

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 23 FEBRUARY 2021

ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)

Members Present:

Councillor Helal Uddin (Chair)
Councillor Kevin Brady (Vice-Chair)
Councillor Faroque Ahmed
Councillor Asma Islam
Councillor Peter Golds
Councillor Denise Jones
Councillor Rajib Ahmed
Councillor Shad Chowdhury
Councillor Asma Begum

Apologies:

Councillor Amina Ali

Others Present:

John McLoughlin – (Trade Union - UNISON)

Officers Present:

Runa Basit	(Head of School Governance & Information)
Robert Curtis	(Head of Electoral Services)
Janet Fasan	(Director of Legal)
Amanda Harcus	(Divisional Director of HR)
Matthew Mannion	(Head of Democratic Services, Governance)
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTERESTS

Councillor Denise Jones declared a personal interest on item 4.1, Local Authority Governor Application, on the basis that one of the applicants, Ms Kathleen Darby was known to her.

2. MINUTES

RESOLVED

That the unrestricted minutes of the General Purposes Committee meeting held on 8 December and 21 December 2020 be agreed.

3. WORK PLAN

The General Purposes Committee Work Plan was discussed, and the following was noted;

Action List

Action Point 2 - A report on Members Enquires Process had been scheduled for General Purposes Committee on 04 May 2021.

23 February 2021 Meeting

The report on Communication Strategy for Elections 2021 is to be removed from the workplan because the Communication Strategy is still in working progress and will be circulated to Members of GPC once it has been approved.

The report on Financial Regulations and Procedure Rules is to be removed from the workplan, as the Interim Corporate Director, Resources, has reviewed the Financial Regulations and Procedures rules and is content they do not require any changes and if there are any minor changes to be made these can be included in the regular constitution update report.

04 May 2021 Meeting

Democratic Services Officer to rearrange the meeting date to a suitable date after the 06 May 2021 Elections.

RESOLVED

That the Work Plan be noted

4. REPORTS FOR CONSIDERATION

The order of business was varied at the meeting, the minutes are set out in the agenda format for ease of reference.

4.1 LA Governor Appointment Report

Runa Basit, Head of School Governance and Information, introduced the regular report on Local Authority School Governor appointments. The report contained one re-appointment and two new proposed appointments. Members noted the information set out in the exempt appendices.

Members considered the report and agreed the nominations.

RESOLVED

1. To agree the nominated applicants to the positions set out for local authority governors at maintained schools in Tower Hamlets.

4.2 Elections Polls Update - Thursday 6 May 2021

Robert Curtis, Head of Elections, introduced the report which set out the administrative progress and preparation being undertaken for the Polls to be held on Thursday 6 May 2021.

Mr Curtis referred to the report and highlighted the following;

- The hierarchy for the Polls remained the same as previously reported at the last Committee meeting.
- There would be three GLA elections and two referendums.
- That the prescribed questions on the ballot paper for the Governance Referendum and the Neighbourhood Planning Referendum had been set and detailed in the report.
- Administrative preparations had started and was moving at a fast pace and all liaison with stakeholders, internally and externally have continued to take place.
- The count venue had been confirmed as the Excel Centre for all Polls.
- The count for the referendums will be held on a separate day to the count for the GLA elections. Currently waiting for confirmation of date, in order to recruit staff.
- All polling places had been booked, of the 75 places booked, 44 places were schools, the legal ability to require schools to provide space continued to be in force.
- Due to the supplier no longer having units available, two portacabin polling places have been reassigned to Mulberry Place and Marriot Hotel. The changes will be subject to additional communications, and signage set up at the old locations redirecting to new locations.
- In conjunction with the NHS, 25,000 people have been sent out postal vote applications, these were people living in the borough who were sent shielding letters from the NHS. However, it was unclear how many of those people were on the electoral register and eligible for postal votes.
- PPE had been ordered for all staff working on the election and will be provided for free.
- That the Council would also be eligible for a £20k in funding that government will be providing for neighbourhood planning referendums which would be claimed by Planning and be offset against the expenses made.
- Communications Team working on a communication strategy which would be in place shortly.

Members welcomed the report and thanked Mr Curtis for the update. Members raised a general concern around the need for extra security at polling stations in order to prevent a repeat of past elections, it was noted that

there would be an additional challenge at this election as social distancing would be in place. Members were also assured that Will Tuckley, Chief Executive and Borough Returning Officer was eager to speak to the Metropolitan Police about security at polling stations and would be looking into this as a priority.

Accordingly, the General Purposes Committee;

RESOLVED

1. The report be noted.

4.3 Localism Act 2011 – Pay Policy Statement 2021/22

Amanda Marcus, Divisional Director of HR, introduced the report explaining that under section 38(1) of the Localism Act 2011, the Full Council is required to adopt a Pay Policy Statement for each financial year. She detailed the proposed 2021/22 Pay Policy statement in Appendix 1 of the report and highlighted that this would be going to Full council on 4th March 2021 and would need to be agreed and adopted by 31 March 2021.

It was noted that the London Living Wage (LLW) was set at £10.85 per hour and the lowest paid staff in the Council were currently paid on spinal column point 1 which equates to £11.95 which was already above the new LLW rate.

Ms Marcus briefly highlighted the changes proposed for the Pay Policy 2021/22 statement in relation to starting salaries, salary progression and other amendments to include other payments for recruitment and retention purposes and market supplements.

It was noted that following the public sector exit payment regulations 2020, which had come into force on 4th November 2020 and introduced a £95k cap on the total value of exit payments, an extensive review of the application of the cap was undertaken. Subsequently, the Government concluded that the cap may have had unintended consequences and the Regulations were revoked on 12 February 2021 and therefore be treated as if the regulation was never applied.

In response to questions the following was noted;

- That Members were pleased to note that LBTH was a London Living Wage employer.
- That any redundancies that took place during the period when the cap was in force would be reviewed and action taken to rectify them if required.
- That the Local Government Pension Scheme (LGPS) (Transitional Provisions, Savings and Amendment) Regulations 2014 amended access to the LGPS for Councillors in England. From 1 April 2014, Councillors in England were unable to join the LGPS. Those Councillor Members in England who were in the Scheme on 31 March 2014 could remain in the Scheme until the end of the term of office they were

serving on 31 March 2014. Councillors in England are not able to re-join the LGPS in any subsequent term of office.

- That a detailed analysis on redundancies, would be brought to the next GP Committee.

Accordingly, the General Purposes Committee;

RESOLVED

1. Agreed to recommend the 2021/2022 Pay Policy Statement for adoption by Full Council on 4th March 2021.
2. The Chief Executive in consultation with the Divisional Director of HR, Chair of GP Committee and Monitoring Officer be delegated to make minor changes to the 2021-22 pay policy statement.
3. The amendments to the Council's Constitution in relation to the terms of reference for the General Purposes Committee be agreed.

4.4 Alternative Models of Employee Appeals Sub-Committee

Amanda Marcus, Divisional Director of HR, introduced the report by explaining that the report was asking Members to change the constitutional arrangements for the Employee Appeals Committee to refer dismissal appeals to an Officer panel as set out in the report.

Ms Marcus highlighted the increasing importance that was needed to be given to performance management and to individual senior officers taking accountability for their actions and in this regard it was being suggested that senior officers should be expected to hear final appeals in all staffing matters and take account of their decision-making and that includes explaining that rationale for either overturning a dismissal or for upholding a dismissal in full. It was noted that the current practise was for elected members to consider appeals for staff dismissals and this was thought to sometimes create a misperception between the role of members and role of officers.

It was noted that there were different practises across the London boroughs and, LBTH was only one of 13 boroughs that continues to have Members involved in dismissal appeals, whereas 20 other boroughs had removed Members from their appeal processes.

Ms Marcus briefly explained alternative models for the appeals process; Senior Management Panels, where a Member is invited to participate in an advisory capacity to oversee and scrutinise and be supported by the management panel; inviting a member of the Trade Union as an observer, however it was noted that Tower Hamlets trade unions had indicated they were not in favour of this option as Trade Union staff may be perceived as being bias towards management if a desired outcome is not reached.

Ms Marcus stated that having consulted with the Trade Unions on these changes, it was reasonable to say that the Trade Unions main concerns were around ensuring things were fair and whether management had followed due process internally. It was believed that the Council operates much more transparently than perhaps the organisation had historically done and was of the view that all staff are treated fairly and consistently, when it comes to managing grievances hearing disciplinaries or managing capability.

At the request of the Chair, Mr John McLoughlin, speaking on behalf of the Joint Trade Unions addressed the Committee and explained that the report recommended a change to the constitution in regards to staff working for the council and this matter was regarded as very important. He then highlighted the following;

- Strongly believed that Councillors had a relatively small but important role in staffing issues, because the role of the Councillors was not just to set policies but also to have some oversight of how those policies work in practice.
- That there been a small number of dismissals appeals that have been referred to Members, a total of 23 in the last 3 years. The vast majority of dismissals are due to redundancy and redeployment which are excluded from the Members appeals process.
- There were concerns over the lack of equalities, as a widespread perception and a concern that where you have managers overseeing decisions over managers there's an inbuilt institutional bias and people feel sometimes that works against certain sections of the workforce and often from experiences, BAME staff are represented in gross misconduct hearings and female staff are disproportionately subject to dismissal under the sickness management process.
- It was the Trade Unions' view that institutional bias is likely to lead to less willingness to overturn management decisions to dismiss.
- That Councillors had an important role in making sure that the Council operates in the way it should operate, notwithstanding the role of the Head of Paid Service who remains in charge of most of the HR procedures.
- He acknowledged the excellent work done by the Chairs and Members over the years, which was highly valued by staff.

Mr McLoughlin concluded by stating that it was a very small number of appeals that come through to Members appeals and even a smaller number that go on to a tribunal. It was acknowledged that the appeals process requires a degree of resources and high level of training, but this was a proportionate level to have in a Council of this size. Mr McLoughlin therefore urged Members to consider retaining the appeals process as it is and if necessary to take it to the Full council for consideration as it proposes a change to the Constitution and matters for staff who work for the Council.

Following a detailed discussion, the following points were noted;

- It was important that the employee appeals process does an effective job and follows a fair process.
- There were concerns that Members of the Employees Appeals Sub Committee are empowered with a very broad capacity to reinstate staff and it is in practise very difficult to stick to the terms of reference of the committee and can often mean that cases are effectively reheard which is outside the remit of the Sub-Committee.
- There has been a lack of adequate and sufficient training given to Members to understand the complexities of Employment Law.
- That Members would like to see a role for Councillors in the appeals process.
- That the 12 other London boroughs who still retain Member appeals panels had mixed processes i.e. some had full Member panels same as LBTH, some had joint panels where Management chair and Councillors are represented and a couple who have proposed Trade Unions being part of the panel as observers.
- Members suggested that officers look at models where there is more than one Councillor on any panel.
- It was noted that legally it was not possible to have a Joint Officer and Member Panel, it could either be an officer led panel or officer led panel with Members in an advisory capacity or Members only panel.
- It was agreed that a future report to the Committee includes a table detailing the alternative models the 12 other London boroughs who continued to have members on the panel are following.
- It was agreed that officers revisit this piece of work and explore options where Councillors can be involved in the appeals process rather than just having an oversight.

Accordingly, the General Purposes Committee;

Resolved

1. Officers to reflect on the comments made and report back to a future Committee meeting with proposals/options for hybrid panels as an alternative model for Employee Appeals Committee.

4.5 Update on Senior Recruitment – February 2021

Amanda Harcus, Divisional Director, Human Resources and Organisational Development, briefly updated the Committee on the recent senior recruitment activity.

The Committee noted:

- That recruitment to the post for the Corporate Director Resources and Governance would commence in April 2021.
- Chief Finance Officer (CFO), - recruitment process was ongoing with Longlisting to take place in February and final interviews to be held in March 2021.

- Director of Customer Services, - recruitment process ongoing with Longlisting to take place in February and final interviews to be held in March 2021.
- Director Education, - recruitment process ongoing with shortlisting in February and final interviews to be held in March 2021.
- That interim arrangements were in place for all the above posts whilst the recruitment process was underway.

Accordingly, the General Purposes Committee;

RESOLVED

1. Note the current position on the recruitment to senior management vacancies in the Council structure.

4.6 Updates to the Council's Constitution

Matthew Mannion, Head of Democratic Services, introduced the report and briefly highlighted the changes detailed in the report including in relation to the Cabinet portfolios and the minor amendments to the Human Resources section. It was noted that the changes brought about by the Senior Leadership Structure would be brought to a later meeting once all positions had been recruited to.

The Committee noted and agreed the changes set out.

Accordingly, the Chair Moved and it was:-

RESOLVED

1. The amendments set out in Appendix 1 of the report be noted and agreed.

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items.

6. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

1. That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting on the grounds that the remaining agenda item contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government Act 1972.

7. EXEMPT MINUTES

The exempt minutes of the General Purposes Committee meeting held on 21 December 2020 were agreed as a correct record.

8. RESTRICTED REPORTS FOR CONSIDERATION

8.1 Local Authority Governor Report - Restricted Appendices

The exempt appendices setting out the details of the applicants for the school Governor appointments were noted.

The meeting ended at 7.00 p.m.

Chair, Councillor Helal Uddin
General Purposes Committee