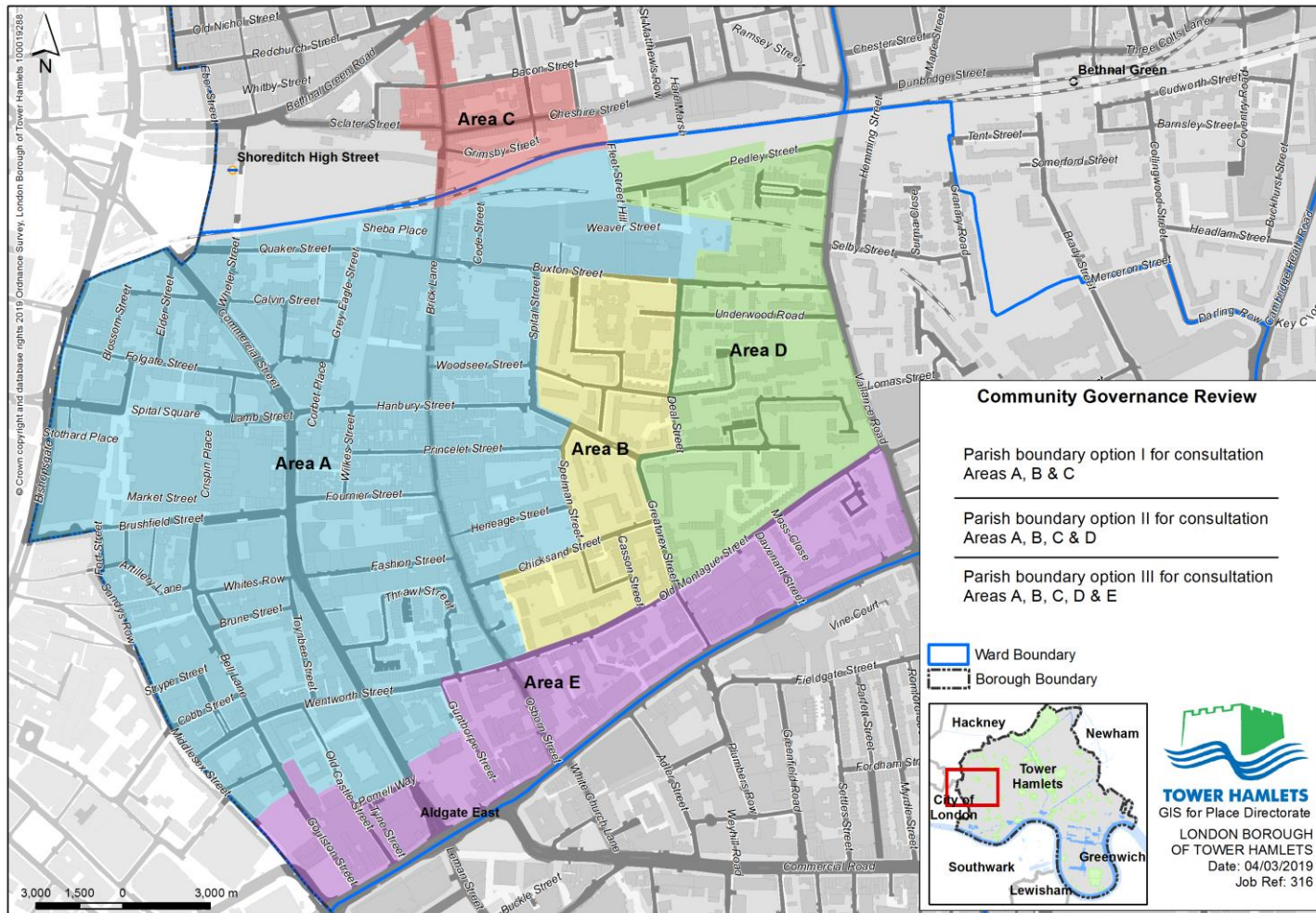
The council will organise a number of information giving events within the area under review. A static information display will be located for viewing in a public place within the area. General communications and targeted publicity about the review will be released throughout the consultation period. The council will concentrate efforts to publicise the consultation within the area of the proposed boundary options.

All information relating to the community governance review will be published on the council's website.

The community governance review will conclude in July 2019 with a final decision made by the council.

¹⁴ Local Government & Public Involvement in Health Act 2007 93(3)

Appendix 1 Boundary options map



Appendix 2 Benchmarking information from existing parishes

Council	Elected members	Committees (in addition to full council)	Functions & services	Political groups	Tax base for precept 2018/19	Staff costs	Council tax precept 2018/19	Average £ Band D property 2018/19
Queen's Park Community Council Population 14,122	12	<ul style="list-style-type: none"> - Policy & resources - Planning - Environment & open spaces - Communication & events - HR - Appeals 	Community grants, festivals & events, newsletter, allotments, Queens Park Gardens, dog fouling, neighbourhood plan	None	3,407	£39,047	£157,999	£46.38
Southborough Town Council Population 12,330 Electorate 8,424	18 in 3 wards	<ul style="list-style-type: none"> - Planning & transportation - Finance & parks 	Town guide, newsletter, allotments, common, fishing licences, sports facilities, cemetery, community centre, library, civic awards	Cons. (majority) Labour Liberal Democrat	4,278	£306,075	492,960	£66.78
Battle Town Council Population 6,700	17 in 4 wards	<ul style="list-style-type: none"> - Environment - External relations & town development - Finance & general purposes - Planning & transport 	Civic awards, museum, public garden, allotments, cemetery, church yard, recreation grounds, play areas, magazine, grants, twinning, events	None	2,705	£147,656	£349,000	£129.02
Lingfield Parish Council Population 4,500	7	<ul style="list-style-type: none"> - Planning 	Community centre, nature reserve, allotments, grounds maintenance & graffiti removal, benches, small grants, Speedwatch volunteers	None	1,929	£17,110	£55,000	£28.51

Tower Hamlets Council

Community Governance Review Consultation

Phase Two Consultation Findings Report

09 July 2019

n.b This version (7.0) was fully revised following a due diligence exercise undertaken following Cabinet on 26 June 2019. The result of the exercise was that while the original report to Cabinet stated 2337 responses received of which 2187 were valid and 150 were invalid, the revised figures in this report are that 2335 responses were received of which 2173 were valid and 162 were invalid. All figures and percentages in the report have been updated to reflect this.

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1. Executive Summary

- 1.1 This report summarises the responses to the second phase of a community governance review undertaken in response to a petition from residents requesting the creation of a new parish council in the Spitalfields area of the London Borough of Tower Hamlets.
- 1.2 In conducting a community governance review the Council is required to consult with local government electors for the area under review and any other person or body which appears to have an interest in the review.¹ In reaching its decision it must take into account any representations received in connection with the review.²
- 1.3 In phase one of the community governance review, the Council asked for views on the proposals set out in the petition. The report from phase one is available on the Council's website at www.towerhamlets.gov.uk/consultations.
- 1.4 In phase two of the review, the Council asked people for their views on its draft recommendations. Phase two consultation opened with the publication of draft recommendations on 6 March 2019 and ran for 12 weeks until 28 May 2019.
- 1.5 Consultation findings should inform the Council's final decision. In making that decision, however, the Council needs to be mindful of its primary duty to secure that community governance within the area under review:
- a) reflects the identities and interests of the community in that area, and
 - b) is effective and convenient.³
- 1.6 Relevant considerations which should influence the Council's judgement against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.⁴
- 1.7 The government has further clarified criterion b) by stating that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.⁵
- 1.8 The Council's final analysis and conclusions report for this community governance review will be presented to Full Council for decision on 17 July 2019.

¹ Local Government & Public Involvement in Health Act 2007 93(3)

² Local Government & Public Involvement in Health Act 2007 93(6)

³ Local Government & Public Involvement in Health Act 2007. 93(4)

⁴ Guidance on community governance reviews DCLG & LGBCE 2010 para 53

⁵ Guidance on community governance reviews DCLG & LGBCE 2010 para 62

Support for the creation of a parish council

- 1.9 Of the 2,173 valid responses received 1,239 were from people living within the area covered by the three boundary options put forward for consideration by the council. Of these 34.6% (429) supported the creation of a parish council; 63.1% (783) did not support the proposal; 27 (2.2%) did not express an opinion.
- 1.10 The highest level of support for the creation of a parish council was from people living in Boundary Option I, where 36.6% (381) supported the creation of a parish council; 61.5% (789) did not support the proposal; 1.9% did not express an opinion.
- 1.11 A further 196 responses were received from people living in Spitalfields & Banglatown ward or Weavers ward, but outside the boundary options. Of these 10.2% (20) supported the creation of a parish council and 88.7% (174) did not support the proposal; 1.0% did not express an opinion.
- 1.12 Residents of Tower Hamlets living outside the area covered by the community governance review submitted 769 responses. Of these 9.6% (55) supported the creation of a parish council and 88.5% (681) did not support the proposal; 1.9% did not express an opinion.
- 1.13 Of all 2,173 responses received 27.0% (590) supported the creation of a parish council; 71.3% (1558) did not support the proposal; 1.8% did not express an opinion.
- 1.14 Support for the creation of a parish council varied by demographic group with slightly higher levels of support amongst women and older age groups. Opposition was higher in younger age groups and was significantly higher amongst people who gave their ethnicity as Asian / Asian British and religion as Muslim.

Support for boundary options

- 1.15 Of all 2,173 responses, 66.9% (1454) did not support any of the boundary options. Sixteen percent (349) of all responses supported Boundary Option I; 5% (108) supported boundary option II; 5.8% (125) supported Boundary Option III. 6.3% (137) of responders either did not answer this question or said they were not sure.
- 1.16 Of the 582 people who supported one of the boundary options, 59.9% (349) supported Boundary Option I; 18.5% (108) supported Boundary Option II; 21.4% (125) supported Boundary Option III.
- 1.17 Of the 1,239 responses received from people living within the area covered by the three boundary options put forward for consideration by the council, 59.2% (734) did not support any of the proposed boundaries. Of the remainder, 21.1% (262) supported Boundary Option I; 6.6% (83) supported Boundary

Option II and 6.7% (84) supported Boundary Option III; 6.6% (77) were not sure or did not answer this question.

1.18 Of the 1041 responses received from people living within Boundary Option I, 57.8% (602) did not support any of the boundary options; 24.9% (260) supported Boundary Option I; 5.9% (62) supported Boundary Option II; 4.8% (51) supported Boundary Option III; 6.3% (66) were not sure or did not answer this question.

Support for other (non-parish) forms of community governance

1.19 We asked people whether they supported other (non-parish) forms of community governance. This was the council's favoured option in its draft recommendations. Only 7.7% (169) of all respondents supported this proposal. However, when asked specifically about their support for various (non-parish) options for community governance, 98.2% (2,134) responded giving their views. Forty two percent (896) of these still did not support any of these options. Of the remainder, support for the various forms of non-parish community governance put forward by the Council was fairly evenly distributed. Responders could choose more than one option for this question.

Other comments and considerations

1.20 Of those who support the creation of a parish council and who provided additional comments, three broad themes have been identified. These were that a parish would address priorities in the area / local needs [litter/street cleaning and crime / ASB were most mentioned]; that a parish would bring people in the community together; and that a parish would strengthen local democracy.

1.21 Of those who did not support the creation of a parish the main themes were that the creation of a parish would divide communities, concerns about the cost to residents, and additional bureaucracy.

2. Introduction

Background

- 2.1. The Council received a valid petition on 23 July 2018 from residents requesting the creation of a new parish council, 'Spitalfields Town Council', to be located within the two wards of Spitalfields and Banglatown and Weavers. The petition was organised and submitted by the Spitalfields Forum, the Spitalfields Society and Spitalfields Community Group.
- 2.2. The legislative framework for community governance reviews is set out in the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). Chapter 3 of Part 4 of the 2007 Act devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England.
- 2.3. Under the terms of the 2007 Act, the Council must have regard to guidance issued by the Secretary of State about undertaking community governance reviews. The most recent guidance was issued in March 2010.
- 2.4. In making its final decision the Council needs to take into account its duty to secure that community governance within the area under review:
 - a) reflects the identities and interests of the community in that area, and
 - b) is effective and convenient⁶
- 2.5. Relevant considerations which should influence the Council's judgement against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.⁷ The government has further clarified criterion b) by stating that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.⁸
- 2.6. The Council is also required to consult with local government electors for the area under review and any other person or body which appears to have an interest in the review.⁹ In reaching its decision it must take into account any representations received in connection with the review.¹⁰
- 2.7. Terms of reference for the review were published on the Council's website on 8 October 2019. The review is considering whether a parish council should be created.

⁶ Local Government & Public Involvement in Health Act 2007. 93(4)

⁷ Guidance on community governance reviews DCLG & LGBCE 2010 para 53

⁸ Guidance on community governance reviews DCLG & LGBCE 2010 para 62

⁹ Local Government & Public Involvement in Health Act 2007 93(3)

¹⁰ Local Government & Public Involvement in Health Act 2007. 93(6)

The Council is consulting all residents in the two wards of Spitalfields & Banglatown and Weavers as well as any other person, organisation or business who has an interest in the review.

2.8. Two consultation phases took place as part of the review. The first phase, on the proposal to create a parish council as set out in the petition, ran from 8 October 2018 and closed on 31 December 2018. The report from phase one can be found on the Council's website at www.towerhamlets.gov.uk/lgnl/council_and_democracy/consultations.

2.9. The second consultation stage, seeking views on the Council's draft recommendations has now concluded and this report presents the findings. A final decision will be taken by Full Council on 17 July 2019.

Community Governance Review Objectives

2.10. The objectives of the community governance review are:

1. To fulfil the Council's obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
4. To consider any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Phase Two Consultation

2.11. Phase two of the consultation was designed to gather views and gauge the level of support for the Council's draft recommendations. In its consultation document the Council put forward three broad options for consideration:

1. Create a new parish council to be called Spitalfields & Banglatown Parish Council.
2. Reject the proposal to create a parish council and set up other (non-parish) ways for local people to be represented and get involved. This was the council's preferred option at this stage.
3. Reject the proposal to create a parish council. No change to current governance arrangements.

2.12. The Council also asked for views on three possible parish boundary options, if a new parish council were to be created. The boundary options are shown on the map at Appendix 2.

- 2.13. Finally, the Council asked people for views on alternative (non-parish) forms of community governance.
- 2.14. The consultation document provided information about the role, powers and functions of parish councils as well as clarifying points and queries raised in the first phase of consultation. The phase two consultation document can be found on the Council's website at www.towerhamlets.gov.uk/consultations.

Consultation Methods

- 2.15. Phase two of the community governance review consultation began on 6 March 2019 and lasted for 12 weeks until 28 May 2019. The consultation programme covered online, printed and face-to-face channels to encourage a broad range of responses from different groups including residents, workers, visitors, business owners/representatives and organisations such as Residents Associations and voluntary and community groups.
- 2.16. The Council wrote to all those who responded to phase one of the consultation informing them of the second phase of the community governance review and encouraging participation in phase two.
- 2.17. The consultation document was made available as a webpage on the Council's website. It was also available to download in Portable Document Format (pdf). Printed copies were distributed to 13,000 households across the two community governance review wards of Spitalfields & Banglatown and Weavers. A further 850 copies were placed in public locations including places of worship, cafés, community centres, health centres and housing offices. They were also distributed at five consultation roadshows held at different locations during the consultation period.
- 2.18. As in phase one, the Council stated that its preferred means for people to respond to the consultation was through an online survey form for reasons of cost and efficiency. A consultation questionnaire was also made available for download from the website. Additionally, a designated email address was advertised, allowing respondents to request a paper copy questionnaire or ask for any additional information or support they needed to help them respond.
- 2.19. The survey form / questionnaire consisted of a mixture of closed and open questions to understand support or opposition for the Council's draft recommendations. The questionnaire also requested some optional demographic information about the respondent. The consultation questions are at Appendix 1.
- 2.20. The Council stated that, to be considered valid, all responses should include a name, address and post code. Responses on paper also required a signature. Consultees were deemed to be local government electors within the area covered by the review and any other person or body who appears to have an interest in the

review. The Council believes that this includes, but is not limited to, other residents of the London Borough of Tower Hamlets, local businesses, local community and voluntary organisations, public sector organisations in the area, neighbouring boroughs, and the GLA.

Communications Programme

- 2.21. A broad range of communication methods were used to inform people about the consultation. The consultation was publicised on the Council's website and through its social media channels. A press release was issued with the launch of the phase two consultation. As well as distributing hard copy consultation documents to residents, the Council wrote to local faith organisations and places of worship, voluntary and community groups in the area, public sector bodies and local businesses. Posters were put up in a range of public venues. The consultation was also promoted by word of mouth through face to face engagement and outreach.
- 2.22. The consultation was promoted through the Councils' Twitter account (@TowerHamletsNow) and Facebook page. The Council posted 18 tweets about the consultation and received 26,094 impressions. The Council published 15 posts on its Facebook page, which received 14,320 impressions.
- 2.23. To provide information about the consultation, the Council produced 550 A4 and 1000 A5 fliers advertising consultation roadshows and information about how people could respond. These were distributed to households and through street outreach throughout the consultation period.
- 2.24. Printed copies of the consultation document were distributed by London Letterbox to 13,000 households in the two community governance review wards. A further 850 copies were distributed by the Council in community venues, at roadshows and through outreach. The consultation document was also made available on the Council's website for review or download.
- 2.25. Nine hundred letters were sent to people that had responded to phase one of the consultation thanking them for their contribution and inviting contributions to phase two.
- 2.26. Emails were sent to a variety of relevant organisations including:
- Local businesses
 - Local voluntary sector organisations and community groups
 - Local public sector organisations
 - Neighbouring local authorities (City of London Corporation, Hackney Council, Newham Council) and the GLA.
- 2.27. Five drop in roadshows were held at different venues across the area. Four were within the boundary options put forward by the Council. All five were within ten minutes walking distance of the centre of the area covered by Boundary Option

III (the largest area).¹¹ They were intended to publicise the review, provide information about the consultation and, if requested, provide support for individuals to complete a questionnaire. They were held at venues and times suitable for different sections of the community in the area.

- 2.28. Roadshows were advertised through the Council's website, social media, and distribution of fliers in advance of each event. Attendance at the roadshows was low (<50 attendees in total) but they provided an opportunity for further outreach and promotion of the consultation with larger numbers of people (>150) in the neighbourhood of each venue. The Council had intended to provide a static, unstaffed, display but was unable to secure a suitable venue.
- 2.29. A5 and A3 posters were produced and distributed in Council owned premises and other public spaces to promote the consultation. Three on street billboard posters were displayed in locations near Whitechapel and Aldgate East tube stations for the final three weeks of consultation advertising the closing date and encouraging final responses. Information about the consultation was also shown on plasma screens in council owned buildings.
- 2.30. To ensure the consultation reached a wide cross section of the community the Council made use of community researchers already employed by the Council. They conducted outreach to raise awareness of the consultation with local residents and businesses and to encourage people to complete the questionnaire online. They distributed posters and fliers publicising the consultation throughout the consultation period. They also helped to staff the consultation roadshows.
- 2.31. Information about the consultation was distributed to local businesses through the Brick Lane Town Centre Manager, East London Business Association and the Aldgate Partnership as well as by direct mailing and outreach by community researchers.
- 2.32. At the end of the consultation period, an article in the June 2019 edition of Our East End was written to update people on the next steps in the process. Our East End is distributed to every household in the borough, as well as key locations such as Idea Stores and other public buildings across the borough. Information on the next steps in the process was also uploaded to the consultation area of the Council's website.

Consultation Response

- 2.33. In total, the Council received 2,335 responses to the consultation. Review of these responses led to 162 responses being deemed invalid. Reasons for removal included incomplete name and address, lack of signature on paper responses and duplicate responses.

¹¹ Intersection of Brick Lane and Princelet Street. Walking times estimated using Google Maps.

- 2.34. Following review, 2,173 responses were considered valid of which, 2,082 responded as individuals, 49 responded on behalf of an organisation and 42 did not say in what capacity they were responding.
- 2.35. Of the 2,173 valid responses, 66% (1,435) were from people living in the area covered by the community governance review. Most of these (1239 or 57% of the total) were from people living in the area covered by the boundaries put forward by the Council. A further 568 responses were received from other residents of Tower Hamlets. There were 170 responses from outside the borough.
- 2.36. Of those responding on behalf of organisations, thirteen were from small to medium sized enterprises, two faith organisations, two voluntary and community groups, three tenant and residents associations, one school board of governors, and three on behalf of groups of friends and neighbours. The remaining eighteen did not specify the organisation they were responding on behalf of. Seven of the 40 responses received from organisations were in support of the proposal to create a parish council, 40 did not support the proposal, two did not answer this question.

Analysis Methodology

- 2.37. Responses to the survey were reviewed against an agreed set of inclusion criteria to be deemed valid. Mandatory criteria were inclusion of name and address and, for paper responses, a signature. All responses which answered one or more of the consultation questions were deemed valid if they met the other inclusion criteria.
- 2.38. Where more than one response from an individual was received the following inclusion criteria were applied: responding as an individual and on behalf of an organisation, include both responses; more than one response as an individual, include the most recent response.
- 2.39. One hundred and twenty five individuals submitted more than one response. Of these, 121 submitted three responses, two submitted three responses, and one submitted five responses. Eighteen individuals changed their response in relation to their support for a parish council. The most recent response was included as representing a likely change of view during the consultation period.
- 2.40. Review of consultation submissions led to 162 responses being deemed invalid. Of the 2,173 valid responses considered, 738 responses were submitted online, 1,435 paper questionnaires were submitted. Three responses were received in the form of a letter. The letter writers had also completed an online response or questionnaire. The letters were therefore treated as supplementary to their other submission.

2.41. All the open ended questions in the consultation questionnaire were coded into themes to allow the responses to be quantified. This encompassed reading every response and the creation of a code frame of key themes. Responses were then coded against one or more themes in the frame. These are shown in the section 'Other comments and considerations'.

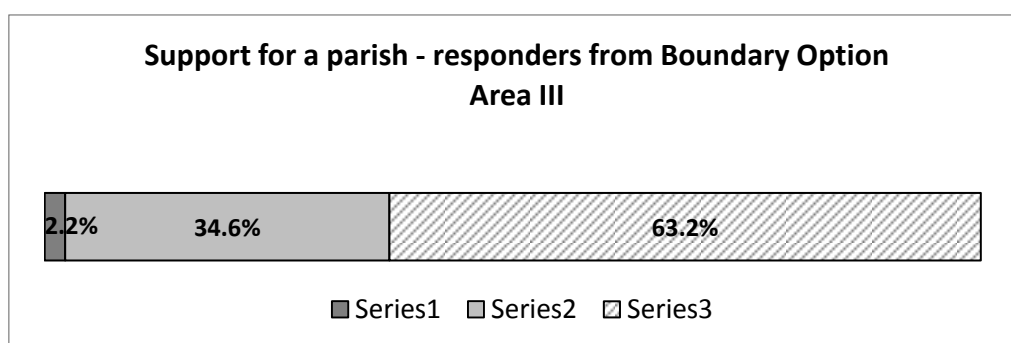
Next steps

2.42. The Council will make a decision on its final recommendations at its meeting on 17 July 2019. A report setting out the Council's final analysis and conclusions will be presented to that meeting. The findings from both phases of public consultation will inform this decision. The final recommendations will be published on the Council's website on the 22 July 2019, thus concluding this community governance review. The Council will communicate the outcome to those who took part in the consultation.

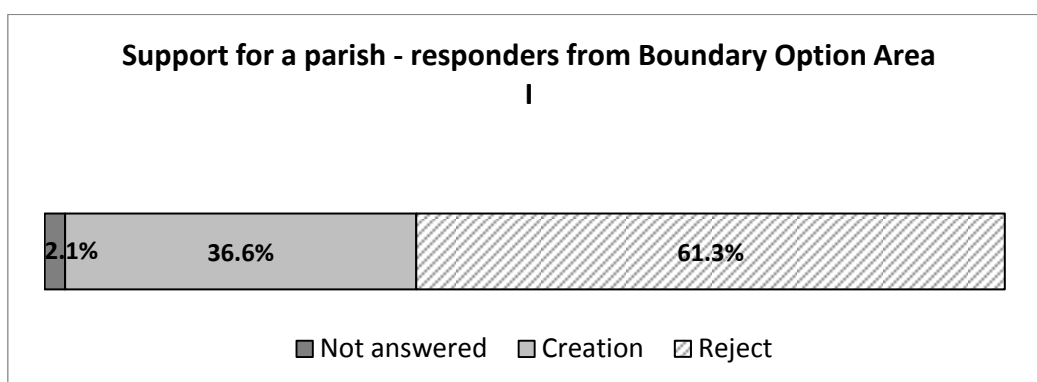
3. Analysis

Support for the creation of a parish council

- 3.1 Of the 2,173 valid responses received 1,239 were from people living within the area covered by the three boundary options put forward for consideration by the council. Of these 34.6% (429) supported the creation of a parish council; 63.1% (783) did not support the proposal; 27 (2.2%) did not express an opinion.

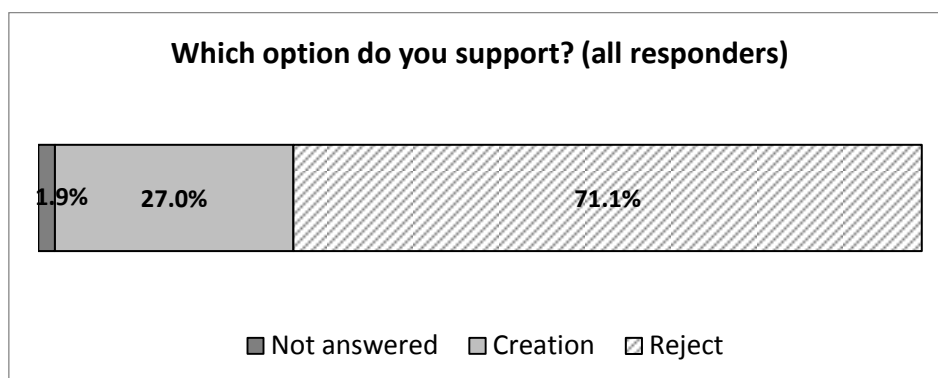


- 3.2 Of the 1041 responses received from people living within Boundary Option I, 57.8% (602) did not support any of the boundary options; 24.9% (260) supported Boundary Option I; 5.9% (62) supported Boundary Option II; 4.8% (51) supported Boundary Option III; 6.3% (66) were not sure or did not answer this question.



- 3.3 Residents of Tower Hamlets living outside the area covered by the community governance review submitted 769 responses. Of these 9.6% (55) supported the creation of a parish council and 88.5% (681) did not support the proposal; 1.9% did not express an opinion.

- 3.4 Residents of Tower Hamlets living outside the area covered by the community governance review submitted 769 responses. Of these 9.6% (55) supported the creation of a parish council and 88.5% (681) did not support the proposal; 1.9% did not express an opinion.
- 3.5 Of all 2,173 responses received 27.0% (590) supported the creation of a parish council; 71.3% (1558) did not support the proposal; 1.8% did not express an opinion.



Support for the creation of a parish council by demographic group

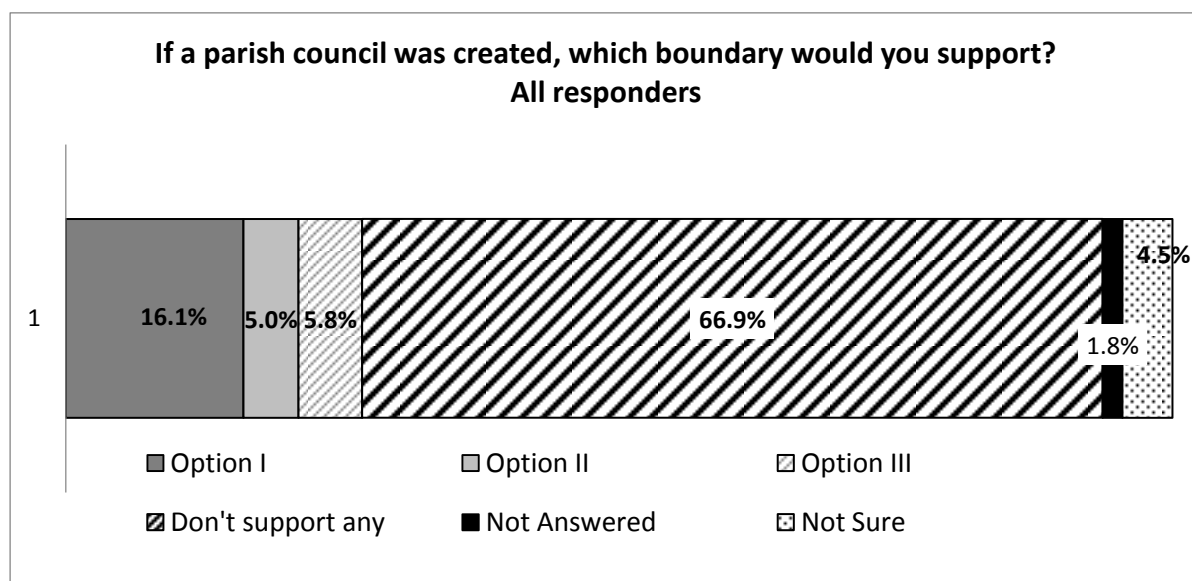
- 3.6 Almost a third of responders did not provide their age. Of those who did, the age group 25-34 was significantly under represented in the responses. Age groups 50 to 64 and 65+ were significantly over represented.
- 3.7 Of those who supported the creation of a parish council, levels of support were fairly evenly distributed across the age range. Opposition was also fairly evenly distributed across the age range, with slightly higher levels of opposition in those under 55.
- 3.8 Most responders provided their sex (84%). More men (65%) than women (34.5%) responded. Support for a parish council was slightly higher amongst women than men, however, however 41.3% of this group did not provide their age or answered 'prefer not to say'. Amongst those who did not support the creation of a parish council, 62.6% were male and 30.8% female; 6.6% did not provide their gender or answered 'prefer not to say'.
- 3.9 Most responders provided their ethnicity (80.8%). People of Asian / Asian British ethnicity were significantly over represented in the responses. People of White British / White Other were significantly under represented. Of the 1,756 responders who provided details about their ethnicity, 69.4% (1,226) gave their ethnicity as Asian / Asian British and 26.2% (461) gave their ethnicity as White British / White Other.
- 3.10 Of those who provided their ethnicity, 316 supported the creation of a parish council and 1,406 were in opposition. Of the 316 responders who supported the creation of a parish council, 14.2% (46) are Asian / Asian British and 76.6% (242) are White

British / White Other, with the remainder from other ethnic groups. Of those who opposed the creation of a parish 81.7% (1,150) are Asian / Asian British and 15.8% (223) are White British / White Other, with the remainder from other ethnic groups.

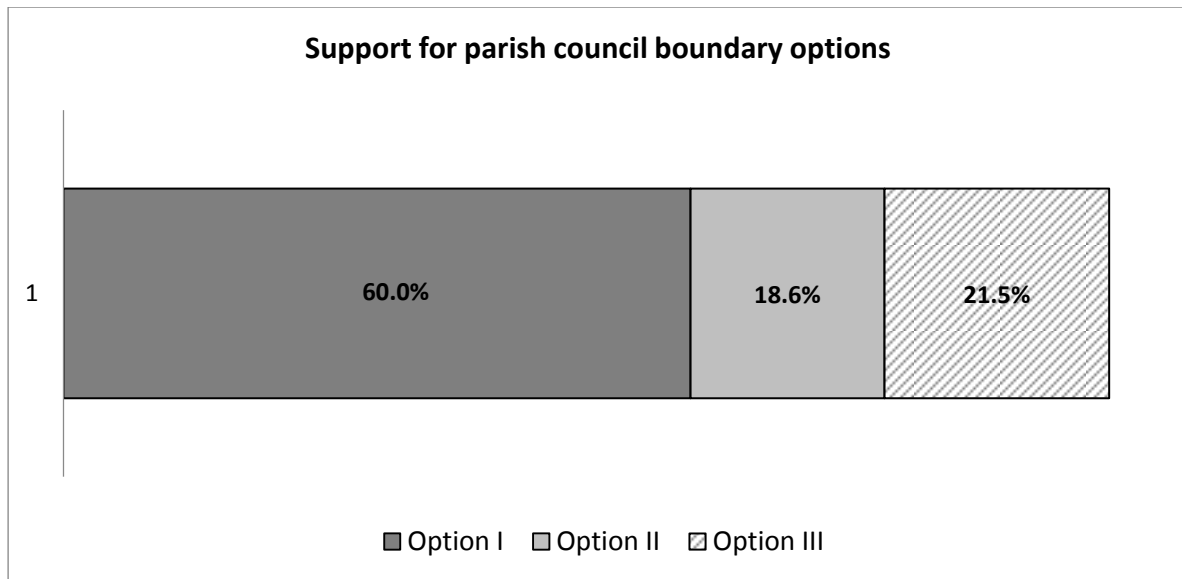
- 3.11 A third of responders did not give their religion. People who gave their religion as Muslim are significantly over represented. People who gave their religion as Christian are significantly under represented. Opposition to the creation of a parish council was higher amongst those who gave their religion as Muslim (91.2%).
- 3.12 Data on responses from other demographic groups is at Appendix 3.

Support for boundary options

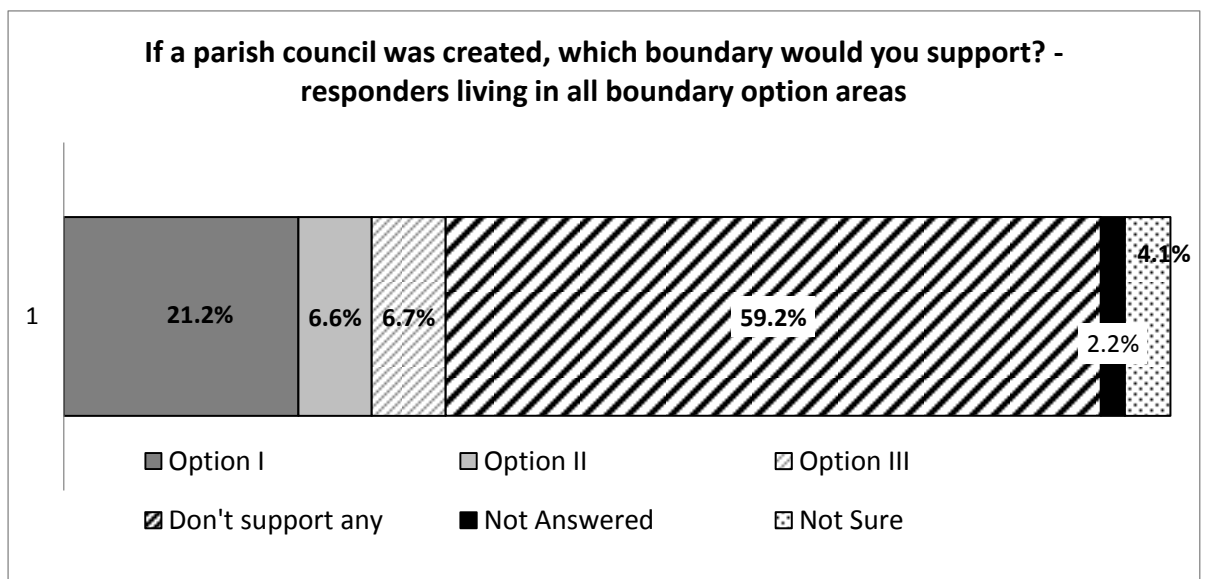
- 3.13 Participants were asked to consider three possible boundary options for a parish, if one were to be created. The boundary options put forward by the Council for consideration in phase two are shown on the map at Appendix 2.
- 3.14 Of all 2,173 responses, 66.9% (1454) did not support any of the boundary options. Sixteen percent (349) of all responses supported Boundary Option I; 5% (108) supported boundary option II; 5.8% (125) supported Boundary Option III. 6.3% (137) of responders either did not answer this question or said they were not sure.



- 3.15 Of the 582 people who supported one of the boundary options, 59.9% (349) supported Boundary Option I; 18.5% (108) supported Boundary Option II; 21.4% (125) supported Boundary Option III.

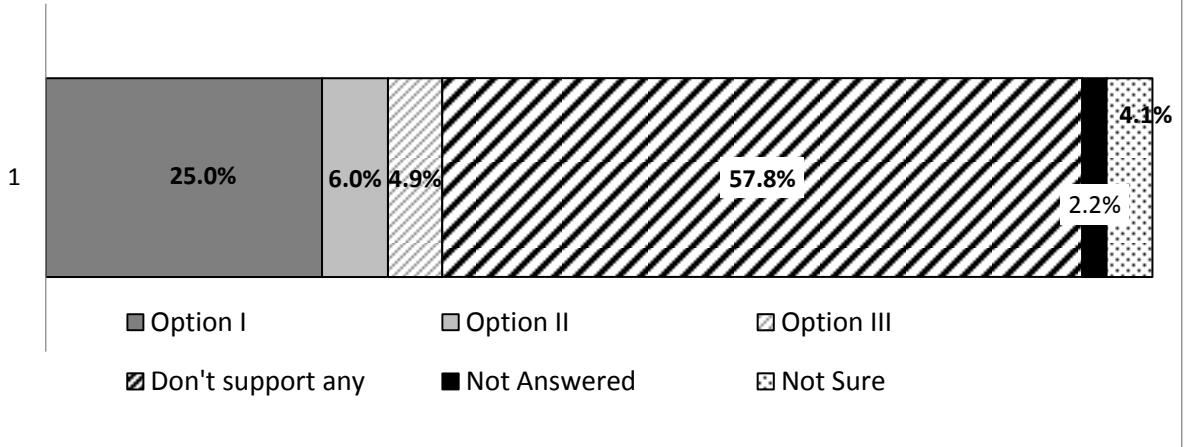


3.16 Of the 1,239 responses received from people living within the area covered by the three boundary options put forward for consideration by the council, 59.2% (734) did not support any of the proposed boundaries. Of the remainder, 21.1% (262) supported Boundary Option I; 6.6% (83) supported Boundary Option II and 6.7% (84) supported Boundary Option III; 6.6% (77) were not sure or did not answer this question.



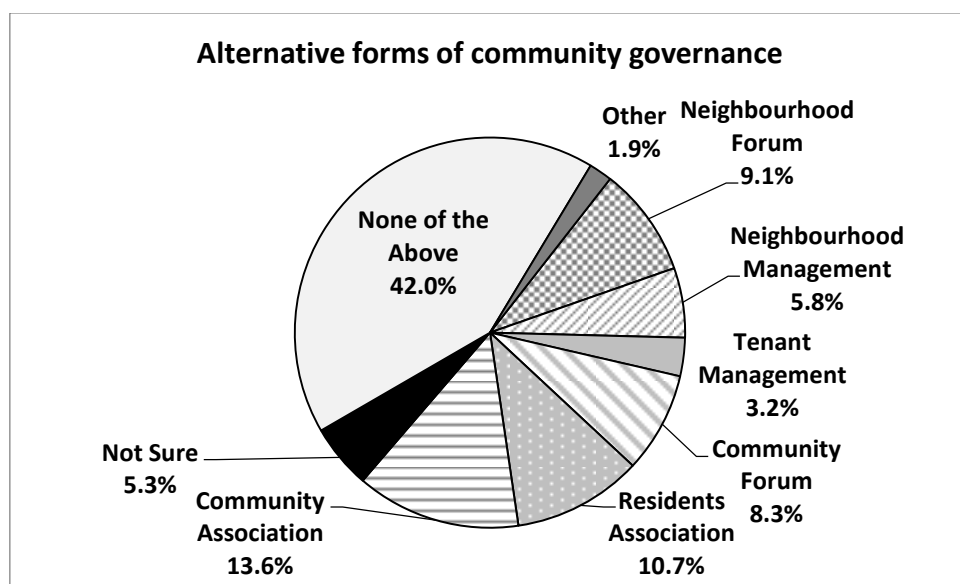
3.17 Of the 1041 responses received from people living within Boundary Option I, 57.8% (602) did not support any of the boundary options; 24.9% (260) supported Boundary Option I; 5.9% (62) supported Boundary Option II; 4.8% (51) supported Boundary Option III; 6.3% (66) were not sure or did not answer this question.

If a parish council was created, which boundary would you support? - responders living in parish boundary option I



Support for other (non-parish) forms of community governance

3.18 We asked people whether they supported other (non-parish) forms of community governance. This was the council's favoured option in its draft recommendations. Only 7.7% (169) of all respondents supported this proposal. However, when asked specifically about their support for various (non-parish) options for community governance, 98.2% (2,134) responded giving their views. Forty two percent (896) still did not support any of these options. Of the remainder, support for the various forms of non-parish community governance put forward by the Council was fairly evenly distributed. Responders could choose more than one option for this question.



Other comments and considerations

- 3.19 Of the 587 respondents who supported the creation of a parish council, 171 people provided comments. Three broad themes have been identified. These were that a parish would address priorities in the area / local needs [litter/street cleaning and crime / ASB were most mentioned]; that a parish would bring people in the community together; and that a parish would strengthen local democracy.
- 3.20 Although the Council did not ask for comments on the name of the proposed parish in phase two of consultation, the majority of those who did comment on the name opposed the inclusion of Banglatown in the name, with a smaller number in support.

Theme	Mentions
Will address priorities in the area / local need	55
Comments on name	46
Other / unspecific ¹²	22
Bring communities together / unite communities	19
Greater democracy / local democracy / local governing	17
Will help area / be good for area / be nice / good idea	8
Make area nice / keep area nice	7
Want / need to have a voice / be represented / have a say	6
I agree / support proposal	4
Spitalfields is a great / unique / preserve identity	4
Better management of area	3
Get control of services (crime, street cleanliness / planning / markets eg)	3
Hold Tower Hamlets Council to account / dislike Tower Hamlets Council	2
Independence / autonomy / our own area	1

¹² These were mainly providing information about the respondent e.g. personal circumstances, address details, occupation.

- 3.21 When comments relating to issues in the area were further analysed the following topics were mentioned.

Issues for the area	Mentions
Street cleaning / rubbish	22
Safety / security	17
Drugs	8
Homeless	5
Public toilets	3
Recycling (in flats)	2
Local economy (night time economy / markets etc)	2
Cyclists	1
Prostitution	1
Family friendly facilities, parks	1
Maintenance of public facilities, more building	1
Mitigate re tourists, weekend and evening drinking	1
More police, car racing, gangs	1

- 3.22 Of the 1,545 respondents who did not support the creation of a parish council, 222 provided comments. Of those who did not support the creation of a parish the main themes were that the creation of a parish would divide communities, concerns about the cost to residents, and additional bureaucracy.

Theme	Mentions
It will divide communities / don't want borders	82
Extra cost / higher taxes / fewer services	61
More layers of bureaucracy / government	52
Should share wealth of area with rest of borough	38
Wealthy vs. poor / poorer areas / gentrification / elitism	22
Comments on name	21
Do not support / do not agree / do not like / bad idea	19
Personal financial or power gain for some / few / power grab	15
Satisfied with the current system	12
Undermines democracy / accountability / oppose differences between areas	11
Other / unspecific	8
No need for this / happy with current system	7

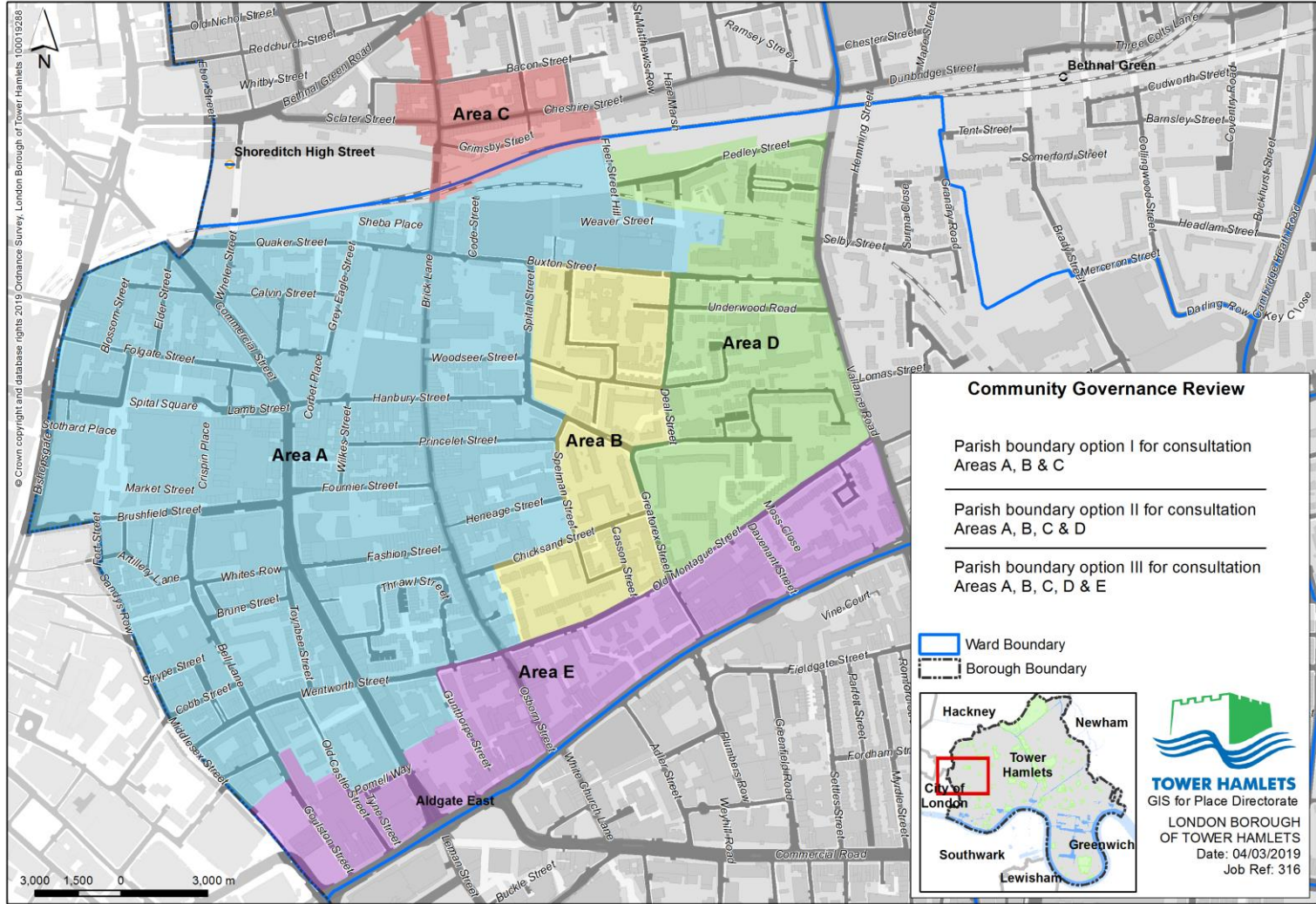
Appendix 1 Consultation Questions

1. Do you support option 1: the creation of a new parish council to be called Spitalfields & Banglatown Parish Council?
2. Do you support option 2: reject the proposal to create a parish council and set up other (non-parish) ways for local people to be represented and get involved?
3. Do you support option 3: reject the proposal to create a parish council, with no change to current governance arrangements?
4. If a parish council were to be created, which boundary do you think best balances the identity of the area, would be best for the delivery of services and follows clear natural boundaries? (See map at Appendix 1)
 - a. Boundary option I
 - b. Boundary option II
 - c. Boundary option III
 - d. Not sure
 - e. Do not support any of the proposed boundaries
5. The council is considering alternative forms of community governance. If a parish council is not created, which other (non-parish) forms of community involvement or engagement should we consider?
 - a. Neighbourhood forum
 - b. Neighbourhood management
 - c. Tenant management organisation
 - d. Community forum
 - e. Residents association
 - f. Community association
 - g. None of the above
 - h. Other (please specify)
6. Do you have any other comments? Is there anything else you would like us to consider in making our decision?
7. Are you responding
 - a. as an individual?
 - b. on behalf of an organisation or group?

If you are responding on behalf of an organisation please give a summary of the people or organisation you represent, and where relevant who else you have consulted in reaching your conclusions.

Appendix 2 Boundary Options Map

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Appendix 3 Equalities data

Equalities data for responders is provided by demographic groups. Data relates to all responses where this information was provided. Where available, equalities data from the Census 2011 are also provided. In some cases it is not possible to compare equalities data for this survey directly with the Census.

Age

Responders by Age	Grand Total		Responders from within Parish Boundary Option Area	
	Number	%	Number	%
Total	2173	100%	1246	100%
Blank / Prefer not to say	625	28.8%	400	32.1%
<i>Responses from</i>				
0-15	18	1.2%	15	1.8%
16-24	126	8.1%	86	10.3%
25-34	317	20.5%	184	21.9%
35-44	382	24.7%	188	22.4%
45-54	313	20.2%	148	17.6%
55-64	246	15.9%	130	15.5%
65+	146	9.4%	88	10.5%

Census Data by Age	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: Age	254,096	100%	12770	100%
0 to 15	50,143	19.7%	1704	13.34%
16 to 24	42,781	16.8%	2642	20.69%
25 to 34	73,185	28.8%	4430	34.69%
35 to 49	48,995	19.3%	2209	17.30%
50 to 64	23,422	9.2%	1131	8.86%
65 and over	15,570	6.1%	654	5.12%

Ethnicity

Responders by ethnicity	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to say	417	19.2%	298	24.1%
<i>Responses from</i>				
Asian / Asian British	1226	69.4%	647	68.5%
Black / Black British	21	1.2%	8	0.8%
Mixed / Dual Heritage	25	1.4%	12	1.3%
Other	23	1.3%	14	1.5%
White British / White Other	461	26.1%	260	27.5%
All responders answering the question	1756	100.0%	941	100.0%

Census Data by Ethnicity	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
Total	254,096	100.0%	12770	100.0%
<i>Responses from</i>				
Asian / Asian British	104,501	41.1%	5,534	43.3%
Black / Black British	18,629	7.3%	551	4.3%
Mixed / Dual Heritage	10,360	4.1%	434	3.4%
Other	5,787	2.3%	278	2.2%
White British / White Other	114,819	45.2%	5,973	46.8%

Sex

Responders by Sex	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to say	349	16.1%	249	20.1%
<i>Responses from</i>				
Female	629	34.5%	398	40.2%
Male	1189	65.2%	588	59.4%
Prefer to self describe	6	0.3%	4	0.4%
All responders answering the question	1824	100.0%	990	100.0%

Census Data by Sex	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
Total	254,096	100.0%	12770	100.0%
<i>Responses from</i>				
Female	130,906	51.5%	5919	46.4%
Male	123,190	48.5%	6851	53.6%

Gender identity

Is your gender identity the same as te one that you were assigned at birth?	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to say	689	31.7%	459	37.0%
<i>Responses from</i>				
No	18	1.2%	5	0.6%
Yes	1466	98.8%	775	99.4%
All responders answering the question	1484	100.0%	780	100.0%

Religion

Responders by religion	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100.0%	1239	100
Prefer not to say	509	23.5%	368	29.8%
<i>Responses from</i>				
Buddhist	5	0.3%	1	0.1%
Christian	160	9.5%	86	9.6%
Hindu	8	0.5%	4	0.5%
Jewish	10	0.6%	6	0.7%
Muslim	1174	70.6%	610	70.1%
No religion	269	17.5%	145	17.8%
Other religion	38	1.0%	19	1.3%
Total responders answering the question	2173	100.0%	1239	100.0%

Census Data by religion	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: Religion	254,096	100.0%	12770	100.0%
Buddhist	2,726	1.1%	2473	19.4%
Christian	68,808	27.1%	78	0.6%
Hindu	4,200	1.7%	151	1.2%
Jewish	1,283	0.5%	95	0.7%
Muslim (Islam)	87,696	34.5%	4727	37.0%
Sikh	821	0.3%	36	0.3%
Other religion: Total	825	0.3%	42	0.3%
No religion: Total	48,648	19.1%	3019	23.6%
Religion not stated	39,089	15.4%	2149	16.8%

Disability

Responders by disability	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to answer	638	29.4%	429	34.6%
<i>Responses from</i>				
No	1448	94.3%	775	95.7%
Yes	87	5.7%	35	4.3%
All responders answering the question	1535	100.0%	810	100.0%

Census data	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: General health	254,096	100%	14562	100%
Very good health	128,468	50.6%	7657	52.6%
Good health	83,209	32.7%	4622	31.7%
Fair health	27,062	10.7%	1401	9.6%
Bad health	11,228	4.4%	625	4.3%
Very bad health	4,129	1.6%	257	1.8%

Sexual orientation

Responders by sexual orientation	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to say	1360	62.6%	818	66.0%
<i>Responses from</i>				
Bisexual	28	3.4%	10	2.4%
Gay man	51	6.3%	24	5.7%
Gay woman/lesbian	6	0.7%	4	1.0%
Heterosexual/straight	705	86.7%	375	89.1%
Prefer to self describe	23	2.8%	8	1.9%
All responders answering the question	813	100.0%	421	100.0%

Relationship status

Responders by relationship status	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100.0%	1239	100.0%
Prefer not to say	738	34.0%	461	37.2%
<i>Responses from</i>				
Civil partnership	16	1.1%	5	0.6%
Cohabiting	76	5.3%	44	5.7%
Married	984	68.6%	511	65.7%
Single	359	25.0%	218	28.0%
All responders answering the question	1435	100.0%	778	100.0%

Census Data by relationship status	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: Living arrangements	200,214	100%	10215	100%
Living in a couple: Married	56,616	28.3%	2388	23.4%
Living in a couple: Cohabiting (opposite-sex)	20,651	10.3%	1094	10.7%
Living in a couple: In a registered same-sex civil partnership or cohabiting (same-sex)	3,986	2.0%	223	2.2%
Not living in a couple: Single (never married or never registered a same-sex civil partnership)	89,494	44.7%	5219	51.1%
Not living in a couple: Married or in a registered same-sex civil partnership	6,964	3.5%	367	3.6%
Not living in a couple: Separated (but still legally married or still legally in a same-sex civil partnership)	5,492	2.7%	209	2.0%
Not living in a couple: Divorced or formerly in a same-sex civil partnership which is now legally dissolved	9,732	4.9%	372	3.6%
Not living in a couple: Widowed or surviving partner from a same-sex civil partnership	7,279	3.6%	343	3.4%

Appendix 4 Data Tables

Q1: Which option do you support?

	Not answered		Option 1: Create a new parish (local) council to be called Spitalfields & Banglatown		Option 2: Reject the proposal to create a parish council and set up other (non-parish) ways for local people to be represented and get involved		Option 3: Reject the proposal to create a parish council. No change to current governance arrangements		Grand Total
	Number	%	Number	%	Number	%	Number	%	Number
Number of responses	41	1.9%	587	27.0%	169	7.8%	1376	63.3%	2173
Area covered by review	29	2.0%	449	31.3%	97	6.8%	860	59.9%	1435
<i>Responses from people living in</i>									
Parish Boundary Option I	22	2.1%	381	36.6%	57	5.5%	581	55.8%	1041
Parish Boundary Option II	26	2.5%	419	35.3%	66	5.6%	677	57.0%	1188
Parish Boundary Option III	27	2.3%	429	36.1%	69	5.8%	714	60.1%	1239
In Spitalfields & Banglatown and Weavers wards excluding Parish Boundary Option areas	2	1.0%	20	10.2%	28	14.3%	146	74.5%	196
Other wards in Tower Hamlets (excluding Spitalfields & Banglatown and Weavers wards)	11	1.9%	55	9.7%	64	11.3%	438	77.1%	568
Outside of Tower Hamlets	1	0.6%	83	48.8%	8	4.7%	78	45.9%	170

**Q1: Which option do you support?
(online and paper)**

	Not answered		Option 1: Create a new parish (local council to be called Spitalfields & Banglatown)		Option 2: Reject the proposal to create a parish council and set up other (non-parish) ways for local people to be represented and get involved		Option 3: Reject the proposal to create a parish council. No change to current governance arrangements		Grand Total
	Online	Paper	Online	Paper	Online	Paper	Online	Paper	Number
Number of responses	3	38	275	312	143	26	317	1059	2173
Area covered by review	1	28	207	242	78	19	206	654	1435
<i>Responses from</i>									
Parish Boundary Option I	1	21	163	218	44	13	131	450	1041
Parish Boundary Option II	1	25	188	231	52	14	158	519	1188
Parish Boundary Option III	1	26	193	236	55	14	166	548	1239
In Spitalfields & Banglatown and Weavers wards excluding Parish Boundary Option areas	0	2	14	6	23	5	40	106	196
Other wards in Tower Hamlets (excluding Spitalfields & Banglatown and Weavers wards)	1	10	28	27	59	5	92	346	568
Outside of Tower Hamlets	1	0	40	43	6	2	19	59	170

Q2: If a parish council were to be created, which boundary do you think best balances the identity of the area, would be best for the delivery of services and follows clear natural boundaries?

	Boundary Option 1		Boundary Option II		Boundary Option III		Do not support any of the proposed boundaries		Not answered		Not sure		Grand Total
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	
Number of responses	349	16.1%	108	5.0%	125	5.8%	1454	66.9%	39	1.8%	98	4.5%	2173
Area covered by the community governance review	273	19.0%	84	5.9%	90	6.3%	899	62.6%	30	2.1%	59	4.1%	1435
<i>Responses from people living</i>													
Parish Boundary Option I	260	25.0%	62	6.0%	51	4.9%	602	57.8%	23	2.2%	43	4.1%	1041
Parish Boundary Option II	261	21.8%	81	6.8%	74	6.2%	698	58.3%	35	2.9%	48	4.0%	1197
Parish Boundary Option III	262	21.1%	82	6.6%	83	6.7%	734	59.2%	27	2.2%	51	4.1%	1239
In Spitalfields & Banglatown and Weavers wards excluding Parish Boundary Option areas	11	5.6%	2	1.0%	7	3.6%	165	84.2%	3	1.5%	8	4.1%	196
Other wards in Tower Hamlets (excluding Spitalfields & Banglatown and Weavers wards)	30	5.3%	7	1.2%	23	4.0%	475	83.6%	8	1.4%	25	4.4%	568
Outside of Tower Hamlets	46	27.1%	17	10.0%	12	7.1%	80	47.1%	1	0.6%	14	8.2%	170

**Q2: If a parish council were to be created, which boundary do you think best balances the identity of the area, would be best for the delivery of services and follows clear natural boundaries?
(online and paper)**

	Boundary Option 1		Boundary Option II		Boundary Option III		Do not support any of the proposed boundaries		Not answered		Not sure		Grand Total
	Online	Paper	Online	Paper	Online	Paper	Online	Paper	Online	Paper	Online	Paper	Number
Number of responses	167	182	35	73	100	25	381	1073	5	34	50	48	2173
Area covered by the community governance review	132	141	25	59	70	20	235	664	3	27	27	32	1435
<i>Responses from</i>													
Parish Boundary Option I	123	137	12	50	37	14	144	458	3	20	20	23	1041
Parish Boundary Option II	123	138	23	58	58	16	172	526	3	32	20	28	1197
Parish Boundary Option III	123	139	23	59	65	18	180	554	3	24	21	30	1239
In Spitalfields & Banglatown and Weavers wards excluding Parish Boundary Option areas	9	2	2	0	5	2	55	110	0	3	6	2	196
Other wards in Tower Hamlets (excluding Spitalfields & Banglatown and Weavers wards)	16	14	2	5	21	2	126	349	1	7	14	11	568
Outside of Tower Hamlets	19	27	8	9	9	3	20	60	1	0	9	5	170

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Equality Analysis (EA)

Financial Year

2018/19

Section 1 – General Information (Aims and Objectives)

Name of the proposal including aims, objectives and purpose

Community Governance Review 2018-19

The proposal under consideration by the Council is whether to create a parish council in the Spitalfields area. The process of conducting a community governance review is governed by statute.

This Equality Analysis has been prepared to consider equality impacts relating to the community governance review triggered by a petition from local residents to set up a parish ('town') council within the Tower Hamlets council wards of Spitalfields & Banglatown and Weavers. A parish council is a democratically elected, additional and legally independent tier of local government with its own councillors, which can provide a range of local services within a defined area. A parish council operates at a local level below the principal council, in this case Tower Hamlets Council.

Background

The legislative framework for community governance reviews is set out in the Local Government and Public Involvement in Health Act 2007 ('the 2007 Act'). Chapter 3 of Part 4 of the 2007 Act devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England.

Under the terms of the 2007 Act, the Council must have regard to guidance issued by the Secretary of State about undertaking community governance reviews.¹ The most recent guidance was issued in March 2010.²

In making its final decision the Council has a duty to secure that community governance within the area under review:

- a) reflects the identities and interests of the community in that area, and
- b) is effective and convenient³

Relevant considerations which should influence the Council's judgement against these two principal criteria include the impact on community cohesion and the size, population and boundaries of the proposed area.⁴

The government has further clarified criterion b) by stating that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and to give users of services a democratic voice in the decisions that affect them.⁵

The Council is required to consult with local government electors for the area under review and any other person or body which appears to have an interest in

See
Appendix A

Current decision
rating
Red



¹ Local Government & Public Involvement in Health Act 2007 100(4)

² Guidance on Community Governance Reviews. Department for Communities and Local Government and Local Government Boundary Commission for England. 2010

³ Local Government & Public Involvement in Health Act 2007. 93(4)

⁴ Guidance on community governance reviews DCLG & LGBCE 2010 para 53

⁵ Guidance on community governance reviews DCLG & LGBCE 2010 para 62

the review.⁶ It must take into account any representations received in connection with the review.⁷

In making its final recommendations, the Council should consider the information it has received in the form of expressions of local opinion, representations made by local people and other interested persons, and also use its own knowledge of the local area. In taking this evidence into account and judging the criteria in the 2007 Act against it, a principal council may reasonably conclude that a recommendation set out in a petition should not be made.⁸

Where a principal council has conducted a review following receipt of a petition, it will remain open to the Council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.⁹

The council is required to consult local government electors in the area under review, and others who appear to have an interest in the review. When undertaking a review they must have regard to the need to ensure that the community governance reflects the identities and interests of the community in the area under review, and the need to ensure that community governance in that area is effective and convenient.

In the development of its proposals the council has a legal duty to engage people with the protected characteristics under the Equality Act 2010.

Specifically it needs to have due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Phase 1 of the public consultation of the community governance review opened on 8 October 2018 and ran for 12 weeks until 31 December 2018. The council chose an initial consultation period of 12 weeks to enable a broad range of views to be gathered and to gauge levels of support for proposals in the petition.

The consultation programme covered online, social media, print and face-to-face channels in order to encourage a broad range of responses that represented the diverse population of the borough.

The second stage, phase 2 consultation, putting forward the council's draft recommendations after considering findings from phase 1, started on 6th March 2019 and ran for 12 weeks until 28 May 2019. This second phase consultation was designed to gather views and gauge the level of support for the council's draft recommendations. In its phase two consultation document the council put forward three broad options for consideration:

1. Create a new parish council to be called Spitalfields & Banglatown

⁶ Local Government & Public Involvement in Health Act 2007 93(3)

⁷ *ibid.* 93(6)

⁸ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 para 96

⁹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 para 95

Parish Council.

2. Reject the proposal to create a parish council and set up other (non-parish) ways for local people to be represented and get involved. This was the council's preferred option at this stage of the review.
3. Reject the proposal to create a parish council. with no change to current governance arrangements.

The council also asked for the views on the three possible parish boundary options, if a new parish council were to be created.

A broad range of communication methods were used to inform people about the consultation. The consultation was published on the Council's website and through its social media channels. A press release was issued with the launch of the phase two consultations. As well as distributing hard copy consultation documents to residents, the council wrote to local faith organisations and places of worship, voluntary and community groups in the area including those working with groups with specific protected characteristics, public sector bodies and local businesses. Posters were put up in a range of public venues. The consultation was also promoted by word of mouth through face-to-face engagement and outreach.

The consultation was promoted through the Council's Twitter account (@TowerHamletsNow) and Facebook page. The Council posted 18 tweets about the consultation and received 26,094 impressions. The Council published 15 posts on its Facebook page, which received 14,320 impressions..

To provide information about the consultation, the Council produced 550 A4 booklets and 1000 A5 fliers advertising consultation roadshows and information about how people could respond. These were distributed to households and street outreach throughout the consultation period.

Printed copies of the consultation document were distributed by London Letterbox (a private company) to 13,000 households in the two community governance review wards.

A further 850 copies were distributed by the Council in community venues, at roadshows and through outreach. The consultation document was also made available on the council's website for review or download. An email and postal address was provided for residents to request a copy of the consultation document in a format of their choosing or to ask for supporting in completing the consultation questionnaire. Paper copies of the consultation questionnaire were also available on request and were distributed through outreach and at the consultation roadshows.

Nine hundred letters were sent to people that had responded to phase one of the consultation informing them of the outcome, next steps and thanking them for their contributions.

Emails were sent to a variety of relevant organisations including:

- Local businesses
- Local voluntary sector organisations and community groups
- Local public sector organisations
- Neighbouring local authorities (City of London Corporation, Hackney Council, Newham Council) and the GLA.
- Faith organisations

Five drop-in roadshows were held at different venues across the area to provide additional information to residents and answer any questions that could promote

involvement. Four out of five of the drop in sessions were within the boundary options put forward by the Council. All five were within ten minutes walking distance of the centre of the area covered by Boundary Option III (the largest area). They were also intended to publicise the review, provide information about the consultation and, if requested, provide support for individuals to complete a questionnaire. They were held at different venues and times suitable for different sections of the community in the area. Particular target groups were people from ethnic minorities with a focus on the Bangladeshi community and women. Findings from phase one consultation had shown that these groups were under-represented in consultation responses.

Detailed reports from both phases of consultation are available on the Council website at www.towerhamlets.gov.uk/consultations.

The consultation findings should inform the council's final decision. In making that decision, however, the council needs to be mindful of its primary duty to secure that community governance within the area under review:

- a) reflects the identities and interests of the community in that area, and
- b) is effective and convenient.

Relevant considerations which should influence the council's judgement against these two principal criteria include the impact on community cohesion, and the size, population and boundaries of the proposed area.

The government has further clarified criterion b) by stating that the effectiveness and convenience of local government is best understood in the context of a local authority's ability to deliver quality services economically and efficiently, and give users of services a democratic voice in the decisions that affect them.

Review objectives

The objectives of the review set out in the terms of reference are as follows:

1. To fulfil the council's obligations to undertake a community governance review following the receipt of a valid petition. The current guidelines state that we must complete this review within 12 months of the receipt of the petition.
2. To consider whether the creation of a parish council reflects the identities and interests of the community in the area.
3. To ensure that any proposed arrangements provide effective and convenient local government, including viability in the provision of services, the promotion of well-being and community cohesion.
4. To take into account any other arrangements for community representation and engagement in the area that are already in place or that could be made.
5. To consider options for electoral arrangements for the parish council should the proposal to create a parish council be adopted.

Government guidance recognises that while 'place' is important in shaping a sense of community identity it is not the only factor that needs to be taken into account.¹⁰ In a borough like Tower Hamlets, there are diverse communities of interest as well as those centred on neighbourhood or locality; for example, representing age, gender, ethnicity, faith or lifestyle

¹⁰ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.60

groups. Any number of communities of interest may flourish in an area but they do not necessarily centre on a specific place or help to define it. The Council is mindful that the identity, needs and interests of all these various communities require balancing in making a decision on whether to create a parish.

Where a principal council has conducted a review following receipt of a petition, it will remain open to the Council to make a recommendation which is different to the recommendation the petitioners wished the review to make. This will particularly be the case where the recommendation is not in the interests of the wider local community, such as where giving effect to it would be likely to damage community relations by dividing communities along ethnic, religious or cultural lines.¹¹

Government guidance points out the potential role for parish councils in strengthening community engagement and participation and in generating a positive impact on community cohesion.¹² It states that principal councils should consider the impact on community cohesion of community governance arrangements.¹³ Cohesion issues are connected to the way people perceive how their local community is composed and what it represents, and the creation of parishes and parish councils may contribute to improving community cohesion. However, the guidance also specifically asks principal councils to consider whether a recommendation made by petitioners will undermine community cohesion in any part of its area.¹⁴

Community governance arrangements should reflect, and be sufficiently representative of, people living across the whole community and not just a discrete cross-section or small part of it. A principal council is advised not to make a decision to create a parish which may threaten community cohesion. Principal councils may decline to set up such community governance arrangements where they judge that to do so would not be in the interests of either the local community or surrounding communities, and where the effect would be likely to damage community cohesion.¹⁵ Government guidance on this matter recognises that challenges to community cohesion are very local and that local authorities because of their knowledge of local communities are in a good position to assess these challenges.¹⁶

The Council should have regard to the Public Sector Equality Duty as set out in the Equality Act 2010. In particular the Council should have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Government guidance gives a working definition of this as ‘the growth of relations and structures that acknowledge the diversity of society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms’.¹⁷ Of particular relevance is the need to consider whether a parish council would be likely to increase diversity in civic and political participation and increase reported confidence and trust in institutions subject to the duty. In reaching its decision, the Council is also required to have regard to the need to advance equality of opportunity. Of particular relevance is the requirement to encourage participation in public life, including democratic engagement.

¹¹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 para 95

¹² Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.67

¹³ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.67

¹⁴ Guidance on Community Governance Reviews. DCLG & LGBCE 2010. s.75

¹⁵ Guidance on Community Governance Reviews. DCLG & LGBCE 2010. s.74

¹⁶ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.76

¹⁷ Equality Act 2010: Technical Guidance on the Public Sector Equality Duty: England. Equality & Human Rights Commission 2014. 3.35

Conclusion - To be completed at the end of the Equality Analysis process

A consideration of both quantitative and qualitative data gathered to inform the community governance review indicates that there is a significant risk that establishing a parish and parish council in the Spitalfields area could undermine community cohesion both within the area and between the area and other parts of the borough.

During both phases of consultation, concerns were expressed by some that the creation of a parish could divide local communities and have a negative impact on community cohesion. More than one in four of those opposing the creation of a parish gave this as a principal reason for their opposition to the proposal. Most set out their concerns in terms of the original boundary proposal dividing better off areas from more deprived ones. The Council notes that whilst the original area proposed does contain comparatively less deprived areas than those around it it also does contain more deprived neighbourhoods. There is clearly a risk, however, that a perception of division on the basis of socio-economic status would persist in surrounding areas and other parts of the borough, were a parish to be created. The borough profile 2018 shows a strong correlation between socio-economic status and ethnicity in the area, with people from Asian/Asian British: Bangladeshi ethnic origin more likely to live in areas of higher deprivation.

Some consultees argued that the creation of a parish council did not have the support of a broad cross section of the community in the area. This is confirmed by the Council's analysis of consultation responses. In phase two, for example, 80% of those who gave their ethnicity as Asian / Asian British did not support the creation of a parish council. Opposition to the creation of a parish council was also high amongst those who gave their religion as Muslim, with 91.2% of this group opposing the proposal.

A parish council in the area, if created at any point in the future, would be a separate legal entity from the London Borough of Tower Hamlets. It would however be subject to the Public Sector Equality Duty and as such should have regard to relationships between groups with protected characteristics and put in place measures to address and mitigate them. It is the view of the Council that further work is needed to understand and address issues of integration and community cohesion within the area before a decision could be taken to create a parish council. The Council would need to take this into account in any future Community Governance Review in deciding whether or not to create a parish council.

Name:

(signed off by)

Date signed off:

(approved)

Service area: Governance

Team name:

Democratic Services

Service manager:

Matthew Mannion

Name and role of the officer completing the EA:

Janette John

Strategy and Policy Officer

Steve Morton
Senior strategy, policy and performance manager

Vicky Allen
Intelligence and performance manager

Section 2 – Evidence (Consideration of Data and Information)

What initial evidence do we have which may help us think about the impacts or likely impacts on service users or staff?

Information available and which has been considered is:

- Census 2011 data
- Borough Profile 2018 data
- Borough equality assessment 2016/17
- London Borough of Tower Hamlets Council Tax data
- Community governance review – phase one consultation report
- Community governance review – phase two consultation report
- Producing modelled estimates of the size of the lesbian, gay and bisexual (LGB) population of England report published by Public Health England
- LGA Research: Cohesion and Integration in Tower Hamlets 2019
- Home Office Indicators of Integration Framework 2019

Section 3 – Assessing the Impacts on the 9 Groups

Please refer to the guidance notes and evidence how your proposal impacts upon the nine Protected Characteristics in the section below.

Target Groups	Impact – Positive or Adverse	Reason(s)
Ethnicity	Potential for adverse impact on community cohesion related to ethnicity	<p data-bbox="685 212 2101 325"> <ul style="list-style-type: none"> • Please add a narrative to justify your claims around impacts and, • Please describe the analysis and interpretation of evidence to support your conclusion as this will inform decision making </p> <p data-bbox="685 341 1883 371">Please also how the proposal with promote the three One Tower Hamlets objectives?</p> <ul data-bbox="685 387 1211 507" style="list-style-type: none"> -Reducing inequalities -Ensuring strong community cohesion -Strengthening community leadership <p data-bbox="636 627 2119 874">Tower Hamlets is ranked as the 16th most ethnically diverse local authority in England in terms of the mix of different ethnic group populations. The Spitafields & Banglatown and Weavers wards are reflective of this diversity. The Census 2011 identified that 17.5% of residents in the Spitafields & Banglatown Ward identify as White British, 11.1% as Other White, 2.2% Mixed, 28.6% Asian/Asian British: Bangladeshi, 3.3% Black and 37.4% as other. The ethnic makeup of Weavers Ward residents is similar with 23.7% White British, 9.1% other White, 2.2% Mixed, 19.1% Asian/Asian British: Bangladeshi, 4.6% Black and 40.4% as other.</p> <p data-bbox="636 922 2085 1098">Census 2011 data identified that residents in the parish area proposed by petitioners has 30.1% of residents who identify as White British, 20.2% as Other White, 3.4% as Mixed, 26.5% as Asian/Asian British: Bangladeshi, 3.8% as Black and 16% as ‘other’. This differs slightly to the overall population of Tower Hamlets identified in the Borough Profile 2017/18 where Bangladeshi residents were found to make up 32% of the total population.</p> <p data-bbox="636 1145 2101 1433">The Borough Atlas, contained within the Borough Profile 2018 breaks down by small area (LSOA), 22 indicators. Whilst there is not a complete overlap between the areas drawn up for the purposes of consultation on the creation of a parish and the small areas in the Borough Atlas some tentative conclusions can be drawn. Area A, which forms the core of the original proposal by petitioners to create a parish, is less deprived than surrounding areas as measured by the Index of Multiple Deprivation. It has fewer households with dependent children, fewer children living in families receiving tax credits, few children living in income deprivation, fewer residents from BME groups (although a higher proportion of residents born outside the UK), fewer older residents living in poverty, a higher proportion of residents in</p>

employment, a higher proportion of residents in professional and managerial roles.

Prior to the phase 1 consultation we identified residents from groups that could be impacted by this proposal. In order to mitigate any negative impacts on those from an ethnic minority background several actions were undertaken to engage with various groups during both phases of consultation. These actions included the following:

- Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place;
- Letters were written to all residents listed on the Council Tax Register as living in the area;
- Letters/emails were sent to all faith community and voluntary organisations/community groups working with ethnic minority groups in the area.
- Fliers were produced in both English and Bangladeshi and were available at various locations in the area.
- Posters were produced and distributed to locations in and around the area.
- Local residents some of whom were from ethnic minority backgrounds were employed as community researchers to engage on a face to face basis encouraging people from ethnic minority backgrounds to participate in the consultation. To make this process effective the researchers were able to communicate with residents in a variety of languages, with a particular focus on Bengali.
- Outreach included distribution of material in local mosques and community venues
- Venues for consultation roadshows were selected on the basis of their use by different sections of the community. The Osmani Centre and Kobi Nasrul Centre were chosen because of their use by the Bangladeshi community in the area.
- Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

Whilst data from phase one consultation indicated that people of Asian / Asian British ethnicity were under-represented in responses data from phase two showed an over-representation. This could indicate the success of targeting in phase two. It could also, however, indicate the strength of feeling in this community in relation to the proposal.

During both phases of consultation, concerns were expressed by some that the creation of a parish

could divide local communities and have a negative impact on community cohesion. More than one in four of those opposing the creation of a parish gave this as a principal reason for their opposition to the proposal. Most set out their concerns in terms of the original boundary proposal dividing better off areas from more deprived ones. The Council notes that whilst the original area proposed does contain comparatively less deprived areas than those around it it also does contain more deprived neighbourhoods. There is clearly a risk, however, that a perception of division on the basis of socio-economic status would persist in surrounding areas and other parts of the borough, were a parish to be created. The borough profile 2018 shows a strong correlation between socio-economic status and ethnicity in the area, with people from Asian/Asian British: Bangladeshi ethnic origin more likely to live in areas of higher deprivation.

Some consultees argued that the creation of a parish council did not have the support of a broad cross section of the community in the area. This is confirmed by the Council's analysis of consultation responses. In phase two, for example, 80% of those who gave their ethnicity as Asian / Asian British did not support the creation of a parish council. Opposition to the creation of a parish council was also high amongst those who gave their religion as Muslim, with 91.2% of this group opposing the proposal. There is a strong correlation between Asian / Asian British: Bangladeshi ethnicity and Muslim faith so this finding is to be expected.

In assessing the likely impact that the creation of a parish council could have on community cohesion it is worth noting that social relationships can facilitate or hamper both individual and collective access to resources. Networks of relationships characterised by trust and reciprocity can be understood as generating 'social capital' because they enable people to use and exchange resources. However, social networks can also serve to entrench divisions and inequalities due in part to differences in access to power and/or resources.¹⁸ Creating a new institution where there is evidence of a lack of trust based on perceptions of divisions along lines of ethnicity, religion or socio-economic status may be unwise without fully understanding how these perceptions arise and how they are best addressed.

The tables below show the breakdown of phase two consultation responses by ethnicity and data from the 2011 census for the area covered by the boundaries proposed by the Council. Further detail on levels of support and opposition to the proposal can be found in the phase one and two consultation reports for the community governance review.

¹⁸ Home Office Indicators of Integration framework 2019

Responders by ethnicity	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to say	417	19.2%	298	24.1%
<i>Responses from</i>				
Asian / Asian British	1226	69.4%	647	68.5%
Black / Black British	21	1.2%	8	0.8%
Mixed / Dual Heritage	25	1.4%	12	1.3%
Other	23	1.3%	14	1.5%
White British / White Other	461	26.1%	260	27.5%
All responders answering the question	1756	100.0%	941	100.0%

Census Data by ethnicity	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
Total	254,096	100.0%	12770	100.0%
<i>Responses from</i>				
Asian / Asian British	104,501	41.1%	5,534	43.3%
Black / Black British	18,629	7.3%	551	4.3%
Mixed / Dual Heritage	10,360	4.1%	434	3.4%
Other	5,787	2.3%	278	2.2%
White British / White Other	114,819	45.2%	5,973	46.8%

<p>Disability</p>	<p>No adverse impacts identified related to disability</p>	<p>Census 2011 data identified that 4.1% of residents in the Spitafields/Banglatown Ward identify as long term sick or disabled, this is similar to the Weavers Ward where the number is 4.6% of residents. 3.2% of residents identify as long term sick or disabled in the proposed area which is slightly lower than the wards.</p> <p>Prior to the phase one consultation we identified residents from groups that could be impacted by this proposal. In order to ensure residents who are less able were aware of the consultation and to mitigate any negative impacts several actions were undertaken to engage with disability groups. These actions included the following:</p> <ul style="list-style-type: none"> • The council funds a disability advocacy group that has a wide reaching network and its own steering group that is made up of people with disabilities. A meeting was held with the steering group encouraging them to participate and share the information about the consultation. • Mixed methods for engagement included online, face to face, and in writing • Residents were able to request the consultation document and questionnaire in different formats • Residents were offered support in completing a questionnaire if they wished. • Consultation documents published online were in a format suitable for access by people with visual impairment. <p>The following additional actions were taken in phase two</p> <ul style="list-style-type: none"> • Increased outreach to a broader range of disability groups including REAL (local voices project), and AccessAble to help promote the consultation and encourage participation by their membership base. • Consultation materials were produced in formats accessible to a broader range of people with disabilities. <p>Consultation response rates in phases one and two were broadly reflective of the proportion of local residents identifying as long terms sick or disabled. The chart below shows phase two consultation responses compared to 2011 census data.</p>
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Responders by disability	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to answer	638	29.4%	429	34.6%
<i>Responses from</i>				
No	1448	94.3%	775	95.7%
Yes	87	5.7%	35	4.3%
All responders answering the question	1535	100.0%	810	100.0%

Census Data by disability	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: General health	254,096	100%	12770	100%
Very good health	128,468	50.6%	6703	52.5%
Good health	83,209	32.7%	4033	31.6%
Fair health	27,062	10.7%	1247	9.8%
Bad health	11,228	4.4%	557	4.4%
Very bad health	4,129	1.6%	230	1.8%

<p>Sex</p>	<p>Potential for adverse impacts identified in relation to sex</p>	<p>Census 2011 data identifies that there are similar numbers of male and female residents in both the Wards with 53.9% male and 46.1% female residents in the Spitalfields/Banglatown ward and 51.9% male and 48.1% female residents in the Weavers Ward. This is consistent with Tower Hamlets as a whole as identified in the Borough Profile 2017/18 where male residents were found to slightly outnumber female residents in Tower Hamlets by around 12,900.</p> <p>Census 2011 data identified that residents in the parish area proposed in the petition has 55% of residents who identify as male and 45% of residents who identify as female.</p> <p>Prior to the consultation we identified residents from groups that could be impacted by this proposal. Actions were undertaken to engage with these groups, which includes the following:</p> <ul style="list-style-type: none"> • Leaflets were handed out at Mariam Centre which is a womans only space within the London Muslim Centre in order to encourage more woman to take part in the consultation. • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups. • Fliers were produced in both English and Bangladeshi and were available at various locations in the area. • Fliers and posters were produced and distributed to locations in and around the area. • Local residents (both female and male) were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation. These researchers were tasked to specifically target women in order to increase participation. Outreach was conducted in venues likely to be used by women including local schools and health facilities. • Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>Additional actions in phase two included:</p> <ul style="list-style-type: none"> • Roadshows held at two venues which target women – St Hilda’s Centre and the Osmani Centre <p>Analysis of both phases of consultation showed that women were under-represented amongst those responding, with men over-represented. There is some evidence cited in the Borough profile 2018 that</p>
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women from Black and Ethnic Minority communities are less likely to participate in civic and democratic life than men from those communities.

It is difficult to draw firm conclusion about the potential for a parish council to address differential levels of participation in civic and democratic life based sex and sex/ethnicity. At best there is likely to be a neutral impact. It is possible however that creation of a parish council could reinforce gender differences in participation.

Data showing phase two responders by sex and data from the 2011 census are shown in the chart below.

Responders by sex	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to say	349	16.1%	249	20.1%
<i>Responses from</i>				
Female	629	34.5%	398	40.2%
Male	1189	65.2%	588	59.4%
Prefer to self describe	6	0.3%	4	0.4%
All responders answering the question	1824	100.0%	990	100.0%

Census Data by Gender	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
Total	254,096	100.0%	12770	100.0%
<i>Responses from</i>				
Female	130,906	51.5%	5919	46.4%
Male	123,190	48.5%	6851	53.6%



<p>Gender Reassignment</p>	<p>No adverse impacts have been identified related to gender reassignment</p>	<p>There is no readily available data to help inform us of this protected characteristic. We do however believe that the necessary steps were taken to ensure that information would be made available to people with this protected characteristic as part of the consultation process as outlined below.</p> <p>Prior to the consultation we identified residents from groups that could be impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents). • Fliers were produced in both English and Bangladeshi and were available at various locations in the area. • Fliers and posters were produced and distributed to locations in and around the area. • Local residents were employed as community researchers to engage on a face-to-face basis encouraging people to participate in the consultation. • Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>There is very little information relating to gender reassignment from survey respondents however in phase two of the consultation, in addition to the above the following actions were undertaken to engage with residents who may be undergoing gender reassignment:</p> <ul style="list-style-type: none"> • There was further outreach to LGBTQ groups including ELOP to help promote the consultation and encourage participation by their user base.
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<p>Sexual Orientation</p>	<p>No adverse impacts have been identified related to sexual orientation</p>	<p><i>Producing modelled estimates of the size of the lesbian, gay and bisexual (LGB) population of England</i> report published by Public Health England in January 2017 identified that 8.7% of respondents of the GP Patient Survey 2015 residing in Tower Hamlets identified as lesbian, gay, bisexual or 'other', This was the third highest in Greater London. This information indicates that Tower Hamlets has the third highest population of LGBT residents in London although we do not have a further breakdown by ward.</p> <p>Prior to the consultation we identified residents from groups that could be impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents). • Fliers were produced in both English and Bangladeshi and were available at various locations in the area. • Fliers and posters were produced and distributed to locations in and around the area. • Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation. • Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>There is very limited information relating to the sexual orientation of survey respondents however we ensured the phase two consultation was promoted as detailed below::</p> <ul style="list-style-type: none"> • Further outreach to LGBTQ groups including ELOP to help promote the consultation and encourage participation by their user base; and • We utilised the LBTH LGBT Staff Forum 'Tower PRIDE' to help cascade information to staff who are residents in the area. • Targeted information via social media and other channels was considered but not implemented. <p>Data showing phase two responders by sexual orientation and data from the 2011 census are shown in the table below.</p>
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Responders by sexual orientation	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100%	1239	100%
Prefer not to say	1360	62.6%	818	66.0%
<i>Responses from</i>				
Bisexual	28	3.4%	10	2.4%
Gay man	51	6.3%	24	5.7%
Gay woman/lesbian	6	0.7%	4	1.0%
Heterosexual/straight	705	86.7%	375	89.1%
Prefer to self describe	23	2.8%	8	1.9%
All responders answering the question	813	100.0%	421	100.0%

Religion or Belief

Potential adverse impacts have been identified related to religion or belief

Tower Hamlets has the highest proportion of Muslim residents in the country with the Borough Profile identifying that 38% of residents identify as Muslim. This number for London is 13% and England 5%. Christianity is the second highest religion/belief in the Borough with 30% of residents identifying as Christian which is lower than both the rates in London and England which are 49% and 59% respectively. Tower Hamlets has a significantly higher proportion of residents who did not state their religion on the census form when compared to London and the rest of England

Census information tells that in Spitalfields & Banglatown ward the proportion of residents who identified themselves as Christian was 18.4 per cent – lower than the borough average of 27.1 per cent. At 41.5 per cent of the population, the proportion of Muslim residents was higher than the borough average. 2,660 residents in the ward explicitly stated that they had no religion, this equated to 21.1 per cent of the ward population, compared to the borough average of 19.1 per cent. There were just over 2,000 residents in the ward who did not state their religion on the census form – accounting for 16 per cent of the ward's population, higher than the borough average.

The proportion of residents who identified themselves as Christian was 24.7 per cent. At just over 30 per cent of the population, the proportion of Muslim residents was lower than the borough average. 3,251 residents in the Weavers ward explicitly stated that they had no religion, this equated to 25.2 per cent of the ward population, one of the highest proportions in the borough.

In both phases of the consultation we identified residents from groups that could be impacted by this proposal. These actions included the following:

- We wrote to all faith communities including mosques and churches in the area encouraging them to cascade the information about the consultation and how to engage with their members.
- Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place;
- Letters were written to all residents listed on the Council Tax Register as living in the area;
- Letters/emails were sent to all faith community and voluntary organisations/community groups
- Fliers were produced in both English and Bangladeshi and were available at various locations in the area.
- Fliers and posters were produced and distributed to locations in and around the area.
- Local residents were employed as community researchers to engage on a face- to -face basis encouraging people to participate in the consultation. Researchers were instructed to stand outside of places of worship to target those residents and encourage them to participate in the consultation.
- Pull up banners were printed and displayed around the borough including at places at worship to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

During phase two of those who responded to the equality monitoring question about faith or belief giving their religion as Muslim, 91.2% were opposed to the creation of a parish council. There is significant overlap between those who gave their religion as Muslim and those who gave their ethnicity as Asian/Asian British: Bangladeshi. Please see that section above for details.

Data on the religion or belief of phase two consultation responders compared with the 2011 census is shown in the tables below.

Responders by religion	Grand Total	Responders from within Parish Boundary Options
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	Number	%	Number	%
Total	2173	100.0%	1239	100
Prefer not to say	509	23.5%	368	29.8%
<i>Responses from</i>				
Buddhist	5	0.3%	1	0.1%
Christian	160	9.5%	86	9.6%
Hindu	8	0.5%	4	0.5%
Jewish	10	0.6%	6	0.7%
Muslim	1174	70.6%	610	70.1%
No religion	269	17.5%	145	17.8%
Other religion	38	1.0%	19	1.3%
Total responders answering the question	2173	100.0%	1239	100.0%

Census Data by religion	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: Religion	254,096	100.0%	12770	100.0%
Buddhist	2,726	1.1%	2473	19.4%
Christian	68,808	27.1%	78	0.6%
Hindu	4,200	1.7%	151	1.2%
Jewish	1,283	0.5%	95	0.7%
Muslim (Islam)	87,696	34.5%	4727	37.0%
Sikh	821	0.3%	36	0.3%
Other religion: Total	825	0.3%	42	0.3%
No religion: Total	48,648	19.1%	3019	23.6%
Religion not stated	39,089	15.4%	2149	16.8%

<p>Age</p>	<p>No adverse impacts related to age have been identified</p>	<p>The Borough Profile 2017/18 identified that Tower Hamlets has the 4th youngest population in the UK with almost half of residents (46%) being aged between 20 – 39. This is consistent with Census 2011 data which identified that the majority of residents in Spitafields/Banglatown and Weavers Wards are under the age of 44 with these numbers being 81.4% and 81.4% respectively.</p> <p>Prior to the consultation we identified residents from groups that could be impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups . • Fliers were produced in both English and Bangladeshi and were available at various locations in the area. • Fliers and posters were produced and distributed to locations in and around the area. • Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation. Researchers were instructed to locate themselves around schools and youth facilities to capture different age groups. • Pull up banners were printed and displayed around the borough including at places at worship to inform people about the consultation and encourage them to participate or ask questions if they required further information. • A special email address was created so that residents could directly request further information about the consultation when required. <p>In phase two 3 almost a third of responders did not provide their age. Of those who did, the age group 25-34 was significantly under represented in the responses. Age groups 50 to 64 and 65+ were significantly over represented. Of those who supported the creation of a parish council, levels of support were fairly evenly distributed across the age range. Opposition was also fairly evenly distributed across the age range, with slightly higher levels of opposition in those under 55.</p> <p>Tables showing phase two responses by age compared with the 2011 census are below</p>
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Responders by Age	Grand Total		Responders from within Parish Boundary Option Area	
	Number	%	Number	%
Total	2173	100%	1246	100%
Blank / Prefer not to say	625	28.8%	400	32.1%
<i>Responses from</i>				
0-15	18	1.2%	15	1.8%
16-24	126	8.1%	86	10.3%
25-34	317	20.5%	184	21.9%
35-44	382	24.7%	188	22.4%
45-54	313	20.2%	148	17.6%
55-64	246	15.9%	130	15.5%
65+	146	9.4%	88	10.5%

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Census Data by Age	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: Age	254,096	100%	12770	100%
Age 0 to 15	50,143	19.7%	1704	13.34%
Age 16 to 24	42,781	16.8%	2642	20.69%
Age 25 to 34	73,185	28.8%	4430	34.69%
Age 35 to 49	48,995	19.3%	2209	17.30%
Age 50 to 64	23,422	9.2%	1131	8.86%
Age 65 and over	15,570	6.1%	654	5.12%

Marriage and Civil Partnerships.

No adverse impacts have been identified related to marriage or civil partnership

The steps taken to ensure that information was made available to the protected characteristics as part of the consultation process as outlined below:

- Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place;
- Letters were written to all residents listed on the Council Tax Register as living in the area;
- Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents).
- Fliers were produced in both English and Bangladeshi and were available at various locations in the area.
- Fliers and posters were produced and distributed to locations in and around the area.
- Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation.
- Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

Response and census 2011 data for relationship status is outlined below.

Responders by relationship status	Grand Total		Responders from within Parish Boundary Options	
	Number	%	Number	%
Total	2173	100.0%	1239	100.0%
Prefer not to say	738	34.0%	461	37.2%
<i>Responses from</i>				
Civil partnership	16	1.1%	5	0.6%
Cohabiting	76	5.3%	44	5.7%
Married	984	68.6%	511	65.7%
Single	359	25.0%	218	28.0%
All responders answering the question	1435	100.0%	778	100.0%

Census Data by relationship status	ALL LBTH		Parish Boundary Options	
	Number	%	Number	%
All categories: Living arrangements	200,214	100%	10215	100%
Living in a couple: Married	56,616	28.3%	2388	23.4%
Living in a couple: Cohabiting (opposite-sex)	20,651	10.3%	1094	10.7%
Living in a couple: In a registered same-sex civil partnership or cohabiting (same-sex)	3,986	2.0%	223	2.2%
Not living in a couple: Single (never married or never registered a same-sex civil partnership)	89,494	44.7%	5219	51.1%
Not living in a couple: Married or in a registered same-sex civil partnership	6,964	3.5%	367	3.6%
Not living in a couple: Separated (but still legally married or still legally in a same-sex civil partnership)	5,492	2.7%	209	2.0%
Not living in a couple: Divorced or formerly in a same-sex civil partnership which is now legally dissolved	9,732	4.9%	372	3.6%
Not living in a couple: Widowed or surviving partner from a same-sex civil partnership	7,279	3.6%	343	3.4%

Pregnancy and Maternity	No adverse impacts have been identified related to pregnancy and maternity	<p>There is no readily available data to help inform us of this protected characteristic. We do however believe that the necessary steps were taken to ensure that information was made available to this protected characteristic as part of the consultation process as outlined below.</p> <p>Prior to the consultation we identified residents from groups that could be impacted by this proposal. These actions included the following:</p> <ul style="list-style-type: none"> • Online engagement including social media posts and tweets about the consultation to raise awareness of the proposal and consultation taking place; • Letters were written to all residents listed on the Council Tax Register as living in the area; • Letters/emails were sent to all faith community and voluntary organisations/community groups (including LGBTQ organisations and those providing services to LGBTQ residents). • Fliers were produced in both English and Bangladeshi and were available at various locations in
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the area.

- Fliers and posters were produced and distributed to locations in and around the area.
- Local residents were employed as community researchers to engage on a face to face basis encouraging people to participate in the consultation.
- Pull up banners were printed and displayed around the borough to inform people about the consultation and encourage them to participate or ask questions if they required further information.
- A special email address was created so that residents could directly request further information about the consultation when required.

There is no specific information relating to whether survey respondents are pregnant or have maternity status however the necessary steps were taken to include everyone. Information on the consultation was made available in a number of locations likely to be used by people with this protected characteristic including GP surgeries, hospitals, and health centres in order to increase the awareness of the consultation and encourage participation by those who are pregnant or on maternity leave.

Section 4 – Mitigating Impacts and Alternative Options

From the analysis and interpretation of evidence in section 2 and 3 - Is there any evidence or view that suggests that different equality or other protected groups (inc' staff) could be adversely and/or disproportionately impacted by the proposal?

Yes

Potential adverse impacts have been identified in relation to ethnicity and religion/belief.

During phase one, campaigners supporting a parish council themselves identified the importance of the name 'Banglatown' to the Bangladeshi community to the area. They proposed that the name of any future parish should be 'Spitalfields & Banglatown' as a potential way of mitigating negative perceptions of the proposal in the Bangladeshi community. The Council accepted this proposal as a potential mitigating actor and put this forward in the phase two consultation document. A number of objections to inclusion of Banglatown in the name were received. Inclusion of the new name did not appear to increase support for the proposal within the Bangladeshi community.

Following concerns that the boundaries proposed by petitioners would divide communities the Council put forward boundaries that it believed better balanced the various community identities in the area. This again was in response to feedback from campaigners for a parish council. This mitigating action did not appear to reduce opposition to the proposal from those concerned about division of communities along the lines of socio-economic status.

In terms of alternative options government guidance is clear that if a principal council believes that creating a parish would damage community cohesion then it should not create a parish. The Council also put forward the option of establishing new (non-parish) forms of community governance. This proposal, although the Council's favoured option, did not receive support during consultation.

Consultation has identified perceptions of division within the area based on socio-economic status. To some extent this is confirmed by the data in the Borough Profile 2018. There is also the potential for division to arise in relation to ethnicity and religion. Whether or not a parish / parish council is established it is important to better understand the impact of gentrification on the area and also the integration of communities linked to ethnicity and religion. There may also be work needed on how to increase the civic and democratic engagement of women, especially ethnic minority women. It is recommended that Tower Hamlets Council undertakes further work to explore these issues. This could assist a parish council, if established, or other institutions in the area in terms of promoting social integration and community cohesion.

Section 5 – Quality Assurance and Monitoring

Have monitoring systems been put in place to check the implementation of the proposal and recommendations?

NO

At this stage the proposal to create a parish council has not been adopted. If, as requested by campaigners, a final decision is determined by the outcome of a local referendum then it would not be possible to monitor responses in relation to protected characteristics. If a majority supported the creation of a parish at referendum it would not be possible to determine whether the proposal had the support of a broad cross section of the community. Furthermore, a

decision made to create a parish which disregarded consultation findings and relied solely on a referendum or ballot could be challenged by those opposed to the creation of a parish.

Does the policy/function comply with equalities legislation?

(Please consider the [OTH objectives](#) and [Public Sector Equality Duty](#) criteria)

YES A community governance review is a process governed by statute. The Council has complied with its statutory duty to consult with local government electors and others with an interest. It has taken into account the Public Sector Equality Duty in making its final recommendation. In relation to this proposal the Council should have due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Government guidance gives a working definition of this as 'the growth of relations and structures that acknowledge the diversity of society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms'.¹⁹ Of particular relevance is the need to consider whether a parish council would be likely to increase diversity in civic and political participation and increase reported confidence and trust in institutions subject to the duty. In reaching its decision, the Council is also required to have regard to the need to advance equality of opportunity. Of particular relevance is the requirement to encourage participation in public life.

If there are gaps in information or areas for further improvement, please list them below:

The Council notes the argument put forward by campaigners for a parish council that there is little concrete evidence that parish councils elsewhere in the country have had a negative impact on community cohesion. (Conversely there is also no robust evidence that they have a positive impact.) Whilst government guidance is enthusiastic about the potential benefits of parishes for community cohesion, it also clearly states that a council should decline to set up such community governance arrangements where they judge that doing so would not be in the interests of either the local community or surrounding communities, or where the effect would be likely to damage community cohesion.²⁰ Government guidance on this matter recognises that challenges to community cohesion are very local and that local authorities because of their knowledge of local communities are in a good position to assess these challenges.²¹ Particular issues relating to consultation findings are identified above.

How will the results of this Equality Analysis feed into the performance planning process?

Not applicable

¹⁹ Equality Act 2010: Technical Guidance on the Public Sector Equality Duty: England. Equality & Human Rights Commission 2014. 3.35

²⁰ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.74

²¹ Guidance on Community Governance Reviews. DCLG & LGBCE 2010 s.76

Section 6 - Action Plan





As a result of these conclusions and recommendations what actions (if any) **will** be included in your business planning and wider review processes (team plan)? Please consider any gaps or areas needing further attention in the table below the example.

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Recommendation	Key activity	Progress milestones including target dates for either completion or progress	Officer responsible	Progress
Ensure that people are able to respond to consultation through a wide range of channels	Design and delivery of consultation information. Consultation events, static displays, outreach.	Monthly review by CGR steering group	Steve Morton / Kerry Middleton	Complete
Production of consultation information	Universal and targeted information including material suitable for people whose first language is not English and people with sensory impairment	Review at start of consultation period and half way point	Kerry Middleton	Complete
Collect and report data on protected characteristics of respondents	Design and administration of response monitoring	Monthly review by CGR steering group	Vicky Allen	Complete
Prepare data – qualitative and quantitative – for equality analysis	Discuss findings of initial and final equality analysis with officers and members	Review by officer group and inclusion in papers to relevant committees	Janette John / Steve Morton	Complete
Prepare initial and final analysis reports	Reports to officer and member steering groups, CLT, GPC, Full Council	At end of phase one and phase two	Steve Morton	In progress

Appendix A

(Sample) Equality Assessment Criteria

Decision	Action	Risk
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . It is recommended that the use of the policy be suspended until further work or analysis is performed.	Suspend – Further Work Required	Red 
As a result of performing the analysis, it is evident that a risk of discrimination exists (direct, indirect, unintentional or otherwise) to one or more of the nine groups of people who share <i>Protected Characteristics</i> . However, a genuine determining reason may exist that could legitimise or justify the use of this policy.	Further (specialist) advice should be taken	Red Amber 
As a result of performing the analysis, it is evident that a risk of discrimination (as described above) exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document.	Proceed pending agreement of mitigating action	Amber 
As a result of performing the analysis, the policy, project or function does not appear to have any adverse effects on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage.	Proceed with implementation	Green: 

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