

# General Purposes Committee



Tuesday, 23 February 2021 at 5.30 p.m.

Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

## Agenda

**Chair: Councillor Helal Uddin**

### Members

Vice-Chair: Councillor Kevin Brady

Councillor Faroque Ahmed, Councillor Asma Islam, Councillor Peter Golds, Councillor Amina Ali, Councillor Denise Jones, Councillor Rajib Ahmed and Councillor Shad Chowdhury

### Substitutes:

Councillor Andrew Wood, Councillor Asma Begum, Councillor Danny Hassell and Councillor Motin Uz-Zaman

[The quorum for the General Purposes Committee is 3 Members]

### Further Information

Reports for consideration, meeting contact details, public participation and more information is available on the following pages.



## Public Information

### Viewing or Participating in Committee Meetings

The public are welcome to view this meeting through the Council's webcast system.

Physical Attendance at the Town Hall is not possible at this time.

### Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

### Contact for further enquiries:

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## General Purposes Committee

Tuesday, 23 February 2021

5.30 p.m.

**PAGE  
NUMBER(S)**

### **APOLOGIES FOR ABSENCE**

#### **1. DECLARATIONS OF INTERESTS**

5 - 6

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

#### **2. MINUTES**

7 - 16

To agree the unrestricted minutes of the General Purposes Committee meeting held on 8<sup>th</sup> and 21<sup>st</sup> December 2020.

#### **3. WORK PLAN**

17 - 22

To review the Committee's work plan for the current municipal year.

#### **4. REPORTS FOR CONSIDERATION**

##### **4 .1 LA Governor Appointment Report**

23 – 26

##### **4 .2 Elections Polls Update - Thursday 6 May 2021**

27 - 38

4 .3	Localism Act 2011 – Pay Policy Statement 2021/22	39 – 60
4 .4	Alternative Models of Employee Appeals Sub-Committee	61 – 64
4 .5	Update on Senior Recruitment – February 2021	65 – 70
4 .6	Updates to the Council's Constitution	71 – 126

5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

6. **EXCLUSION OF THE PRESS AND PUBLIC**

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

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

**EXEMPT SECTION (Pink Papers)**

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

7. **EXEMPT MINUTES** 127 - 130

To agree the exempt minutes of the General Purposes Committee meeting held on 21 December 2020.

8. **RESTRICTED REPORTS FOR CONSIDERATION**

8 .1 **Local Authority Governor Report - Restricted Appendices** 131 - 136

**Next Meeting of the Committee:**

Tuesday, 4 May 2021 at 5.30 p.m. to be held in the Online 'Virtual' Meeting - <https://towerhamlets.public-i.tv/core/portal/home>

# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- 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 the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (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.

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE GENERAL PURPOSES COMMITTEE**

**HELD AT 5.30 P.M. ON TUESDAY, 8 DECEMBER 2020**

**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 Amina Ali  
Councillor Denise Jones  
Councillor Rajib Ahmed  
Councillor Shad Chowdhury

**Officers Present:**

Runa Basit	– (Head of School Governance & Information)
Adam Boey	– (Senior Strategy & Policy Manager - Corporate)
Robert Curtis	– (Head of Electoral Services)
Amanda Harcus	– Divisional Director of HR
Asmat Hussain	– (Corporate Director, Governance and Monitoring Officer)
Matthew Mannion	– (Head of Democratic Services, Governance)
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)

**Apologies:**

None

**1. DECLARATIONS OF INTERESTS**

None were declared.

## **2. MINUTES**

### **RESOLVED**

1. That the unrestricted minutes of the General Purposes Committee meeting held on 6 October, 29 October and 13 November 2020 be agreed.

## **3. WORK PLAN**

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

### Actions List

- 1. A report on Alternative Models of Employee Appeals Sub Committee had been scheduled for GPC on 23 February 2021.
- 2. Asmat Hussain, Corporate Director Governance & Monitoring Officer confirmed that Officers had been working on policies and procedures for raising Members Enquiries and this would be reported back to the Committee in January/February 2021.
- 3. Robert Curtis, Head of Elections, confirmed that emails had been sent out to all Councillors following the publication of the Electoral Register on 1<sup>st</sup> December 2020 and therefore Members will need to request a copy of the review/register which would then be sent out accordingly.

### **RESOLVED**

1. That the Work Plan be noted

## **4. REPORTS FOR CONSIDERATION**

### **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 four re-appointments and one new proposed appointment. 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 GLA Polls update – Thursday 6 May 2021**

Robert Curtis, Head of Electoral Services, introduced the report which set out the administrative progress and preparation being undertaken for the Polls to be held on Thursday 6 May 2020.

Mr Curtis referred to the report and detailed the management hierarchy for the polls, the three different contests that made up the Greater London Authority (GLA) elections and the two local referendums. It was noted that details of the referendums would be detailed in a future report to GP Committee at its meeting in February 2021.

It was noted that following the suspension of the polls and the COVID 19 pandemic it had been necessary to keep in touch with all the stakeholders both external and internally. Mr Curtis explained that the ongoing preparations were reliant on significant risk assessments and project planning that has been going ahead as if the current COVID situation was going to be at the same rate at present. Infection rates would continue to be assessed in the new year to further assess what amendments will need to be made for the election.

To assist in the project planning and risk assessment, several meetings had been held and guidance continues to be updated and reviewed with a range of stakeholders. It was also noted that an internal Tower Hamlets Project Group chaired by Will Tuckley, Chief Executive and Returning Officer, will be convened, the makeup of this project team would include officers from;

- Legal
- IT
- Communication
- Facilities Management
- The Metropolitan Police
- The Electoral Commission
- Electoral Services
- Democratic Services.

It was noted that risk assessments are considerable and are being reviewed daily with all Returning Officers across London, who will be sharing what is perceived to be best practice for a COVID affected poll. It was also highlighted that postal voting could increase in double or triple due to electorates not wishing to visit polling stations, however there would be a better steer on this in January/February 2021 and an update on those figures and the number of electorates would be reported back to the Committee at its meeting in February.

During a brief discussion, the following was noted;

- That the Returning Officer would be looking into crowd control and intimidation outside polling stations, the relevant risk assessments

would be done and discussed with the Metropolitan Police nearer to the time of the election and would also be raised at the TH project group as a priority.

- That the process for postal vote applications had changed and applications were now data matched with the Department of Work and Pensions, date of births and national insurance numbers.
- Postal votes would not be issued unless verified via these processes. This robust process had reduced the number of accusations of fraud.
- Clarification on registering to vote in two boroughs was sought and explained.
- That all reasonable and necessary expenses incurred for the GLA poll would be reimbursed by the GLA subject to a submission of expenses once the poll concluded.

Accordingly, the General Purposes Committee

## **RESOLVED**

1. To note the report.

### **4.3 Electoral Canvass 2020**

Robert Curtis, Head of Elections introduced the report which detailed the revision of the Electoral Register published on 1<sup>st</sup> December 2020 and the implications of canvass reform introduced for the first time and implemented over a four-month canvass period between July to November 2020. It was noted that due to the COVID pandemic the canvass had to be slightly curtailed at the final stage, where previously, non-responding properties would have ordinarily received a personal visit from an electoral canvasser to ascertain those residents, this exercise did not take place following careful consideration by the Electoral Registration Officer (ERO) as it was thought this exercise would compromise the safety of residents and also those recruited to carry out the exercise.

Members were taken through a detailed analysis of the three canvass reform routes that were now in place. It was noted that 141,720 residential properties had been canvassed and the following salient points were noted;

#### Route 1

- These are properties matched with Department of Work and Pensions (DWP)
- 89,135 properties matched and marked as no changes.
- The match rate was 62.9%

#### Route 2

- These are properties that did not match, and the data indicated that there may be a change in household composition.
- 42,980 properties did not match exactly and were sent Canvass Communication B (CCB) forms.

- Properties in route 2 must also receive a personal canvass if no response is received either by telephone or visit to the property by a electoral canvasser.

### Route 3

- Only defined properties, identified as care homes and student accommodation buildings can go through this process.
- These properties were all contacted and a named responsible person ascertained who would be the contact for information required.
- 9,013 properties were identified as Route 3 and responsible persons allocated.

It was noted that for the first time local data matching was undertaken utilising the data held by the Council which also enabled the ERO to match individuals with the existing electoral register database;

In response to questions the following was noted;

- Clarification was sought about the possibility of registering to vote from two properties in two different boroughs, it was advised that they would need to justify living in both places equally.
- Concerns raised on whether there had been a significant difference in the electorate numbers for not going through the door knocking process, it was noted that this would be known following a meeting at the Cabinet Office in the new year and Members would be updated on this at the next GPC meeting.
- That officers would be working on a Communication Strategy explaining the different polls etc and details of this strategy would be brought to the next GPC meeting in February.
- It was further noted that following the additional flexibility given to ERO's by the Government to allow an extension to publish the Electoral Register, an extension was considered not necessary and the register was published on time on 1 December 2020.

Accordingly, the General Purposes Committee

### **RESOLVED**

1. To note the report.

#### **4.4 HR Policies and Procedures**

Ananda Marcus, Divisional Director, Human Resources and Organisational Development, introduced the report and explained that following the Tower Rewards proposals, it was evident that a number of the HR policies had not been updated/revised for a significant period of time and therefore a framework for a systematic review of policies and procedures were developed in June 2020 setting out the priority of order in which policies would be reviewed.

There had been a minor slippage to the delivery time due to the COVID 19 pandemic and therefore Cohort One would now be implemented in January 2021.

It was noted significant work had been undertaken on family friendly policies and so two policies had been moved to Cohort Two so they can be considered as part of an over-arching suite of policies dealing with time off for family and/or dependants. Members were informed that changes to the policies would ensure they were clearer and consistent.

The Committee welcomed this report and it was agreed that a quarterly report would be brought to the GPC with updates and changes to HR policies.

Accordingly, the General Purposes Committee

### **RESOLVED**

1. The progress on the review of HR policies and procedures was noted.

#### **4.5 Update on Senior Recruitment - Verbal Update**

Ananda Marcus, Divisional Director, Human Resources and Organisational Development, briefly updated the Committee that the Senior Management Review had passed the midway consultation process and a further update with a precise timetable would be presented at the extraordinary GPC on 21 December 2020.

Update noted.

#### **4.6 Procedure Update: Councillor Call for Action Protocol**

Adam Boey, Senior Strategy and Policy Manager, briefly introduced the report and explained that the Councillor Call for Action (CCfA) guide had been developed as part of the Strengthening Local Democracy Framework. It allows for Councillors to raise issues or matters of local concern and affecting their ward for consideration by Overview and Scrutiny Committee. The Localism Act 2011 broadens this so that a Councillor can refer matters which are not restricted to local government.

It was noted that the CCfA is a 'last resort' means and Councillors must demonstrate that other methods or resolution have been exhausted first. The report sought the Committee's approval for the Constitution to be amended to include the CCfA procedure and guide.

Members welcomed the report and were supportive of this process. Members expressed a need for adequate and sound training on the procedure on how and when to use this process appropriately and suggested that a suitable communication strategy is developed to promote and inform members of this.

It was agreed that a training package would be developed and lead by Sharon Godman, Service Head Corporate Strategy, Policy and Performance and supported through the Member Learning and Development Programme.

Accordingly, the General Purposes Committee

#### **RESOLVED**

1. That the Councillor Call for Action (CCfA) Guide be approved.
2. That the Councillor Call for Action (CCfA) Guide is to be added to the main Overview and Scrutiny Procedure Rules in Part B of the Council's Constitution.

#### **4.7 Annual Constitution Review**

Updated Appendices to the report were tabled at the meeting.

Matthew Mannion, Head of Democratic Services, introduced the report and briefly highlighted that it was important that the Constitution was seen as a living document and is kept under regular review to ensure that it is up to date and meets the Council's requirements and therefore it had been decided that a yearly report would be brought to the General Purposes Committee setting out changes and updates and giving the Committee the opportunity to request reviews of specific sections as and when required.

It was reported that a full set of Directorate Schemes of delegation had now been updated and published. Mr Mannion asked the Committee to note the revisions and amendments highlighted in the appendices to the report (Constitution with tracked changes) for the Committee to agree.

The Committee welcomed the report and the following additional amendments were noted and agreed;

- Changes to the Place Scheme of Delegation following new powers related to COVID 19 that had implemented and these changes are to be delegated to the Corporate Director, Place.
- Minor revisions to the Terms of Reference to the Standing Advisory Council on Religious Education (SACRE).

The Sub-Committee extended their appreciation and thanks to Mr Mannion for his efforts and the robust work undertaken on the review of the Constitution. The Committee were pleased with the document, which was now clearer, accessible and more practical than it had been previously.

#### **RESOLVED**

1. The report was noted.

2. The changes listed in paragraphs 3.6 to 3.10 of the report and set out in the Appendices to the report was noted.
3. The Constitution changes listed in paragraphs 3.11 to 3.25 and set out in the Appendices to the report was agreed.
4. That the Head of Democratic Services to lead on the development of the Constitution and to bring forward any changes/review to the Committee as and when required.

**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 extraordinary General Purposes Committee meeting held on 13 November 2020 were agreed as a correct record.

**8. RESTRICTED REPORTS FOR CONSIDERATION**

**8.1 Local Authority Governor Appointments - Restricted Appendices**

The exempt appendices setting out the details of the applicants for the School Governor appointments was noted

The meeting ended at 6.55 p.m.

Chair, Councillor Helal Uddin  
General Purposes Committee

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE GENERAL PURPOSES COMMITTEE**

**HELD AT 9.33 A.M. ON MONDAY, 21 DECEMBER 2020**

**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 Peter Golds  
Councillor Denise Jones  
Councillor Rajib Ahmed  
Councillor Shad Chowdhury

**Officers Present:**

Agnes Adrien – (Head of Litigation, Legal Services)  
Amanda Harcus – (Divisional Director of Human Resources and Organisational Development)  
Will Tuckley – (Chief Executive)  
Matthew Mannion – (Head of Democratic Services, Governance)

**1. DECLARATIONS OF INTERESTS**

There were no Declarations of Disclosable Pecuniary Interests.

**2. 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.

### **3. EXEMPT/RESTRICTED REPORTS FOR CONSIDERATION**

#### **3.1 Senior Review Update**

The reports of the Chief Executive and Divisional Director for Human Resources and Organisational Development were considered and the recommendations agreed.

It was agreed that one report (Update on Senior Recruitment) was unrestricted and would be published on the website.

#### **Update on Senior Recruitment – December 2020 (unrestricted report)**

#### **RESOLVED**

1. To approve the commencement of recruitment to the vacant roles arising as part of the Senior Leadership Review.
2. To note the current position on the recruitment to other senior management vacancies in the Council structure.
3. To approve the establishment of the Appointment Sub-Committee(s) required for all senior recruitment.

The meeting ended at 10.48 a.m.

Chair, Councillor Helal Uddin  
General Purposes Committee





# GENERAL PURPOSES COMMITTEE WORK PLAN and ACTION LIST 2020/21

Contact Officer:	Simmi Yesmin Democratic Services
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Website:	<a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a>

**GENERAL PURPOSES COMMITTEE WORK PLAN 2020/21**

## ACTIONS LIST

Action number	Title	Action Owner	Originating Meeting/Item	Due Date / Comment
1.	Report on proposals for alternative models of Employee Appeal Committees	<b>Amanda Harcus</b> , Divisional Director, HR & Transformation	GPC 06/10/20 Item 5.3	GPC – 23 February 2020 meeting (Provisional) <b>COMPLETED</b>
2.	Feedback and clarity on the processes for raising Members Enquires and efficient ways to get in touch with Tower Hamlets Homes contact centres,	<b>Asmat Hussain</b> , Corporate Director Governance & Monitoring Officer <b>Afazul Haque</b> , Head of Corporate Strategy & Policy <b>Matthew Mannion</b> , Head of Democratic Services	GPC 06/10/20 Item 5.6	Afazul Haque/Matthew Mannion, to discuss the concerns raised by The Committee with the Corporate Director Governance and Monitoring Officer and report back to the Committee at the earliest opportunity.  GPC – 04 May 2021
3.	All Councillors to receive a copy of the Submission to the Polling Districts and Polling Places Review 2019	<b>Robert Curtis</b> , Head of Elections	GPC 06/10/20 Item 5.5	Robert Curtis to circulate to all Councillors.  <b>COMPLETED</b>
4.	A training package to be developed on how to use the Councillor Call for Action (CCfA) procedure and when to appropriately use this process.	<b>Sharon Godman</b> , Service Head Corporate Strategy, Policy and Performance	GPC 08/12/20 Item 4.6	Sharon Godman's team to lead and to be supported through the Member Learning and Development Programme.
5.	The Constitution to includes an explicit statement that under the new structure the Monitoring Officer and Chief Finance Officer will have direct access to the CE.	<b>Matthew Mannion</b> , Head of Democratic Services	GPC 21/12/20	Matthew will include this in the Constitution report at the GPC meeting in February 2021.

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**N.B. once concluded** - actions should remain on the list marked 'complete' for the remainder of the municipal year.

**GENERAL PURPOSES COMMITTEE WORK PLAN 2020/21**

<b>23FEBRUARY 2021</b>			
<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	
2. Update on Senior Recruitment	An update on recent senior management recruitment.	Amanda Harcus, Divisional Director, HR & Transformation	
3. Communication Strategy on #THdecides2021	To note the Communication Strategy	Andreas Christophorou, Divisional Director Communications & Marketing /Matthew Mannion, Head of Democratic Services	
4. Elections 2021 Update	To receive an update on the Polls for 06 May 2021	Robert Curtis, Head of Elections	
5. Financial Regulations and Procedure Rules	To note and consider the Financial Regulations and Procedure Rules.	Kevin Bartle, Divisional Director of Finance, Procurement and Audit	
6. Alternative Models for Employee Appeals Committees.	To review proposals for alternative models of Employee Appeal Committees	Amanda Harcus, Divisional Director, HR & Transformation	
7. Annual Pay Policy	To adopt a pay policy for each financial year.	Amanda Harcus, Divisional Director, HR & Transformation	Council (04/03/21)
8. Constitutional Review	To add changes to the Constitution made to the OSC procedure rules.	Matthew Mannion, Head of Democratic Services	

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**GENERAL PURPOSES COMMITTEE WORK PLAN 2020/21**

<b>04 MAY 2021</b>			
<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local authority school governor appointments	To endorse or reject nominations for appointments to local authority school governor positions.	Runa Basit, Head of School Governance & Information	
2. Update on Senior Recruitment	An update on recent senior management recruitment.	Amanda Harcus, Divisional Director, HR & Transformation	
3. Strengthening Local Democracy	To receive a report on strengthening local democracy.	Afazul Haque, Head of Corporate Strategy & Policy	
4. Schemes of Delegation	To review the schemes of delegation.	Matthew Mannion, Head of Democratic Services	
5. Annual update on the number of redundancies	To receive an annual update on the number of redundancies packages approved over the past year.	Amanda Harcus, Divisional Director, HR & Transformation	
6. Update on Local authority school governor appointments - demographic breakdown	The Committee to receive an update report on the demographic breakdown of the local authority school governor appointments.	Runa Basit, Head of School Governance & Information	
7. HR Policies and Procedures	To receive a quarterly update on the updates HR polices and procedures.	Amanda Harcus, Divisional Director, HR & Transformation	
8. Members Enquiry Process	To receive an update on the members enquiry process.	Ruth Dowden, Head of Information Governance	<b>SAC (22/04/21)</b>

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Non-Executive Report of the:  <b>General Purposes Committee</b>  23 <sup>rd</sup> February 2021	
<b>Report of James Thomas, Corporate Director (Children's Services)</b>	<b>Classification:</b> [Unrestricted or Exempt]
<b>Local Authority Governor Application</b>	

<b>Originating Officer(s)</b>	Runa Basit
<b>Wards affected</b>	All wards

### Executive Summary

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

### Recommendations:

The General Purposes Committee is recommended to:

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

### 1. REASONS FOR THE DECISIONS

- 1.1 The School Governance (Constitution) (England) Regulations 2012 set out the process for the appointment of local authority governors to maintained schools. The Regulations allow for the local authority to nominate a person to fill the position of local authority governor. It is for the governing body to appoint that person if the governing body considers the person meets any eligibility criteria that it has set.
- 1.2 The governor nominations in this report are to fill the current LA governor vacancies

### 2. ALTERNATIVE OPTIONS

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

which case the Committee would decide the appointment.

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

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

### **3. DETAILS OF THE REPORT**

3.1 Applications to be nominated as the Local Authority governor to 3 schools are attached as Appendices to this report in the restricted area of the agenda.

#### **3.2 APPLICATIONS**

##### **New appointments**

- a) The Chair of St Edmund's Catholic Primary School are in support of the appointment of Gemma Frendo. Gemma Frendo application is enclosed in **Appendix 1.**
- b) The Chair and Headteacher of Harbinger are in support of the appointment of Srividya Srivathsan. Srividya Srivathsan's application is enclosed in **Appendix 2.**

##### **Re - Appointments**

- c) The Headteacher of Virginia is in support of the appointment Kathleen Darby. Kathleen Darby's application is enclosed in **Appendix 3.**

### **4. EQUALITIES IMPLICATIONS**

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

### **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 There are no further specific statutory implications arising from the report.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

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

## **7. COMMENTS OF LEGAL SERVICES**

7.1 *Section 19 of the Education Act 2002 requires each maintained school to have a governing body, which is a body corporate constituted in accordance with the Regulations. Each maintained school is required to have an instrument of government, which specifies the membership of the governing body. Regulations require a governing body to include person appointed as a local authority governor and for a number of associated matters.*

7.2 *The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.*

7.3 *Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –*

- *A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.*
- *A person must be aged 18 or over at the date of appointment to be qualified to be a governor.*
- *A person cannot hold more than one governor post at the same school at the same time.*
- *A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.*
- *A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being*

*barred from ‘regulated activity’ relating to children under the Safeguarding of Vulnerable Groups Act 2006; or (6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.*

- *A person is disqualified from appointment as a local authority governor if he or she is eligible to be a staff governor.*

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

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

*7.6 The Council’s Constitution gives the General Purposes Committee responsibility for appointment of local authority school governors.*

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- NONE

### **Appendices**

- Appendices 1 – 3 [EXEMPT] LA Governor Application Forms

### **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:**

Runa Basit

# Agenda Item 4.2

Non-Executive Report of the:  <b>General Purposes Committee</b>	 <b>TOWER HAMLETS</b>
<b>Report of Janet Fasan, Divisional Director Legal Services and Interim Monitoring Officer.</b>	<b>Classification:</b> [Unrestricted]
<b>Elections/Polls update – Thursday 6 May 2021</b>	

<b>Originating Officer(s)</b>	Robert Curtis, Head of Electoral Services
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## Summary

This information report informs the Committee of the administrative progress and preparation being undertaken by Will Tuckley (CEO) as the Tower Hamlets Borough Returning Officer (BRO) for the Greater London Authority (GLA) elections and Counting Officer (CO) for the Neighbourhood Planning Referendum on the Isle of Dogs and the Borough Governance Referendum to be held on Thursday 6<sup>th</sup> May 2021.

## Recommendations:

This report is an information item with no recommendations for the committee.

## **1. REASONS FOR THE DECISIONS**

1.1. This report is an information item

## **2. ALTERNATIVE OPTIONS**

2.1 None.

## **3. DETAILS OF REPORT**

3.1 This report updates GPC on the continued planning being undertaken for the delivery of the Greater London Authority (GLA) elections, the Borough Governance Referendum and the Neighbourhood Planning Referendum now confirmed for Thursday 6 May 2021

3.2 The management hierarchy for these polls remains as follows in order of seniority

- Greater London Returning Officer (GLRO) for the GLA polls across London is Mary Harpley (Chief Officer of the GLA)
- The City and East Constituency Returning Officer (CRO) is Althea Loderick (CEO Newham Council) Newham are the lead authority for the constituency.
- The City and East Constituency is made up of the following 4 authorities
  - Newham (Constituency Lead authority)
  - Barking & Dagenham
  - City of London
  - Tower Hamlets
- Will Tuckley (CEO) will act as the Tower Hamlets Borough Returning Officer (BRO)
- Will Tuckley (CEO) will also act independently as Counting Officer for both the Neighbourhood Planning Referendum and the Borough Governance Referendum to be held on the same day

3.3 There are three different 'contests' that make up GLA elections, three different ballot papers for voters and three different counting methods as detailed in the report to GPC on 8 December 2020.

These are for:

- the Mayor of London (Supplementary Vote System)
- the 14 Members of the London Assembly that represent London's 14 Constituencies (First past the post)
- the 11 London Wide Assembly Members that represent the whole of London (The modified d'Hondt formula – proportional representation)

3.4 The two referendums are based on specific questions prescribed in the legislation, as detailed below. These will also be run based on a local government franchise, first past the post count and no specified minimum turnout.

3.5 The different voting methods are detailed in Appendix A

- 3.6 The prescribed question on the ballot paper for the Governance Referendum will be as follows:

*How would you like Tower Hamlets Borough Council to be run?*

*By a mayor who is elected by voters. This is how the council is run now.*

Or

*By a leader who is an elected councillor chosen by a vote of the other elected councillors. This would be a change from how the council is run now.*

- 3.7 The prescribed question on the ballot paper for the Neighbourhood Planning Referendum will be as follows:

*Do you want the London Borough of Tower Hamlets to use the neighbourhood plan for the Isle of Dogs Neighbourhood Planning Area to help it decide planning applications in the neighbourhood area?*

- 3.8 Following the initial suspension of the polls and the Covid pandemic the liaison with stakeholders, internally and externally, has continued unabated.

- 3.9 The GLA elections have the main been project managed by the GLRO working closely with all 33 London Authorities to ensure consistency of approach and to ensure, with almost daily updates, that the risk assessments and project planning reflect not only the considerable work undertaken prior to the suspension but also to look ahead to the commencement of the statutory timetables.

- 3.10 It is clear that the overriding concerns centre around the implications of the Covid pandemic and particularly if infections start to abate and polling undertaken in a manner in which everyone is historically acquainted or not and any significant changes that will undoubtedly be put in place whatever the case may be.

- 3.11 The internal Tower Hamlets Project Group, chaired by Will Tuckley, was convened for the first time on 18 December 2020. The project group will continue to meet frequently and include representatives from the Electoral Services Team, the Police, Legal, Electoral Commission, IT, Facilities, Comms and Corporate Health and Safety Services

- 3.12 The count venue has now been confirmed for all polls as the Excel Centre.

Initially, it was proposed that the referenda for Tower Hamlets would be held in the East Wintergarden but following a legal interpretation where all ballot boxes for all polls must be verified together, the verification and counts will now take place in the Excel. This has resulted in additional planning with separate days being mooted for those authorities who have referendum with proposals being considered for the verification and counts for those authorities only to be held on a different day, namely the 8<sup>th</sup> May 2021, to those who do not who would remain on the 7<sup>th</sup>. Further information will be released once this final assessment and decision is made.

- 3.13 All polling places have been booked but there are a number who are currently being used as vaccination centres and if this continues then there will be an obvious conflict of use and assessment of priorities. This is being monitored very closely particularly with the distribution of polling cards taking place towards the end of March which will detail where people can cast their votes and any late changes to locations will be problematic and expensive.

#### **4. Covid**

- 4.1 Following the suspension of the original polling date significant work has continued to try and predict how restrictions to normal working practices will affect the way people will cast

their votes be that through absent voting or on polling day in person and the operational aspects within the count venue.

The GLA have, with the help of all stakeholders, produced a set of risk assessments that not only cover the usual risks experienced at a normal poll but also those that must be considered as we approach the statutory timetables.

The discussions have been extensive and cover concerns relating to

- Electoral Registration
- Continued project management
- Staffing & training
- Printing & postage
- Premises
- Polling day processes
- Postal voting
- Proxy voting
- Ancillary activities e.g. equipment, receipted postage, nominations
- The Count
- Candidates & agents
- Combinations e.g. referenda and by elections

- 4.2 Risk assessments are being reviewed almost daily and meetings held to discuss what is perceived will be best practice for a Covid affected poll.

An example of the considerations for polling places is attached at Appendix B.

There is still a sense of caution given the uncertainty of where the pandemic will be by March this year when the statutory timetable commences. The unknown of course is how the public will react if the infection rates remain high and show no sign of abating which could deter attendance at polling places and staff could be reticent volunteering to work in the polling places or at the count venue.

A close eye is also being kept on any spikes of late applications for absent voting as has been seen in case studies in South Korea and the United States and recent by elections held in Scotland. We are reviewing our numbers monthly to try and predict when and if a spike should occur and particularly to resource correctly if we receive a very late surge closer to the statutory deadlines.

- 4.3 All postal voting across London has been mooted as an alternative but would involve a change to or additional primary legislation and has now been ruled out as an option by Government.
- 4.4 On 25<sup>th</sup> January 2021 a meeting was held with the GLRO with all Returning Officers and ESM's across London and no indication was given as to any future postponement. This was then followed by a statement from Government on Friday 5 February 2021, having considered all the representations, that the range of polls scheduled for Thursday 6 May 2021, including council and mayoral elections in England, and the Police and Crime Commissioner elections in England and Wales, would go ahead as planned.
- 4.5 It should be noted that the proposed regulations - Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021 - do not apply to or include the Mayor of London election, or make the necessary amendments.

Regulations amending the GLA Election Rules 2007 need to be made under sections 36(2), (2A) and (2B) of the Representation of the People Act 1983 following consultation with the Electoral Commission. (This is by the negative resolution procedure.) so there will have to be separate regulations specifically for the GLA Elections and this is now being addressed and will be confirmed in due course.

## **5. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 5.1 All expenses reasonably and necessarily incurred by the Borough Returning Officer will be reimbursed subject to a submission of expenses return to the GLRO after the poll has concluded.
- 5.2 A maximum recoverable amount (MRA) will be set by the GLA based on their calculation of the potential cost of the polls and historical amounts incurred and confirmation has been received that additional expenditure incurred due to Covid will be reimbursed.
- 5.3 A 75% advance of the MRA will be provided to the BRO to assist with expenses incurred in the lead up to the poll.
- 5.4 It is anticipated that the expenditure will be reimbursed to a break even sum for the BRO.
- 5.5 The anticipated costs for the Governance Referendum is detailed in separate reports and the Neighbourhood Planning Referendum is yet unknown and will be subject to the combination share of expenditure with the other polls.
- 5.6 The Government have also confirmed that there will be an estimated £92m of government grant funding that will be provided to local authorities for the elections; of this, £31m is an uplift to directly address costs associated with making the elections COVID-19 secure.
- 5.7 The extra funding will be provided in proportional grants to the appropriate Returning and Counting Officers in due course.

## **6. LEGAL COMMENTS**

- 6.1 On 13 March 2020 the Government confirmed that the local elections in England, due to take place on 7 May 2020, would be postponed for a year.
- 6.2 This was because of the ongoing coronavirus outbreak.
- 6.3 The emergency legislation introduced to deal with the outbreak, the Coronavirus Act 2020 included provisions to delay the elections and allows for unscheduled electoral events to be delayed.
- 6.4 Since the postponement and the fast approaching polling day of the 6<sup>th</sup> May representations to Government have been made from Returning Officers and numerous councils across the UK for the polls to be postponed again.
- 6.5 As detailed above a statement has now been received from Government, on Friday 5 February 2021 having considered all the representations made, that the range of polls scheduled for Thursday 6 May 2021, including council and mayoral elections in England, and the Police and Crime Commissioner elections in England and Wales, would go ahead as planned.
- 4.5 It should be noted that the proposed regulations - Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021 - do not apply to or include the Mayor of London election, or make the necessary amendments.
- 4.6 Regulations amending the GLA Election Rules 2007 need to be made under sections 36(2), (2A) and (2B) of the Representation of the People Act 1983 following consultation with the Electoral Commission. (This is by the negative resolution procedure.) so there will have to be separate regulations specifically for the GLA Elections and this is now being addressed and will be confirmed in due course.

## **7. ONE TOWER HAMLETS CONSIDERATIONS**

7.1 There are no equalities or diversity implications arising from this report

## **8. BEST VALUE (BV) IMPLICATIONS**

8.1 There are no implications arising from this report

## **9. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT**

9.1 There are no SAGE implications arising from this report.

## **10. RISK MANAGEMENT IMPLICATIONS**

10.1 The predominant risk is the continued Covid pandemic allied with, in some areas, 5 combined polls.

10.2 The GLA is in itself a combined poll with 3 ballot papers having to be issued to the electorate with different ways to cast their vote and different counting methods to determine the result. With the Governance Referendum this will be another ballot paper which will, in addition to the Mayor of London paper refer to a Mayor albeit as a question and not part of a list of candidates, but this could be construed incorrectly by some as linked.

10.3 Some may find the receipt of 5 papers difficult to deal and when receiving postal packs given that the voting methods are also different. This is further compounded by the Referendum on the Isle of Dogs which would mean 5 papers being received by the electorate in some areas that they would need to comprehend and cast their votes correctly as required.

10.4 It is not inconceivable that the electorate may, if Covid infection and mortality rates are high, not partake in the polls as would ordinarily be the case due to safety concerns at the polling stations. It is therefore extremely important that the guidance and information communicated to the electorate is clear and concise as is reasonably practicable to do so to provide assurance that polling will be safe and that appropriate safety arrangements are in place.

## **11. CRIME AND DISORDER REDUCTION IMPLICATIONS**

11.1 There are no implications arising from this report.

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE.

#### **Appendices**

Appendix A: Voting methods

Appendix B: Corona Virus considerations example



**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:**

- Robert Curtis, Head of Electoral Services

## Counting Methods to be used

1. Mayor of London – Supplementary vote system
  - Each voter has a first and second choice vote.
  - If a candidate receives more than half of all the first-choice votes they are elected.
  - If this does not happen, the two candidates with the most first-choice votes go through to a second round.
  - All other candidates are eliminated.
  - The second-choice votes of everyone whose first choice has been eliminated are then counted.
  - Any votes for the remaining two candidates are added to their first-round totals.
  - The candidate with the highest combined total of first and second choice votes wins.
2. Constituency London Assembly Member (City & East)
  - The 14 Constituency London Assembly Members are elected using the ‘first past the post system’.
  - This means the candidate in each constituency with the most votes is elected as a Constituency London Assembly Member.
  - The London Assembly constituency is not the same as the parliamentary constituency.
  - There are 14 constituencies in London, each made up of two or more boroughs
3. London wide Assembly Member
  - There are 11 London wide Assembly Members
  - Elected using a form of ‘proportional representation
  - Cannot be allocated until all the constituency results have been announced because all the votes cast are subject to the formula.
  - The 11 seats are allocated using the ‘Modified d’Hondt Formula’.
  - The votes cast in the London-wide Assembly Member contest takes account of the number of Constituency London Assembly Member seats that each political party has already won following each calculation.
  - 11 rounds of calculations take place to fill the 11 vacant Assembly Member seats, with the party or independent candidate with the highest number of votes at each round being allocated the seat.
  - Seats won by parties are allocated to party candidates in the order they appeared on the relevant party’s list of candidates.
4. Tower Hamlets Governance Referendum and the Isle of Dogs Neighbourhood Planning Referendum

Both Referenda will be undertaken using the first-past-the-post voting system where voters cast their vote for their choice and when collated at the count the option with the most eligible votes wins.

## COVID19 – Polling Places Risk Assessment 2021 (Example)

### Guiding Principles

The more an individual interacts with others, and the longer that interaction, the higher the risk of COVID-19 spread.

Elections individuals voting on a single day are higher risk for COVID-19 spread because there will be potential for larger crowds and longer wait times.

The virus that causes COVID-19, is mostly spread by respiratory droplets released when people talk, cough, or sneeze. It may be possible that a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes.

Personal prevention practices such as hand washing/sanitizing are important actions that election officials, polling staff, and voters can take to help lower the risk of COVID-19 spread.

### Recommendations for staff

Promoting behaviors that reduce the spread of Covid19

- Stay at home when sick or after recent close contact with a person with COVID-19
- Educate polling staff
- Polling staff who are sick, have tested positive for COVID-19, or have recently had contact with a person with COVID-19 should stay home.
- Ensure that poll locations are adequately staffed to cover any sick workers who need to stay home.

### Hand Hygiene and Respiratory Etiquette

- Provide an alcohol-based hand sanitizer with at least 60% alcohol for use at each step in the voting process where voters interact with polling staff, after using the polling booths, and as the final step in the voting process.
- Place alcohol-based hand sanitizer in visible, frequently used locations such as registration desks and exits.
- Alcohol-based hand sanitizers may damage or mark paper ballots. Polling staff and voters should ensure their hands are completely dry before handling these items.
- Encourage polling staff to hand wash frequently e.g. before entering the polling location, before and after breaks or shifts, after touching or handling masks or PPE, after using the restroom, after touching shared surfaces or objects etc. with soap and water for at least 20 seconds.
- Encourage workers and voters is sneezing to use a tissue or use the inside of their elbow. Used tissues should be thrown in the bin and hands washed immediately with soap and water for at least 20 seconds.
- If soap and water are not readily available, use hand sanitizer that contains at least 60% alcohol.

### Masks

- Recommend and reinforce the use of masks among all workers. Masks are most essential in times when physical distancing is difficult.
- Encourage voters to use masks while in the polling location. Where voters' masks may need to be removed to support identification procedures, alcohol-based hand sanitizer containing at least 60% alcohol should be provided at the station so voters can sanitize their hands after removing their masks.
- A plastic barrier between the voter and the poll worker can provide additional protection.
- Post signs providing instruction on the use of masks.
- Note: Masks should not be placed on:
  - Babies and children
  - Anyone who has trouble breathing or is unconscious
  - Anyone who is incapacitated or otherwise unable to remove the mask without assistance

- Masks are meant to protect other people in case the wearer is unknowingly infected but does not have symptoms. They are not meant to be a substitute for personal protective equipment such as surgical masks, respirators, or other medical personal protective equipment.
- Masks can make it more difficult for people who are deaf or hard-of-hearing to lip-read, hear, or understand what people are saying. Communication can be supported with written communication, posting information/instructions, and decreasing background noise. Lip reading can be supported with clear masks, face shields, or plexiglass barriers.
- Officials should consider having supplies, such as clear face coverings available, to ensure that voting is accessible to people with disabilities.

### **Adequate Supplies**

- Ensure adequate supplies to support handwashing. Supplies include soap, hand sanitizer containing at least 60% alcohol (placed at every station, if supplies allow), paper towels, tissues, disinfectant wipes, and no-touch bins.

### **Signs and Messages**

- Post information in highly visible locations (e.g., at entrances, in rest rooms) that and describe how to stop the spread of germs such as hand washing posters and face mask information.
- Include messages about behaviors that prevent the spread of COVID-19 when communicating with voters such as on websites, video links, emails, and social media.
- Ensure that any signage and messages are accessible to voters with disabilities, for example by providing large print or braille versions or having audible messages with the same information.

### **Social Distancing**

- Remind voters upon arrival to leave space between themselves and others. Encourage voters to stay at least a metre to 2 metres apart.
- Polling places may provide signage or other visual cues such as floor markings and/or decals, to help voters and workers remember this.
- Have plans to manage lines to ensure social distancing can be maintained.
- Clearly mark points of entry and exit to avoid bottlenecks and elector cross over.
- Discourage voters and workers from greeting others with physical contact e.g. handshakes.

### **Disinfect surfaces**

- Surfaces that are frequently touched by multiple people, for example door handles, registration tables, pens, booths should be disinfected frequently using sanitising products provided.
- Follow the manufacturer's instructions for all cleaning and disinfection products e.g. concentration, application method and contact time, use of personal protective equipment, storage.
- If the surface is dirty, it should be cleaned before disinfecting.
- If public restrooms are available in the polling location, they should be cleaned and disinfected routinely.
- After the polling location closes, clean all facility areas and items, including all tables, chairs, door handles, and restrooms, used by polling staff or voters.

### **Clean and disinfect voting equipment**

- Laptops, tablets, keyboards, and other reusable items should be disinfected routinely.
- Follow the manufacturers guidance for appropriate cleaning and disinfection procedures for voting equipment and polling booths.
- To prevent damage to equipment, post signs near to booths discouraging voters from disinfecting the equipment with their own wipes or touching the ballot papers with hands that are still wet with hand sanitizer.

- If no manufacturer guidance is available, consider the use of alcohol-based wipes or spray containing at least 70% alcohol to clean booths and boxes. Dry surfaces thoroughly to avoid pooling of liquids.
- After the polling location closes, all equipment and transport cases should be cleaned and disinfected following the manufacturer's instructions prior to returning it to it being picked up by the facilities team.

### **Shared objects**

- Where possible, replace shared objects, like pens or ballot pencils with single-use objects.
- Shared objects, like pens or ballot pencils, should be disinfected between users.
- Minimize the handling of shared objects e.g. polling cards should be retained by the elector but if insistent to hand to staff then should be placed in a suitable container/rubbish bag.

### **Ventilation**

- Ensure that there is suitable ventilation and increase circulation of outdoor air as much as possible, for example by opening windows and doors. It could be colder because of this particularly first thing in the morning and early evening but it is better to have ventilation than not.
- Do not open windows and doors if doing so poses a safety or health risk to polling staff, voters, or children accompanying voters (e.g., risk of falling or triggering asthma symptoms).

### **Crowd and line management**

- Maintain or increase the total number of polling places available to the public on Election Day to improve the ability to social distance.
- Unless there is no other option, do not increase the number of potential registered voters assigned to each polling place.
- Minimize lines as much as possible, especially tightly spaced queues in small indoor spaces. Use floor markings or decals and signs to remind voters to maintain social distancing while in line.
- Limit the number of voters in the facility by moving lines outdoors if weather permits.

### **Modified layouts and procedures**

- Increase distance between voting booths to ensure that voters remain 1 to 2 metres apart.
- Modify the polling location layout to ensure voters move in one direction while in voting locations and to avoid bottlenecks, such as single doors for entry and exit.
- Ensure the electors are aware on arrival of the changes to the polling procedures
- Ensure that any changes to operations do not limit accessibility to voters with disabilities.

### **Physical barriers and guides**

- Physical barriers, such as sneeze screens, can be used to protect workers and voters when physical distance cannot be maintained, for example at desks or between voting stations.
- Consider placing markings or decal on the floor to remind voters to maintain at least 1-2 metres from other voters and workers.

## **Recommendations for Voters**

Practice prevention and slow the spread of COVID-19

- Handwash/sanitise before entering and after leaving the polling location.
- While in the polling location, use alcohol-based hand sanitizer containing at least 60% alcohol frequently, especially after touching surfaces frequently touched by multiple people, such as door handles or voting booths.
- Cover coughs and sneezes with a tissue or the inside of your elbow. Throw used tissues into the bins provided or use an alcohol-based hand sanitizer containing at least 60% alcohol.
- Wear a face covering or mask.
- Children and anyone who has trouble breathing, is incapacitated or otherwise unable to remove the mask without assistance should not wear a mask.

- Maintain at least 1-2 meters of distance from others. It is important to continue social distancing even when you and others are wearing masks.

#### **Avoid crowds**

- Vote early. The polling places are open from 7am until 10pm
- Consider voting at off-peak times, such as mid-morning if more suitable for you.
- If there is a queue can you come back later?

#### **Be prepared**

- Check where your polling place is on your polling card or online at XXXX
- Check that there are different requirements in advance because they may have changed due to COVID-19.
- If you have any concerns, please contact the electoral services team
- Please contact the team or go online if you have any concerns for voters with disabilities casting their votes.
- Make sure you have your polling card with you to avoid delays at the polling location.
- Where possible, try and understand the ballot process to speed the process of casting your ballot at the polling location. There could be up to 5 ballot papers to complete.
- Bring your own black ink pen or pencil to the polling place.

<p>Non-Executive Report of the:</p> <p><b>GP Committee</b></p> <p>23 February 2021</p>	
<p><b>Report of:</b> Kevin Bartle, Interim Corporate Director Resources</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Localism Act 2011 – Pay Policy Statement 2021/22</b></p>	

<b>Originating Officer(s)</b>	Amanda Harcus, Divisional Director HR and Organisational Development
<b>Wards affected</b>	All wards

## Executive Summary

Under Section 38(1) of the Localism Act 2011, the Full Council is required to adopt a pay policy statement for each financial year.

A statement for 2021/22 (draft attached as Appendix 1) should be approved and adopted by 31 March 2021, to enable it to be published as soon as is practical in the new financial year. The council's first pay policy statement was in 2012/13 and subsequent pay policy statements were agreed for each of the subsequent years, with the latest being for 2020/21.

The [Local Government Transparency Code 2015](#) includes guidance on the calculation of the pay multiple, which forms part of the pay policy statement. No further supplementary guidance has been published in relation to the 2021/22 pay policy statement.

Should guidance or an updated Code be published after the 2021/22 pay policy has been considered by the GP Committee and/or Full Council, which requires minor amendments, it is proposed that GP Committee delegate the authority to make minor amendments to the Chief Executive following consultation with the Divisional Director of HR and Organisational Development, Chair of the GP Committee and Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to GP Committee for further consideration.

The 2021/22 proposed pay policy statement has to be approved by GP Committee and adopted by LBTH by the end of March 2021. At the meeting of Full Council, the statement will be considered for adoption, this will be held on 4 March 2021.

The pay policy statement sets out the council's current policies and practice

in relation to pay for all parts of the Council's directly employed workforce (including some elements that cover agency workers), with the exception of school based employees. Any changes to the way in which staff are remunerated would need to be dealt with as outlined in section 5 – Legal comments.

## **Recommendations:**

GP Committee is recommended to:-

Consider the draft 2021/22 pay policy statement, proposing any changes and, subject to such changes, recommend policy for adoption by Full Council on 4 March 2021.

Delegate to the Chief Executive, in consultation with the Divisional Director HR and Organisational Development, Chair of the GP Committee and Monitoring Officer, any minor changes to the 2021/22 pay policy statement.

Consider and agree the amendments to the Council's Constitution in relation to the Terms of Reference for the General Purposes Committee.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Localism Act 2011 received Royal Assent on 15 November 2011. Additionally, the 'Code of Recommended Practice for Local Authorities on Data Transparency' was published in September 2011, under Section 2 of the Local Government, Planning and Land Act 1980. The Code sets out key principles for local authorities in creating greater transparency through the publication of data. Supplementary guidance, 'Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act', was published on 20 February 2013.
- 1.2 The Act's intention is to bring together the strands of increasing accountability, transparency and fairness, with regards to pay.
- 1.3 The provisions of the legislation required Local Authorities to adopt and publish a pay policy statement for 2011/12 and then for each subsequent financial year. Statements must be approved by Full Council and have regard to the guidance published by the Secretary of State. Authorities will be constrained by their policy statement when making determination on senior officer pay, although the statement may be amended at any time by further resolution of Full Council.

## **2. ALTERNATIVE OPTIONS**



- 2.1 As the publication of a pay policy statement and the nature of its content is a legislative requirement, there are no alternative options.

### **3. DETAILS OF THE REPORT**

- 3.1 The pay policy statement must set out the authority's policies for the financial year relating to remuneration of its officers. It must include:
- A policy on the level and elements of remuneration for each Chief Officer
  - A policy on the remuneration of lowest paid employees (together with a definition of 'lowest paid employees' and reasons for adopting that definition)
  - A policy on the relationship between the remuneration of chief officers and the remainder of the workforce
  - A policy on other specific aspects of chief officers' remuneration (remuneration on recruitment, increases and additions to remuneration, use of PRP and bonuses, and the approach to termination payments).
- 3.2 Additionally, the council must have regard to other statutory guidance or recommendations, e.g. relating to pay multiples, it should be noted that, the statutory guidance emphasises that each LA has the autonomy to take its own decisions on pay and pay policies.
- 3.3 The draft 2021/22 pay policy statement takes into account Local Government Association (LGA)/Association of Local Authority Chief Executives (ALACE) guidance issued to local authority Chief Executives 'Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives'. The statement details the council's current arrangements; using the definitions contained in the Act and associated guidance. The pay policy statement should also set out the council's position in relation to appointments to posts with salary packages over £100,000 and redundancy packages over the same amount. However, that requirement re redundancy packages is superseded by the introduction of the Public Sector Exit Payment Regulations 2020, which came into effect on 4 November 2020 and which cap exit payments at £95k.
- 3.4 The Localism Act defines senior executives, and in this statement they are the Chief Executive, Corporate Directors, the Monitoring Officer and Directors.
- 3.5 The draft 2021/22 pay policy statement refers to information already published by the council in relation to senior salary data, to meet with the requirements of the Government's transparency agenda. In addition, the Local Government Transparency Code 2015, also covers the way in which the pay multiple included in the pay policy should be calculated. Should any minor changes to the 2020/21 pay policy statement be required as a result of the publication of an updated Code, these amendments could be made by the Chief Executive, after consultation with the Director Workforce and Business Services, Chair of the GP Committee and Monitoring Officer. Should any fundamental changes

be required, the pay policy statement will be sent back to the GP Committee for consideration.

## Pay Multiple

- 3.6 There is a requirement to publish a ratio, or pay multiple. There are a variety of ways to approach this and the Hutton Review of Fair Pay in the Public Sector (2011) supported the publication of the ratio of the council's highest paid employee (the Chief Executive) to that of its median earner (i.e. the mid-point between the highest and lowest salaries). This multiple is quoted in the draft 2020/21 pay policy statement. The ratio last year was 1:5.82 and this year it is again 1:5.82.
- 3.7 Since the 2014/15 pay policy statement, an additional ratio demonstrating the relationship between the council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is included. This ratio last year was 1:13.65 and this year is again 1:13.65. This allows greater comparison with other boroughs that provide this ratio. Comparison of ratios for this year is not possible until after 01 April 2021 when pay policies are published. However, please see below table which sets out a comparison of ratios against other London boroughs, including the other inner London boroughs, for the previous 2 years. We will bring back a further report to GP Committee to show comparisons for this year.

Borough	2019/20		2020/21	
	Highest to median	Highest to lowest	Highest to median	Highest to lowest
Tower Hamlets	1:5.97	1:12.91	1:5.82	1:13.65
Hackney	1:5.05	1:8.18	No data	No data
Greenwich	1:6.29	No data	1:6.12	No data
Southwark	1:6.19	No data	No data	No data
Camden	No data	1:9.1	1:5	1:8.2
Westminster	No data	No data	1:5.5	No data
Islington	No data	No data	No data	1:8
Wandsworth	No data	No data	1:7.89	No data
Kensington and Chelsea	No data	No data	1:5.2	No data
Hammersmith and Fulham	1:4.8	1:8.44	1:5.3	1:9.9
City of London	1:7	1:12	No data	No data
Lewisham	No data	No data	No data	No data
Lambeth	No data	No data	No data	No data
City of London	1:7	1:12	No data	No data
Haringey	1:5.8	1:9.6	1:5.8	1:9.5
Newham	No data	No data	No data	No data

- 3.8 The Local Government Transparency Code 2015, states that the pay multiple is defined as the ratio between the highest paid taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) and the median earnings figure of the whole of the authority's workforce. If this definition is applied, the ratio is 1:5.91 (Please note that the ratio figures will be updated in April 2021, when a full tax year can be taken into consideration, to ensure they are accurate and up to date).
- 3.9 For clarity, apprentices and schools' staff are not included in the pay multiple calculations. Apprentices are excluded due to the fact the multiples apply to employees only. Schools must publish their own pay policy, which is different to the Council's policy, and therefore their staff would be covered by these. The Pay Policy is clear that the pay multiples only apply to the non-schools workforce.

### **London Living Wage**

- 3.10 The council is an accredited Living Wage Employer. This means that we adhere to the Living Wage Foundations accreditation statement, which states that "Employees based in London Boroughs (shall be paid) not less than the London Living Wage; and increase the amount which it pays to affected employees by the same amount as any increase to the London Living Wage, within 6 months of the date on which any increase in the London Living Wage is officially announced."
- 3.11 The London Living Wage (LLW) increases annually and the latest rise was announced on 9 November 2020. The LLW rate increased from £10.75 to £10.85 per hour.
- 3.12 The council has 6 months in which to apply the new LLW rates, i.e. by 9 May 2021.
- 3.13 The lowest paid staff in the council are currently paid on spinal column point 1, which equates to (£21,815 annual) £11.95 per hour, which is already above the new LLW rate of £10.85 per hour.

### **Changes to the Pay Policy**

- 3.14 The following changes have been proposed for the Pay Policy 2021/22:-
- Section 8 now includes information on starting salaries, as well as salary progression, and reads:-

*"8.1 Starting salaries for staff shall be based on the lowest spinal column point of the grade, unless the individual is already earning more than this, in which case we will match their salary where this is available to match. Staff will only be placed on a higher spinal column point in exceptional circumstances (subject to evidence and business case agreed before an offer is made to a candidate and in line with budget affordability), which must be pre-agreed by the Director of Workforce, OD and Business Services ahead of*

*offers being made, the exception to this provides the chief executive authority to agree and set pay for corporate directors and directors in conjunction with the Director Workforce and Business Services.*

*8.2 There should be no increase in spinal points for staff directly matched to a post. If staff are directly matched at the same grade, they should be on the same salary point. If staff are directly matched at a higher grade, it should be at the bottom spinal point of the new grade. If there is a cross over in spinal point between the old and new grade the individual stays at the same spinal point in the new grade.*

*8.3 For staff below Chief Officer level, incremental progression is on an annual basis for those staff who are not at the top of their grade. In exceptional circumstances an increment may be withheld due to poor performance. Chief Officers have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.”*

- Section 9.4 has been amended to include other payments for recruitment and retention purposes, as well as Market Supplements, and reads:-

*“The Council’s Director Workforce and Business Services, also has the ability to agree the payment of market supplements and other payments for recruitment and retention purposes, where there is a strong business case and appropriate criteria are met. (Details are set out in the Council’s Market Supplement Policy and Recruitment and Retention Policy).”*

- The wording in section 12.2 of the existing policy on Severance/Redundancy Packages is amended to read:-

*“A severance package for any member of staff of £100,000 or more (including an employee’s right to contractual redundancy/severance and pension/pension lump sum payments) will be subject to the approval of General Purposes Committee and noting by Full Council.*

*However, the Public Sector Exit Payment Regulations 2020 came into force on 4 November 2020. They have introduced a £95k cap on the total value of exit payments. This cap includes all forms of exit payment available to employees on leaving employment, for example cash lump sums, such as redundancy payments, the cost to the employer of funding early access to unreduced pensions (‘pension strain’), severance payments, ex gratia payments and other non-financial benefits, such as additional paid leave. This requirement can only be waived in exceptional circumstances and by a decision of a Minister of the Crown. Any waiver should be considered by GP Committee and Full Council.”*

Section 12.5, which previously covered the Public Sector Exit Payment Regulations, is deleted.

## **Public Sector Exit Payment Cap**

- 3.15 The Public Sector Exit Payment Regulations 2020 came into effect on 4 November 2020. A paragraph has been included in the Pay Policy for the past few years in anticipation of the introduction of the regulations and has now been updated to reflect their adoption.
- 3.16 With the introduction of the Public Sector Exit Payment Regulations, going forward there are unlikely to be many exit payments over £100,000, however if a waiver is applied and there are payments over £100,000 they will continue to be reported as part of the Pay Policy. Such payments for this year are included at Appendix 2.

## **Constitutional Changes**

- 3.17 As a result of the Public Sector Exit Payment Regulations 2020, the following changes are required to the Constitution. Under section 10, the following additions are needed to the Terms of Reference for the General Purposes Committee:-

“To consider any recruitment and exit payments over £100,000 in accordance with the Council’s Pay Policy Statement.”

“To consider any business case for applying a waiver under the Public Sector Exit Payment Regulations 2020 and associated guidance, in accordance with the Council’s Pay Policy Statement.”

## **4. EQUALITIES IMPLICATIONS**

- 4.1 It should be noted that the statement describes existing policies and practice rather than proposing new ones. Should there be amendments, further advice on the impact will be given.

## **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 This report sets out the council's pay policy for 2021/22, which is required by law. It ensures that employees receive an appropriate salary for the work they undertake and that the council's approach to pay is set out clearly.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no specific financial implications arising from the recommendations within this report.

6.2 The costs of meeting the Council's Pay Policy will need to be contained within existing staffing budgets agreed through the Annual Budget and MTFS process. The annual Employees budget is circa £200m.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 The main legal considerations regarding the pay policy requirements are set out in the body of the report. Particular regard should be given to the amendments to the pay policy and Constitution required as a result of the implementation of the Public Sector Exit Payment Regulations 2020.

7.2 Any changes to pay scales or pay awards are dealt with through collective bargaining and will not require contractual amendments as these are already accounted for in current terms and conditions. However, any changes to the way in which staff are remunerated would need to be dealt with by consultation and an agreed contract variation or the offer of new contractual terms through re-engagement following the Council's agreed employment processes.

7.3 When formulating its annual Pay Policy Statement, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty).

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- None

### **Appendices**

- Appendix 1 – Draft Pay Policy Statement 2021/22
- Appendix 2 – Redundancy/severance packages over £100,000

### **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.

**Localism Act 2011**

**LGA / ALACE - 'Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives'**

**DCLG - Openness and Accountability in Local Pay: guidance under section 40 of the Localism Act**

**DCLG - 'Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011' Supplementary Guidance**

**Communities and Local Government - The Code of Recommended Practice for Local Authorities on Data Transparency**

**Officer contact details for documents:**

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**London Borough of Tower Hamlets  
Pay Policy statement 2021/2022**

**1 Introduction**

- 1.1 Sections 38 to 43 of the Localism Act 2011 require the Council to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government in February 2012 and the supplementary guidance issued in February 2013 both entitled "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" together with the Local Government Transparency Code 2015 where applicable. It also takes into account the 'Use of severance agreements and 'off payroll' arrangements Guidance for local authorities" published by the Department for Communities and Local Government (DCLG) in March 2015.
- 1.2 This pay policy statement does not apply to employees of schools maintained by the Council and is not required to do so. This pay policy statement is required to be approved by a resolution of the Full Council before it comes into force. Once approved by Full Council, this policy statement will come into immediate effect, superseding the 2020/2021 pay policy statement.

**2 Definitions**

- 2.1 All the posts in this section (2.1) are collectively referred to as **Chief Officer** in accordance with the Localism Act 2011 and the Local Government and Housing Act 1989
- **Head of the Paid Service**, which is the post of Chief Executive
  - **Statutory Chief Officers**, which are:-
    - Corporate Director, Children's and Culture
    - Corporate Director, Health, Adults and Community who is the Council's designated Director of Adults Social Services
    - Corporate Director, Resources who is the Council's Chief Finance Officer under section 151 Local Government and Housing Act 1989
    - Corporate Director, Governance who is the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989
    - Director of Public Health

- **Non-statutory Chief Officers and Deputy Chief Officers**, which are:-

- The Corporate Director, Place as well as Directors and Heads of Service in each Directorate that report to a Chief Officer.

2.2 The **Lowest Paid Employees** are defined as employees paid on Spinal Column Point 1 of the National Joint Council (NJC) for Local Government Services pay scales. This definition has been adopted as it is the lowest level of remuneration attached to a post in this Authority (see section 6 below).

### **3 Pay and grading structure**

3.1 The majority of employees' pay and conditions of service are agreed nationally either via the National Joint Council (NJC) for Local Government Services, or the Joint National Council (JNC) for Chief Officers, with regional or local variations.

3.2 The rest of the workforce are employed on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth and Community Workers, some staff covered by the School Teachers Pay and Conditions Document and some staff on locally agreed terms and conditions for Lecturers and Tutors.

3.3 There are also a number of staff who are protected by the provisions of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) following transfers into the organisation and have retained their existing terms and conditions.

3.4 It is the practice of the Council to seek the views of local trade unions on pay related matters, recognising that elements are settled within a national framework.

3.5 The Council uses the national pay spine to determine its pay scale, which is now made up of lettered grades.

3.6 All roles are evaluated as follows i) Up to Grade O under the Greater London Provincial Council (GLPC) job evaluation scheme; ii) Grade P under a local variation to the GLPC job evaluation scheme; and iii) Above Grade P under the Joint Negotiating Committee for Chief Officers job evaluation scheme.

3.7 The Council signed a Single Status agreement in April 2008 with trade unions. This brought former manual grades into the GLPC job evaluation scheme and replaced spot points with narrow grade bands. This has been implemented by the Council. One of the key aims of the agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.

- 3.8 New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.
- 3.9 The scale point on which an individual is appointed to the post is normally the lowest of the grade but will depend on skills and experience. There may be exceptional circumstances where an individual may be appointed higher (e.g. to match a current salary) which would require the relevant evidence and appropriate approval.

#### **4 Head of Paid Service, Statutory Chief Officer, Non Statutory Chief Officer and Deputy Chief Officer remuneration**

4.1 Pay for the Head of Paid Service; Corporate Director, Children's and Culture; Corporate Director, Health, Adults and Community; Corporate Director, Resources; and Corporate Director, Governance and Corporate Director, Place is made up of 3 elements:

- Basic pay (defined by a locally agreed grade)
- London weighting allowance
- Travel allowance payment

4.2 The Chief Executive receives fee payments pursuant to his appointment as Returning Officer at elections.

4.3 Directors; other non-statutory Chief Officers and Deputy Chief Officers receive basic pay (defined by a locally agreed grade).

4.4 Chief Officer salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [here](#).

#### **5 Salary packages**

5.1 All salary packages for posts at Chief Officer level are in line with locally agreed pay scales.

5.2 All salary packages for posts at Chief Officer level of £100,000 or more will be subject to General Purposes Committee approving the structure and grade for posts at Chief Officer level – and noting by Full Council.

#### **6 Lowest paid employees (excluding Schools based staff)**

6.1 The Council's lowest paid London based employees are those who are paid on the lowest scale point, which is above the level of London Living Wage.

6.2 The Council's lowest paid non London based employees are those who are paid on the lowest scale point, which is above the level of National Living Wage.

- 6.3 The Council's Apprentices are paid at least the London Living Wage rate.
- 6.4 The Council will implement the increase to the London Living Wage on 01 April 2021 and as the London Living Wage rises in future years, the council will continue to increase pay levels for the lowest paid staff to ensure that they are paid the nearest scale point above the London Living Wage.

## **7 National pay bargaining**

- 7.1 Annual pay increases across the Council's grades are set through the process of national pay bargaining which the Council subscribes to.
- 7.2 The Council contributes to the negotiation process by providing an employer view through the annual Local Government Employers' regional pay briefings. The employers' side then negotiate with trade unions at a national level.
- 7.3 National pay rates are set using a number of factors, including:
- The sector's ability to pay
  - Movement in market rates
  - Inflation levels
  - Other pay awards
  - The Government's policy position regarding public sector pay

## **8 Starting salaries and salary progression**

- 8.1 Starting salaries for staff shall be based on the lowest spinal column point of the grade, unless the individual is already earning more than this, in which case we will match their salary where this is available to match. Staff will only be placed on a higher spinal column point in exceptional circumstances (subject to evidence and business case agreed before an offer is made to a candidate and in line with budget affordability), which must be pre-agreed by the Director of Workforce, OD and Business Services ahead of offers being made, the exception to this provides the chief executive authority to agree and set pay for corporate directors and directors in conjunction with the Director Workforce and Business Services.
- 8.2 There should be no increase in spinal points for staff directly matched to a post. If staff are directly matched at the same grade, they should be on the same salary point. If staff are directly matched at a higher grade, it should be at the bottom spinal point of the new grade. If there is a cross over in spinal point between the old and new grade the individual stays at the same spinal point in the new grade.

- 8.3 For staff below Chief Officer level, incremental progression is on an annual basis for those staff who are not at the top of their grade. In exceptional circumstances an increment may be withheld due to poor performance. Chief Officers have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

## **9 Additional payments and allowances**

- 9.1 A range of allowances and payments are paid as appropriate to the nature and requirement of specific posts, groups of posts and working patterns. These include car and travel allowances, overtime, standby, weekend and night work, shift and call-out payments.
- 9.2 Staff undertaking additional duties to a more senior grade will receive payment as appropriate using clear criteria, and where a clear business need is identified.
- 9.3 The Council has a staff relocation package, available to new entrants to the Council's employment, and subject to tight eligibility criteria, for which appropriate approval must be obtained ahead of any advertisement going live.
- 9.4 The Council's Director for Workforce and Business Services, also has the ability to agree the payment of market supplements and other payments for recruitment and retention purposes, where there is a strong business case and appropriate criteria are met. (Details are set out in the Council's Market Supplement Policy and Recruitment and Retention Policy).
- 9.5 The Council does not currently operate a performance related pay scheme or bonus scheme.
- 9.6 Where a negotiated settlement is appropriate in circumstances which do not amount to a dismissal, it will be approved by the Head of Paid Service in consultation with the Monitoring Officer and Section 151 Officer and input from the Director for Workforce and Business Services.

## **10 Pensions**

- 10.1 All employees (with the exceptions set out below) of the Council up to 75 years of age and who have a contract of more than 3 months' duration are entitled to join the Local Government Pension Scheme (LGPS). Decisions on delegated provisions are agreed by the Pensions Committee. The LGPS is a contributory scheme, whereby the employee contributes from their salary. The level of contribution is determined by whole time salary and contribution levels are set by Government who then advise the employer.

- 10.2 All employees of the Council from 18 to 75 years of age and who are employed on Teacher, Youth Work or Tutor/Lecturer terms and conditions are entitled to join the Teachers' Pension Scheme. The Teachers' Pension Scheme is a contributory scheme, whereby the employee contributes from their salary and contribution levels are set by Government.

## 11 Non-permanent workforce resources

- 11.1 To ensure flexibility in delivering services, the Council supplements its employee workforce with workers who are not Council employees or on the Council payroll. This non-permanent resource includes consultants and interims, procured through approved third party providers or the Council's agency contract.
- 11.2 In managing its non-permanent workforce resource, the Council seeks to ensure that: the Council and the wider public sector achieve value for money; tax and national insurance liabilities are managed appropriately; and contractual relationships between the Council, workers and third parties are properly reflected. In this regard, it is the Council's policy not to engage directly with self-employed individuals, or wholly owned one person limited companies in all but the rarest of exceptions. Where such arrangements are used, the Council seeks to limit them to a maximum duration of 24 months.
- 11.3 Where it is necessary to engage a worker, it will usually be on a rate that is comparable with the grade for the post, where there is a clear comparator. Where more senior workers are engaged, the remuneration paid to the individual will generally fall within the following rates. The higher rates of pay, compared to those paid to directly employed staff, are in recompense of interims and consultants not receiving all of the same terms and conditions of employment, most notably regarding leave, pension, redundancy and notice.

Grade of post	Day rate range (payable to the individual)
Head of Service (Grade P)	£400-525
Director	£525-775
Corporate Director	£775-900
Chief Executive	£1200-1500

## 12 Compensation for loss of office

### 12.1 *Financial terms for redundancy*

The Council has guidance linked to its policy for Handling Organisational Change which sets out the terms for redundancy and

early termination of staff (subject to qualifying criteria), which apply to all staff. In certain circumstances, individuals may also qualify for early release of their pension. The Handling Organisational Change policy does not apply to Chief Officers.

## *12.2 Redundancy/severance packages*

A severance package for any member of staff of £100,000 or more (including an employee's right to contractual redundancy/severance and pension/pension lump sum payments) will be subject to the approval of General Purposes Committee and noting by Full Council.

However, the Public Sector Exit Payment Regulations 2020 came into force on 4 November 2020. They have introduced a £95k cap on the total value of exit payments. This cap includes all forms of exit payment available to employees on leaving employment, for example cash lump sums, such as redundancy payments, the cost to the employer of funding early access to unreduced pensions ('pension strain'), severance payments, ex gratia payments and other non-financial benefits, such as additional paid leave. This requirement can only be waived in exceptional circumstances and by a decision of a Minister of the Crown. Any waiver should be considered by GP Committee and Full Council.

## *12.3 Ill health*

Where termination of employment arises from ill health, payments will be made in accordance with the contract of employment. In certain circumstances, individuals may also qualify for early release of their pension.

## *12.4 Re-employment or re-engagement following redundancy/early retirement/receipt of compensation for loss of office*

Any member of staff who has left the Council by reason of redundancy or early retirement and received a redundancy/severance payment is required to have a gap before reemployment. The gap should be at least 2 years after the date of termination for all staff who left due to compulsory redundancy or voluntary redundancy before they can return, either as a directly employed member of staff, an agency worker or a consultant. This does not prevent them from working in Tower Hamlets Schools during this period.

12.4.1 To allow for exceptional circumstances, when it might be necessary to reemploy or re-engage someone sooner than set out above, a Director, in conjunction with the Director for Workforce and Business Services, and after consultation with the Chair of the General Purposes Committee, has authority to waive the 2 year requirement (as appropriate), provided there is justification.

12.4.2 If the Repayment of Public Sector Exit Payments Regulations 2016 come into force, any employee or office holder who earns above the threshold set out in the Regulations, will be required to repay in full or part, to the employer who made the payment, any exit payment they receive should they return to any part of the public sector (see the Regulations for a full list), either on or off payroll, within 12 months. This is in addition to the requirements already set out in the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999. This requirement can only be waived in exceptional circumstances and by a decision of Full Council.

### **13 Pay multiples / comparisons**

13.1 The Council's pay and grading structures reflect a wide range of job requirements and levels of responsibility across the organisation, with pay and grading being determined by the Council's job evaluation schemes.

13.2 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the median (mid-point between the highest and lowest) salary position of the non-schools workforce is 1:5.82.

13.3 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is 1:13.65.

13.4 The Council will have regard to its pay ratios and keep them under review, seeking to balance the following:

- Ensuring appropriate reward mechanisms which value knowledge, skills and experience at a senior level, and ensure that the Council can recruit and retain the best talent
- Addressing its commitment to matching the London Living Wage for our lowest paid staff, and encouraging the developmental progression for staff in the lowest graded roles.

### **14 Equality issues**

14.1 The policy elements described in this report derive from national terms and conditions and bargaining, or local discretion. The Council has a keen regard for equality issues and should any changes be made to the pay policy in the future, proposals would go through an Equality Analysis. One of the key aims of Single Status agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.



## **15 Review**

- 15.1 The Pay Policy Statement is reviewed annually and submitted to General Purposes Committee for noting and Council for approval. In the interests of improving accountability and transparency, all appointments made to posts attracting remuneration of £100,000 or more per annum and all severance packages of £100,000 or more during the previous financial year shall be highlighted to Full Council.
- 15.2 Should changes to the Pay Policy be contemplated that would result in an amended statement being published in the year that it applies, these would be subject to a detailed consultation process before adoption by Full Council.


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**Appendix 2 - £100k plus final figures 01.04.20- 31.12.20**

<b>Directorate</b>	<b>Total cost (including Pension strain)</b>
Children and Culture Services x 1	109,044.10
Resources x 2	523,778.81
Health, Adults and Community x1	113,680.42
<b>Grand Total</b>	<b>746,503.33</b>

Date went to GPC Committee
29th Oct 2020
16th June 2020 & 29th Oct 2020
16th June 2020

<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>23<sup>rd</sup> February 2021</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Amanda Harcus, Divisional Director HR &amp; OD</p>	<p><b>Classification:</b> Internal</p>
<p><b>Title: Alternative models of Employee Appeals Sub-Committee</b></p>	

<b>Originating Officer(s)</b>	Pat Chen, Head of HR
<b>Wards affected</b>	

## 1. EXECUTIVE SUMMARY

- 1.1 The Council's Discipline Policy, Sickness Management, Standards for Managing Employee Performance, Redeployment and Redundancy procedures provide an appeal in cases of dismissal to a sub-committee of the General Purposes Committee. This is made up of three elected members. This paper sets out a proposal for the Committee's consideration which would align a new process to the responsibilities of the Chief Executive in his capacity as Head of the Paid Service. This will help to build the foundation of a new culture for our organisation and to reinforce the requirement of stronger performance management and accountability across the Council.
  
- 1.2 The clarification of officer responsibilities for operational staffing matters will demonstrate the organisation's commitment to management accountability among the officer leadership team and confirm the alignment of accountability for performance to the Chief Executive as Head of Paid Service. Members will maintain responsibility for and an oversight of the effectiveness of the relevant policies and procedures through an annual report to the Committee. It will mean that members are freed up from the operational process of staff management, re-emphasise the member roles in policy setting in relation to staffing, and continue the oversight of quality assurance in achieving outcomes and compliance.

## 2. RECOMMENDATIONS

The General Purposes Committee is recommended to:

- 2.1 Change the constitutional arrangements for the Appeals Panel to refer dismissal appeals to an officer panel as set out in the report.
- 2.2 Agree amendments to the relevant policies and procedures.
- 2.3 Receive, on an annual basis, a report on the performance of dismissal procedures and the outcomes of appeals.

### **3. REASONS FOR THE DECISIONS**

- 3.1 Within the council, there is increasing importance given to performance management and to individual senior officers taking accountability for their actions. In line with this, it is suggested that senior officers should be expected to hear final appeals in all staffing matters and to take accountability for their decision making. This includes explaining the rationale for their decisions at employment tribunals if necessary rather than, as currently, being accountable up to a point and then expecting an individual member as chair of an Appeal Panel to assume accountability on behalf of the council and the Head of the Paid Service.
- 3.2 This would reinforce the role of the Chief Executive as the Head of Paid Service in both developing the culture of our organisation and reinforcing the performance management discipline needed to support that culture. It is that post which carries the statutory responsibility for all aspects of staffing. That post also has accountability to the council for all staffing matters including performance and capability in the delivery of services and the effectiveness of and compliance with HR policies and procedures. The current arrangement has the potential to create tensions within those lines of accountability as appeal decisions are shared among the members on the Appeals Panel.
- 3.3 The role of elected members is to set the outcomes and direction for the organisation, to define the policies through which those outcomes are delivered and to oversee and monitor performance against those defined outcomes. This proposal reinforces that role.
- 3.4 Within London, Tower Hamlets is only one of 13 boroughs that have members involved in dismissal appeals (two others are also considering revising their process). 20 boroughs have removed members from the appeals process.

### **4. ALTERNATIVE OPTIONS**

- 4.1 Consideration could be given to inviting a Member to participate in dismissal appeals in an advisory capacity and to provide overview and scrutiny.

### **5. DETAILS OF THE REPORT**

- 5.1 The arrangements for appeals against management action is covered in various policies that include provision for appeal against decisions, and specifically, any appeal against dismissal to a Members panel.
- 5.2 Currently, the panel is a sub-committee of the General Purposes Committee. The panel hears all final appeals against dismissal involving the Council's Disciplinary, Sickness, Capability, Redeployment and Redundancy policies. Each appeal panel is made up of three members, including a member of the Executive.
- 5.3 The numbers of staff dismissals and the number of appeal hearings and their outcomes are set out in the tables below (using financial years).

*Number of dismissals (excluding redundancy)*

2019/20	9
2018/19	14
2017/18	21

*Appeals panel outcomes*

<b>Year</b>	<b>Number</b>	<b>Outcome</b>
2019/20	1	1 Reinstated
2018/19	6	5 Dismissals upheld 1 Reinstated
2017/18	16*	13 Dismissals upheld 3 Reinstated

\* 11 of these dismissals took place in 2016/17 but the appeal was heard in 2017/18

- 5.4 Outcomes and learning from individual cases are dealt with through reviews by senior officers responsible for the policies and any significant action would be reported to the Chief Executive as Head of the Paid service responsible for all staffing matters.
- 5.5 It is necessary for the members of the panel to receive training in order to keep up to date with developments in employment law and fair process and to be familiar with internal policies and procedures to ensure that hearings are conducted in a fair and proper manner.
- 5.6 It is also significant that, as members provide the last forum for appeal, members of appeal panels can be called to provide evidence at Employment Tribunals where dismissal decisions are challenged. This has, on occasion necessitated members' attendance at tribunals for significant amounts of time, and needing to set aside dates scheduled for tribunal hearings even where the hearing is later adjourned or abandoned.
- 5.7 The proposal is to change the arrangements for a member appeal panel in relation to all individual staff matters other than those for the Corporate Leadership Team (see 5.11 below). In its place a panel would be made up of a member of CLT, who will chair the meeting and be the decision maker, and two further members from the Senior Leadership Team (including Heads of Service). A legal adviser and an HR adviser will also be present. This would mean that CLT would carry collective responsibility for their decision-making.
- 5.8 In order to limit the risks of delay CLT should have the facility to nominate a deputy to serve only when a member of CLT is not available within a reasonable timescale.
- 5.9 This would require an amendment in the Constitution to change the appeals arrangements and confirm authority with the Chief Executive as Head of Paid Service to arrange for senior officers to hear final staff appeals. The Director of HR & OD will oversee the training of, and support given to officers responsible for hearing such appeals.
- 5.10 Officers are well placed to ensure consistency and have expertise in hearing appeals. There are opportunities to introduce consistency into the new processes more quickly (for example, reflecting on decisions made in appeals, lessons learned), and to ensure thorough training for those hearing cases.

- 5.11 It should be noted that separate arrangements apply in relation to disciplinary action concerning the Chief Executive and members of the Corporate Leadership Team as these require member involvement as set out in the Constitution. There is no plan to change those arrangements.
- 5.12 Arrangements would be put in place for a regular annual report to be presented to the General Purposes Committee in relation to its responsibility for overseeing the effectiveness of and compliance with dismissal appeal arrangements and to ensure the council meets its objectives in terms of staff performance and in meeting expected standards of behaviour. It would remain the responsibility of the Committee to consider and approve any changes to policies that may arise from any learning or performance monitoring.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no equalities implications arising from this proposal. An equality analysis of any revisions to relevant policy and procedures will be carried out separately.

## **7. OTHER STATUTORY IMPLICATIONS**

- 7.1 NONE

## **8. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 8.1 There are no direct significant financial implications arising from this report.

## **9. COMMENTS OF LEGAL SERVICES**

- 9.1 There is no legal requirement for appeals to be heard by members however, good practice requires that appeal hearings should be chaired by a officer of greater or equivalent seniority to the chair of the original panel who made the decision to dismiss to limit the risk of a challenge for procedural unfairness in any potential legal claims which might be brought by the employee.

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### **Linked Reports, Appendices and Background Documents**


#### **Linked Report**

- NONE

#### **Appendices**

- NONE



Non-Executive Report of the:  <b>General Purposes Committee</b>  23 February 2021	 <b>TOWER HAMLETS</b>
<b>Report of: Corporate Director of Resources</b>	<b>Classification:</b> Unrestricted
<b>Update on Senior Recruitment – February 2021</b>	

<b>Originating Officer(s)</b>	Catriona Hunt, Head of HR
<b>Wards affected</b>	All wards or state wards

### Executive Summary

This report updates Members on senior posts and recent recruitment activity

### Recommendations:

The General Purposes Committee is recommended to:

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

### 1. REASONS FOR THE DECISIONS

- 1.1 General Purposes Committee has responsibility for the appointment to Chief/Deputy Chief Officer posts. It is usual practice for the Committee to establish Appointment Sub-Committees to fulfil the recruitment process and to receive regular progress reports.
- 1.2 Statutory guidance issued by the Secretary of State under section 40 of the Localism Act 2011 is taken account within the Council’s Pay Policy Statement (which was considered at Full Council on 21 March 2018) and employees being offered a salary package on appointment of over £99,999 per annum are subject to the approval of the General Purposes Committee.
- 1.3 Section 5.2 of the Officer Employment Procedure Rules says the 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 (now the General Purposes) Committee.

### 2. DETAILS OF THE REPORT

## 2.1 Background

General Purposes Committee received a report in October 2020 which provided an update on the recruitment to the posts established in the corporate restructure in September 2016. Since then, a review of the Senior Leadership Team was conducted in November and December 2020.

This report sets out the current status of recruitment to senior roles in the corporate structure.

## 2.2 Senior Management vacancies and progress of recruitment

Detail of the progress on the recruitment to senior roles is set out in the tables below. This also includes the interim arrangements.

### 2.2.1 Posts being currently recruited or in the next 3 months

<b>Job title and directorate</b>	<b>Current arrangements</b>	<b>Comments</b>
Corporate Director of Resources and Governance	Arrangements have been put in place to cover the duties of this role, pending permanent recruitment.	Recruitment to the post to commence in April.
Chief Finance Officer (CFO), Resources and Governance Directorate	This role is vacant, and the statutory Section 151 duties of the role are being covered on an interim basis.	Recruitment to the post is ongoing. The closing date for the advert is the 18 February and the Longlist meeting is taking place on the 23 February. Final interviews are scheduled for 15 March.
Director Customer Services, Resources and Governance Directorate	Interim arrangements have been put in place.	Recruitment to the post is ongoing. The closing date for the advert is the 23 February and the Longlist meeting is taking place on the 26 February. Final interviews are scheduled for 18 March.
Director, Education, Children and Culture Directorate	Interim arrangements have been put in place	Advert closed on 31 January. Shortlist meeting on 22 February and final interviews on 4 March.

### **3. EQUALITIES IMPLICATIONS**

The Council is committed to equalities and such considerations will be part of the recruitment process and informs the procurement process. All posts are recruited to on merit. Recruitment to the vacancies has been carried out in accordance with the Council's procedures.

### **4. OTHER STATUTORY IMPLICATIONS**

4.1 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.

4.2 Recruitment to the senior management structure enables the Council to deliver excellent services for residents and deliver the associated financial saving.

4.3 Risks associated with recruitment have been mitigated by the engagement of specialised recruitment adviser(s).

4.4 There are no other specific implications arising from this report.

### **5. COMMENTS OF THE CHIEF FINANCE OFFICER**

5.1 The posts are part of the core management team structure agreed and sufficient base budget funding has been set aside to meet the cost associated with those posts.

### **6. COMMENTS OF LEGAL SERVICES**

6.1 This report provides an update on Chief Officer and Deputy Chief Officer Recruitment Activity and updates on interim appointments and there are no legal implications in relation to this.

## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- none

### **Appendices**

- A - Timetables for recruitment to vacant posts

### **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:**

- Catriona Hunt 0207 364 4522

Appendix A – Current timetables for recruitment to vacant posts

<b>Job title and directorate</b>	<b>Timetable</b>
Chief Finance Officer (CFO), Resources and Governance Directorate	Closing date: 18.02.21 Long listing: 23.02.21 Preliminary interviews: w/c 1.03.21 ASC Shortlist meeting: 8.03.21 ASC Final panel: 15.03.21
Director Customer Services, Resources and Governance Directorate	Closing date: 23.02.21 Long listing: 26.02.21 Preliminary interviews: w/c 1.03.21 ASC Shortlist meeting: 11.03.21 ASC Final panel: 18.03.21
Director, Education, Children and Culture Directorate	Closing date: 31.01.21 Long listing: 8.02.21 Preliminary interviews: 11 and 12.02.21 ASC Shortlist meeting: 22.02.21 ASC Final panel: 4.03.21

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Non-Executive Report of the:  <b>General Purposes Committee</b>  Tuesday, 23 February 2021	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Divisional Director, Legal Services and Interim Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Updates to the Council's Constitution</b>	

<b>Originating Officer(s)</b>	Matthew Mannion, Head of Democratic Services
<b>Wards affected</b>	(All Wards);

### Executive Summary

This report provides the General Purposes Committee with a number of minor requested updates to the Constitution for consideration. The Committee may approve the changes or forward them to Council for consideration.

The proposed changes are from a number of sources including the Overview and Scrutiny Committee, changes to Executive responsibilities and the Employment Procedure Rules.

### Recommendations:

The General Purposes Committee is recommended to:

1. Consider the changes to the Council’s Constitution described in Part 3 of the report and set out in Appendix 1.
2. To agree or note, as appropriate, the individual changes proposed in Appendix 1.

### 1. REASONS FOR THE DECISIONS

- 1.1 It is important to keep the constitution up to date and account for changes in the Council’s governance arrangements.

### 2. ALTERNATIVE OPTIONS

- 2.1 None are proposed but the Committee are free to suggest alternative changes, subject to review by the Interim Monitoring Officer.

### **3. DETAILS OF THE REPORT**

- 3.1 The General Purposes Committee Terms of Reference give it the responsibility to review and maintain the Council's constitution.
- 3.2 A number of recent changes to the Council's arrangements have resulted in some required changes to the Constitution. These are set out for consideration below. In addition, a number of other adjustments are proposed arising out of recent discussions.
- 3.3 The Committee is required to approve some changes, whilst others are for noting. The individual changes are referenced here and then set out in Appendix 1.

#### Executive Arrangements

- 3.4 On 28 January the Mayor provided notice of some changes to the responsibilities of certain Cabinet Members. This requires the change to be written into 'Part B Section 29 Executive Procedure Rules'. This change is for noting by the Committee as the Mayor has delegated authority to amend those procedure rules.

#### Overview and Scrutiny Committee

- 3.5 At its meeting on 14 December, the Overview and Scrutiny Committee (OSC) agreed some amendments to 'Part B Section 30 Overview and Scrutiny Procedure Rules' (along with a change to the OSC Terms of Reference). Some of these reflect the changes presented to the last General Purposes Committee in respect of the Councillor Call for Action procedure. These changes are for the Committee to agree, noting that they have already been agreed by the Overview and Scrutiny Committee.

#### Publication of changes to the Constitution

- 3.6 A slight amendment is proposed to 'Part A Section 15 Suspending, Interpreting and Changing the Constitution and Changes to Executive Arrangements'. This is to make it clear that where an officer authorised change has been reported up to the General Purposes Committee or Council then it won't also be published as an officer decision to avoid a potential double counting confusion.

#### Officer Employment Procedure Rules / Employee Code of Conduct

- 3.7 A number of minor changes are proposed to the Officer Employment Procedure Rules and the Employee Code of Conduct in Part C are set out to bring these sections up to date. These changes are for the Committee to agree.



## Member Code of Conduct

- 3.8 As its meeting on Thursday 4 February, the Standards Advisory Committee agreed a minor amendment to the Member Code of Conduct to cover those circumstances where a Monitoring Officer has a conflict of interest in respect of the investigation of a complaint. This change is for the General Purposes Committee to agree.

## Senior Leadership Review

- 3.9 The recent senior leadership review has resulted in a number of changes which will have an impact on the Constitution. Some of these changes are straight forward, such as amendments to the Organisation Structure Chart in Part A, whilst others will have a bigger impact (for example changes to schemes of delegation).
- 3.10 In addition, the changes to create a new combined Corporate Director, Resources and Governance and to split out the Statutory Roles of Section 151/Chief Finance Officer and Monitoring Officer will require substantial changes including re-writing Part B Section 129 Statutory Officers and Section 24 Functions of the Chief Executive and Corporate Directors. Changes will also be required to various Schemes of Delegation in Part D to identify new or amended responsible officers.
- 3.11 These proposed changes are currently in discussion and will be presented to a future meeting of the General Purposes Committee.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 None specific to 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.
  - Data Protection / Privacy Impact Assessment.
- 5.2 None specific to this report but having an up to date Constitution helps ensure the Council's decision making processes are operating effectively which is important in supporting the Council's activities to tackle the above risks.

**6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no financial implications emanating from this report.

**7. COMMENTS OF LEGAL SERVICE**

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. Under the Council's Constitution, the General Purposes Committee has delegated power to make the amendments referred to in this report.

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**Linked Reports, Appendices and Background Documents**

**Linked Report**

- None.

**Appendices**

- Appendix 1 – proposed changes to the 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

## Appendix One – Proposed changes to the constitution

### Part A Section 15 – Suspending, Interpreting and Changing the Constitution and Changes to Executive Arrangements

#### 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 **and the change is not reported to the General Purposes Committee or Council**, the change will be published direct to the website via the officer decision portal.

## Part B Section 19 – Terms of Reference – Council and Committees

### 14. Overview and Scrutiny Committee

<p><b>Summary Description:</b> The Council will appoint an Overview and Scrutiny Committee to discharge the functions:</p> <ol style="list-style-type: none"> <li>1. to review or scrutinise decisions made in connection with the discharge of Executive functions;</li> <li>2. to make reports or recommendations to the Council or Cabinet with respect to the discharge of Executive functions;</li> <li>3. to review or scrutinise decisions made in connection with the discharge of non-executive functions; and</li> <li>4. to make reports or recommendations to the Council or to Cabinet on matters affecting the Council’s area or its citizens.</li> <li>5. Grants scrutiny will be the responsibility of the OSC committee, under the remit of the Scrutiny Lead for Resources.</li> </ol> <p>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.</p>	
<p><b>Membership:</b> 9 non-executive councillors – including the chair and leads from Sub Committees.</p> <p>Two non-voting Co-Optees may also be appointed.</p>	
Functions	Delegation of Functions
<p>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 <a href="#">section 244(2ZE)</a> 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</p>	None
<p>2. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council’s functions</p>	None
<p>3. Advising the Mayor or Cabinet of key issues/questions arising in relation to reports due to be considered by the Mayor or Cabinet</p>	None
<p>4. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of its functions</p>	None
<p>5. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council,</p>	None

registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised	
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
8. In accordance with the Council's Petition Scheme: (a) To require a Chief Officer to give evidence to the Committee on a matter that is the subject of a petition including 1,000 or more valid signatures (the Committee will also invite the relevant Executive Member to the meeting); and (b) To undertake a review if a petition organiser feels the authority's response to their petition was inadequate	None
9. On behalf of the Council to establish and make appointments to any joint overview and scrutiny committee	None
10. <b>To consider any local government matter referred to the Committee by a Councillor in accordance with Section 9FC(c) of the Local Government Act 2000 which is relevant to the functions of the committee and is not an excluded matter.</b>	<b>None</b>
<b>Quorum:</b> Three members of the Committee	
<b>Additional Information:</b> Is contained in: <ul style="list-style-type: none"> <li>• Constitution Part A Section 9 (Overview and Scrutiny)</li> <li>• Constitution Part B Section 30 (Overview and Scrutiny Rules)</li> </ul>	

## Part B Section 29 – Executive Scheme of Delegation

### 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
<b>Deputy Mayor for Community Safety, Faith and Equalities</b> (Statutory Deputy Mayor)	Cllr Sirajul Islam
Deputy Mayor for Adults, Health and Wellbeing	Cllr Rachel Blake
<b>Deputy Mayor for Children, Youth Services and Education</b>	Cllr Asma Begum
<b>Housing</b>	Cllr Danny Hassel
Culture, Arts and Brexit	Cllr Sabina Akhtar
Work and Economic Growth	Cllr Motin Uz-Zaman
Resources and the Voluntary Sector	Cllr Candida Ronald
Environment and Public Realm	Cllr Asma Islam (job share) ^ Cllr Dan Tomlinson (job share)*
Planning and Social Inclusion	Cllr Mufeedah Bustin (job share)* Cllr Eve McQuillan (job share)^

\* Official Cabinet Member from 3<sup>rd</sup> June 2020 to 6<sup>th</sup> December 2020

^ Official Cabinet Member from 7<sup>th</sup> December to 19<sup>th</sup> May 2021 (or until a new schedule of delegations is agreed by the Mayor)

## **Part B Section 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) Review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.
  - (ii) 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.
  - (iii) 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.
  - (iv) 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.
  - (v) Make reports or recommendations to Council and/or the Mayor or the Executive on matters affecting the Council's area or its inhabitants.
  - (vi) Exercise the right to call in for reconsideration decisions made but not yet implemented.

- (vii) Refer any report it receives with implications for ethical standards to the Standards Advisory Committee for its consideration.
- (viii) Consider any local matters referred to the Committee by a Councillor in accordance with the Council's Councillor Call for Action procedure.
- (ix) Consider any local matters referred to the Committee by a Councillors in accordance with the Council's Call for Action Procedure.**

## **THE OVERVIEW AND SCRUTINY COMMITTEE**

6. The Overview and Scrutiny Committee will comprise nine Members of the Council and up to ~~two~~<sup>six</sup> 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 matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007 and S.9 FC of the Local Government Act 2000 as amended (set out in the Councillor Call for Action guide in Part D, Section 53 of the Constitution)..
  - (j) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.



## SCRUTINY SUB-COMMITTEES

7. 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
8. 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.
9. 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 **Sub-Committee Panels**, which affects the Council's area or any of its inhabitants.
10. it is expected that Scrutiny Sub-Committees would meet at least **five** ~~four~~ times a year.

## WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY SUB-COMMITTEES

11. 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 **Overview and Scrutiny** Committee.
12. 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 **11** ~~40~~. above, the Committee may appoint such a person as it considers appropriate as Chair.
13. 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**

14. 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 **and will be agreed by the Overview and Scrutiny Committee.**

### **WHO MAY SIT ON OVERVIEW AND SCRUTINY?**

15. 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-OPTEEES**

16. 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**

17. 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.
18. The Committee may also include a Muslim representative who can also vote in respect of education matters.
19. These Members may speak but not vote on any other (i.e. non educational) matters.
20. Rules 16 to 18 also apply to any other Scrutiny meeting where an education matter is to be discussed.
21. 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**

22. 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).
23. 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.
24. 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**

25. The quorum for the Overview and Scrutiny Committee and the Scrutiny Sub-Committees shall be three voting Members.

## **WORK PROGRAMME**

26. The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

### **AGENDA ITEMS**

27. Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Sub-Committee shall be entitled to give notice to the ~~Monitoring Officer~~ **Statutory Scrutiny 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~~ **Statutory Scrutiny Officer** will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.
28. 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.
29. 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.
30. 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.

31. 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**

32. 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.
33. 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.
34. 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**

35. 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 will be agreed by the relevant sub-committee and the Chair of that Committee will provide an update at the next meeting of the Overview and Scrutiny Committee. If the report cannot be agreed by the Sub-Committee, or if there are not any meetings of Sub-Committee, and in other exceptional circumstances, the report can be agreed 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 Executive Mayor and relevant Cabinet Member and Senior Officers for consideration and a formal response (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). ~~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).~~

36. The Executive shall consider the report of the Overview and Scrutiny Committee **and/or Sub-Committee** at one of its **future meetings setting out its response to any recommendations** ~~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 REVIEW TASK GROUPS**

37. The following rules apply to reports prepared by Scrutiny **Review Task** Groups replacing the general rules set out above. The Overview and Scrutiny Committee or its Sub-Committee may set up a '**Review Task-Group**' to examine a particular service or issue. The **Review Task-Group** will **comprise** ~~incorporate~~ Scrutiny Members and internal and external experts as required. At the conclusion of its work the **Review Task-Group** will report back to its parent Committee/Sub-Committee with its findings and recommendations.
38. 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.
39. 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.
40. 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~~ **future** 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**

41. Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the **Statutory Scrutiny Officer** ~~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.
42. If the **Statutory Scrutiny Officer** ~~Monitoring Officer~~, **following consultation with 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.~~

43. 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.
44. 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.
45. 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.
46. It is the duty of the authority or Mayor or Executive to which a notice is given under 454 above to comply with the requirements specified in the notice.

#### **RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS**

47. 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).
48. 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**

49. 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.
50. 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.
51. 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.
52. 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**

53. 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

54. **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 on the Council's website. Members of the Overview and Scrutiny Committee will be sent an alert when all such decisions within the same timescale, by the person responsible for publishing the decision.** ~~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.~~
55. 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.
56. 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.
57. 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.
58. Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.
  59. The Monitoring Officer shall then notify the decision taker of the call-in, who shall suspend implementation of the decision.
  60. 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.
  61. 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.
  62. 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.
  63. 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.

64. 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**

65. 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.
66. 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.
67. 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.
68. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.
69. 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**

70. 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.
71. 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**

72. 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.
73. 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.
74. 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**

75. 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.

## Part C Section 31 Appendix 1 – Arrangements for Dealing with complaints of breach of the code of conduct for Members

### 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. **The Monitoring officer may refer a complaint for investigation by the Monitoring Officer in a different authority where he/she has a conflict of interest.**
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.

## Part C Section 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~~ **their** integrity would be shaken were the least suspicion to arise that **they** could in any way be influenced by improper motives.



(b) An Officer's off-duty hours are ~~his~~**their** personal concern but **they** should not subordinate **their** ~~his~~-duty to **their** ~~his~~ private interests or put **themselves** ~~himself~~ in a position where ~~his~~ **their** duty to ~~his~~ **their** 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 **they** 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 of Human Resources & 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 of HR & ~~Workforce Development~~ **Transformation**; 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.

## Part C Section 38 – Officer Employment Procedure Rules

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#### 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~~ **General Purposes** 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. The Chief Executive may make appointments to interim positions of up to three (3) months. **The Chief**

**Executive may make appointments to interim positions of up to three (3) months.**

**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.

## **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.

~~**9.6** 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.



## Part D Section 46 – Corporate Operating Procedures

### 1. Establishment

Decision		CED	D	SM	LM	Notes
1.1	Establishment Control: Creating posts	√	√			<p>New posts must be funded within the Director's approved budget and authorised in accordance with the Establishment Control Procedure.</p> <p>See also relevant <b>HR People</b> Procedures:            Establishment Control Procedure  <del>Handling</del> Organisational Change <b>Policy</b>            Procedure</p>
1.2	Making all other changes to the establishment	√	√	√	√	<p>All changes must be authorised in accordance with the Establishment Control Procedure and other <b>HR people</b> procedures where appropriate. Different levels of authorisation may apply and these are clearly defined in every procedure.</p> <p>See also relevant HR Procedures:  <del>Handling</del> Organisational Change Polic            Procedure            JE Evaluation Procedure</p>

### 2. Appointments

Decision		CED	D	SM	LM	Notes
2.1	Taking a decision to advertise and recruit to a vacant post	√	√			<p>All decisions in relation to recruitment and appointments must comply with the <del>HR</del> recruitment processes and <b>people</b> procedures referred to below. Each procedure states the applicable authorisation levels.</p> <p>See also relevant <b>People HR</b> Procedure:            Recruitment and Selection Standards  <b>Establishment Control Procedure</b></p>



Decision		CED	D	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 <b>people</b> procedures referred to below. Each procedure states the applicable authorisation levels.</p> <p>See also relevant HR <b>People</b> 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 <b>People</b> HR Procedures.</p> <p>See also relevant <b>People</b> 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 <b>People</b> procedures and advice sought <b>from HR services</b> where appropriate.</p> <p>See also relevant HR <b>People</b> 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 <b>People</b> Procedure:  Temporary Worker Guidelines</p>

### 3. Remuneration

Decision		CED	D	SM	LM	Notes
3.1	Appointment onto pay scales	√	√			<p><b>All new starters are appointed at bottom of scale, by exception director can authorise appointment to one scale higher. All other requests are approved by Director of Workforce, OD and Business Support</b></p> <p>See also relevant <b>People</b> Procedure:  <b>Recruitment Procedure</b></p>

Decision		CED	D	SM	LM	Notes
3.2	Authorising acting up and honoraria payments	√	√			Decisions must be taken in line with the Acting up and Honoraria Procedure.  See also relevant <b>HR People</b> Procedure: Acting up and Honoraria Procedure
3.3	Authorising additional payments/ allowances/expenses	√	√	√	√	Decisions must be taken in line with Terms and Conditions of Employment and <b>HR People</b> Procedures.  See also relevant <b>HR People</b> 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 <b>and are approved by the Director of Workforce, OD and Business Support and Corporate Director.</b>  See also relevant <b>HR People</b> Procedure: Market Supplement Procedure

#### 4. Discipline, capability, sickness **absence** and grievance

Decision		CE D	D	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 <b>HR People</b> Procedure: Disciplinary Procedure
4.2	Instructing a member of staff to leave the premises	√	√	√		With advice from <b>HR services</b> .  See also relevant <b>HR People</b> 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 <b>HR services</b> .  See also relevant <b>HR People</b> 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 <b>HR People</b> Procedure: Disciplinary Procedure

Decision		CE D	D	SM	LM	Notes
4.3	Disciplinary - Initiating proceedings/confirming disciplinary charges, action taken and outcomes <b>(except where may lead to dismissal)</b>	√	√	√	√	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 <b>People</b> Procedure: Disciplinary Procedure
4.6	Performance/ Capability – initiating proceedings/confirming action taken and outcomes <b>including dismissal</b>	√	√			See also relevant HR <b>People</b> Procedures: Standards for Managing Performance and Probation Procedure Standards for Managing Employee Performance
4.5	Performance/ Capability – initiating proceedings/confirming action taken and outcomes <b>(except where may lead to dismissal)</b>	√	√	√	√	Decisions must comply with Performance Management procedures and HR advice sought where appropriate.  See also relevant HR <b>People</b> Procedures: Probation Procedure Standards for Managing Employee Performance
4.8	Sickness Management Procedure – initiating proceedings/confirming action taken and outcomes <b>including dismissal</b>	√	√			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 <b>People</b> Procedure: Sickness Management Procedure
4.7	Sickness Management Procedure – initiating proceedings/confirming action taken and outcomes <b>(except where may lead to dismissal)</b>	√	√	√	√	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 <b>People</b> Procedure: Sickness Management Procedure
4.9	Grievance and Harassment Procedures – initiating proceedings/confirming action taken and outcomes	√	√	√	√	Decisions must comply with relevant HR <b>People</b> 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 <b>People</b> Procedures: Combatting Harassment & Discrimination Procedure Grievance Resolution Procedure

## 5. Attendance

Decision		CED	D	SM	LM	Notes
5.1	Dealing with requests for changes to contractual hours / flexible working	√	√	√	√	Decisions must comply with Flexible Working and other relevant <b>HR People</b> procedures. Different levels of authorisation may apply and these are clearly defined in the procedure.  See also relevant <b>HR People</b> 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 <b>HR People</b> Procedures: Flexible Working Policy Flexi Time Scheme
5.3	Approving leave (including annual, special, flexi, paid, unpaid)	√	√	√	√	Decisions must comply with relevant <b>HR People</b> Leave procedures. Different levels of authorisation may apply and these are clearly defined in the procedures.  See also relevant <b>People HR</b> 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

## 6. Leavers

Decision	CE D	D	SM	LM	Notes
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Decision		CE D	D	SM	LM	Notes
6.1	Confirming resignations	√	√	√	√	To be confirmed in line with the Guidance for Leavers.  See also relevant <b>HR People</b> Procedure: Guidance for Leavers
6.2	Agreeing terms on which staff leave the Council e.g. outstanding leave, notice periods	√	√	√	√	Decisions must comply with Terms and Conditions of Employment and relevant <b>People HR</b> procedures. Note: Where appropriate <b>HR Director of Workforce, OD and Business Support</b> will authorise payment of statutory/ contractual entitlements.  See also relevant <b>HR People</b> Procedures: Annual Leave and Special Leave Procedure And see Employee's Terms and Conditions of Employment
6.3	Providing references	√	√	√	√	References must be provided in line with relevant recruitment procedures and processes and HR advice sought where appropriate.  Relevant <b>HR People</b> Procedure: Reference Procedure
6.4	Designating a member of staff as a redeployee	√	√			Decisions must comply with relevant <b>HR Organisational Change</b> processes. Different levels of authorisation may apply and these are clearly defined in the procedures.  See also relevant <b>People</b> Procedure: Handling Organisational Change
6.5	Agreeing redundancy /early retirement	√	√			Decisions must comply with relevant <b>HR People</b> organisational change and sickness management processes. Different levels of authorisation may apply and these are clearly defined in the procedures.  See also relevant <b>HR People</b> Procedures: Handling Organisational Change Sickness Management Procedure <del>Flexible Retirement Policy</del>

Decision		CE D	D	SM	LM	Notes
6.6	Agreeing early retirement	√	√			<p>Decisions must comply with relevant HR People organisational change processes.</p> <p>See also relevant People Procedures: Flexible Retirement Policy</p>

# Agenda Item 7

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

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