

General Purposes Committee



Tuesday, 5 October 2021 at 6.00 p.m.

Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda

Chair: Councillor Helal Uddin

Members

Vice-Chair: Councillor Danny Hassell

Councillor Asma Islam, Councillor Peter Golds, Councillor Amina Ali, Councillor Denise Jones, Councillor Motin Uz-Zaman, Councillor Tarik Khan and Councillor Zenith Rahman

Substitutes:

Councillor Andrew Wood, Councillor Faroque Ahmed, Councillor Rajib Ahmed and Councillor Val Whitehead

[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 meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers will be extremely limited due to the Covid 19 pandemic restrictions. You must contact the Democratic Services Officer to reserve a place, this will be allocated on a first come first served basis. No one will be admitted unless they have registered in advance.

Meeting Webcast

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

Contact for further enquiries:

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General Purposes Committee

Tuesday, 5 October 2021

6.00 p.m.

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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 - 18

To agree the unrestricted minutes of the General Purposes Committee meeting held on 24th June 2021.

3. WORK PLAN

19 - 24

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

4. REPORTS FOR CONSIDERATION

4 .1 LA Governor Report

25 – 28

4 .2	Members Enquiries Policy and Process	29 – 48
4 .3	Post-Election Polling Places Review 2021	49 – 62
4 .4	Dismissal Appeals - Process and Guidance	63 – 70
4 .5	Update on Senior Recruitment, October 2021	71 – 74
4 .6	Calculation of Appointments Sub-Committee Proportionality	75 – 80
4 .7	Constitution Review	81 – 152

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. RESTRICTED REPORTS FOR CONSIDERATION

7 .1	Local Authority Governor Appointments - Restricted Appendices	153 – 158
7 .2	Forthcoming Restructures - Staffing Implications	159 - 168

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 6.00 P.M. ON THURSDAY, 24 JUNE 2021

**COMMITTEE ROOM ONE - TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Helal Uddin (Chair)
Councillor Danny Hassell (Vice-Chair)
Councillor Peter Golds
Councillor Zenith Rahman

Other Councillors Present:

Councillor Amina Ali (Virtual)
Councillor Denise Jones (Virtual)
Councillor Asma Islam (Virtual)
Councillor Tarik Khan (Virtual)
Councillor Motin Uz-Zaman (Virtual)

Apologies:

Apologies for lateness – Councillor Denise Jones

Officers Present:

Perveez Akhtar	– (Information Governance and Complaints Manager)
Runa Basit	– (Head of School Governance & Information)
Raj Chand	– (Director, Customer Services)
Robert Curtis	– (Head of Electoral Services)
Agnes Adrien	– (Head of Litigation, Legal Services)
Amanda Harcus	– (Director of HR, Workforce Development & Business Support Services)
Matthew Mannion	– (Head of Democratic Services, Governance)
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)

1. ELECTION OF VICE-CHAIR

The Chair, asked for nominations for the position of Vice-Chair of the General Purposes Committee for the municipal year 2021/2022.

Councillor Tarik Khan proposed Councillor Danny Hassell for the position. This was seconded by Councillor Motin Uz-Zaman and Cllr Zenith Rahman.

There were no further nominations.

The General Purposes Committee;

Resolved

That Councillor Danny Hassell is elected as Vice-Chair of the General Purposes Committee for the municipal year 2021-2022.

2. DECLARATIONS OF INTERESTS

None were declared.

3. MINUTES

RESOLVED

That the unrestricted minutes of the General Purposes Committee meeting held on 23 February 2021 be agreed.

4. WORK PLAN

The General Purposes Committee Work Plan was discussed and agreed. The following was noted;

Report on Employee Relations Casework Policy -Quarterly Update

- Agreed to receive future update reports on a six-monthly basis.

RESOLVED

That the Work Plan be noted

5. REPORTS FOR CONSIDERATION

5.1 General Purposes Committee, Terms of Reference 2021/22

Matthew Mannion, Head of Democratic Services introduced the report and highlighted the General Purposes Committee terms of reference, quorum, membership and the schedule of meeting dates for the municipal year 2021-2022.

RESOLVED

1. That the Terms of Reference, Quorum, Membership and the Schedule of meeting dates for the General Purposes Committee be noted.

5.2 Establishment of Employee Appeals Sub-Committee

Matthew Mannion, Head of Democratic Services introduced the report, which recommended the Committee to establish the Employee Appeals Sub Committee to consider employee appeals against dismissal.

RESOLVED

1. That the Employee Appeals Sub Committee for the Municipal Year 2021/22 be established.

5.3 Establishment of Appointments Sub-Committee

Matthew Mannion, Head of Democratic Services introduced the report, which recommended the establishment of the Appointment Sub Committee for the current municipal year, to note and agree its terms of reference, the arrangements for nominating Councillors to serve on an Appointments Sub Committee and note the process for appointment to Chief Officers and Deputy Chief Officer.

RESOLVED

1. That the terms of reference for Appointments Sub-Committees for the remainder of the municipal year 2021/22 as set out at paragraph 4.1 of the report be agreed.
2. That the arrangements for nominating Councillors to serve on an Appointments Sub-Committee as set out at paragraph 4.2 of the report and the Divisional Director, HR (or their respective nominee) be authorised to agree the dates of Appointments Sub-Committee meetings and the membership of the Sub-Committee for each appointment that is required in accordance with nominations from the Opposition Group Leader and the Mayor; be agreed.
3. That the process for appointment to Chief Officer and Deputy Chief Officer posts as set out at paragraph 5 of the report be noted.

5.4 Local Authority Governor Report

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

of the new appointments detailed in the report for Appendix 8 had been withdrawn.

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.

5.5 Elections 2021 Update

Robert Curtis, Head of Elections, introduced the report which set out an update following the polls undertaken on Thursday 6 May 2021 for Greater London Authority (GLA) elections, the Borough Referendum and the Isle of Dogs Neighbourhood Planning Referendum. It was noted that in general from feedback and observations it was considered a well-run election.

Mr Curtis referred to the report and highlighted the following;

- That all communication to the electorate were undertaken in partnership with the GLA and the Electoral Commission to ensure consistency of approach but for the Referendums, with no candidates, was restricted to fact explanation.
- The council actively promoted all avenues to cast votes and used social media extensively to do this.
- 26,000 postal votes were sent to all residents who were registered with the NHS as shielding.
- Polling places were regularly communicated with, however there were a loss of a few portacabins which were replaced with suitable alternatives and there was also an introduction of new polling places such as Brady Arts Centre, Toynbee Hall and etc which had proven to be successful.
- All polling staff were trained, there were unexpected drop-outs at the terminal hour which did cause problems but were dealt with by the Elections Team.
- There had been reports of campaigners addressing people in queues, mock ballot papers, and family voting – these issues would be addressed and currently working on draft guidance for future candidates and parties addressing these concerns.

Mr Curtis, said that officers were aware of issues that need to be addressed and areas that required improvement and these areas would be looked at in great detail in time for next year's elections.

Members welcomed the report and thanked Mr Curtis for the update. Members raised concerns of intimidation at polling stations from campaigners and the need for extra security at polling stations in future, to prevent a repeat of past elections.

The Committee requested that an update report leading up to the elections in 2022 be added on the General Purposes Work Plan.

The Committee extended their thanks to Mr Curtis and the Elections Team for the effort and hard work during the Elections.

Accordingly, the General Purposes Committee;

RESOLVED

1. The report be noted.
2. An update report on the preparations for the Elections in 2022 to be brought back to GPC at beginning of next year (2022).

5.6 Renaming the Borough Wards

Robert Curtis, Head of Elections, introduced the report which set out the results of the proposals to change the ward names for Bethnal Green, St Peters and Canary Wharf. It was noted that a recommendation to change the names were made during the consultation for the Polling District and Polling Places review undertaken by Full Council on 15th January 2020 and the review was agreed by the General Purposes Committee.

Mr Curtis went through the presentation attached in the agenda on pages 89-105. It was noted that there had not been a huge response to the consultation process, with a total of 369 responses of which 6 were invalid. The overall responses and results for all three wards was for the current ward names to remain.

Following a short discussion, the general consensus from Members of the committee as well as feedback from residents to Members, was for changes to the ward names for St Peters ward and Bethnal Green ward, as it caused confusion to where the boundaries were geographically, and the area having no connection to St Peters. The Committee suggested that ward names such as Bethnal Green South and Bethnal Green North should be considered in its place. The Committee also suggested that the name for Canary Wharf ward should remain as Canary Wharf had a clear geographical link to the area.

Accordingly, the General Purposes Committee;

RESOLVED

1. That comments from the Committee to be added as part of the consultation response.
2. That the Committee note that the proposed names changes are to be submitted to Council for consideration.

5.7 Physical, Hybrid and Virtual Committee meetings

Matthew Mannion, Head of Democratic Services, introduced the report and briefly detailed a summary of the meeting options and recommendations for the future of physical/hybrid/virtual meetings.

It was noted that during the Covid-19 pandemic the Council had made use of the extensive powers from the Coronavirus Bill to operate virtual council and committee meetings. Those regulations had now expired and the Council had reverted to holding physical meetings with some features of virtual meetings having remained. It was noted that this was a good opportunity for Members to give a steer on how future meetings should continue following the lifting of Covid restrictions.

The Committee welcomed the initial research and findings detailed in the report. Members acknowledged the good work undertaken, and emphasised how over the past year, technology had proven to be effective, allowing flexibility especially for those with carer responsibilities, and increasing participation at meetings. It was noted that Option B - hybrid meetings, is the type of meetings that should be explored and developed further as it allowed a greater deal of flexibility for all participants at meetings.

Clarification was sought in regard to voting at meetings, Mr Mannion explained that the Local Government Act 1972 specified clearly that Members physically present at a meeting only have voting rights. However, it was noted that Government had recently undertook consultation on this matter, and LBTH had responded as did other authorities to allow provisions for voting in virtual settings subject to safeguards, and the outcome of the consultation was still pending.

Mr Mannion encouraged Members of the Committee to contact him if they had any further feedback over the next few weeks.

Accordingly, the General Purposes Committee;

RESOLVED

1. The report be noted.
2. Officers to develop the meeting procedure rules with Option B (hybrid) settings and for it to be reported back to a future meeting of the Committee.

5.8 Members Enquiry Process

Raj Chand, Director of Customer Services, gave a brief update on the progress of the Members Enquiry (ME) process to date. Ms Chand highlighted that she was aware of the previous and current issues Members had been experiencing regarding ME's. It was noted that Members of the Committee had been contacted with a proposed consultation meeting to consider the

policy and process with the aim of receiving feedback from Members to then feed into the policy. This would then be followed by wider briefing meetings with other council members with a view of bringing back a full report to the next GPC meeting.

In response to questions the following was noted;

- That issues of quality control and delays should be addressed.
- The final report would include details of the collaborative work being done with Housing Associations (RSL's) on how to simplify enquires to them.
- Officers had been exploring different software systems for ME enquires and where possible looking to streamline the current process.
- That the Mayor's Enquires were separate to Members Enquires.
- That the final report would address the concerns raised and any feedback from the consultation meetings.

Accordingly, the General Purposes Committee;

RESOLVED

1. The verbal update was noted.
2. That a full report on the Members Enquiry Process would be reported back to the Committee at the next GPC meeting.

5.9 Alternative models of Employee Appeals Sub Committee

Amanda Harcus, Divisional Director, Human Resources and Organisational Development introduced the report and explained that this was a follow up from the report to GPC in February 2021, where there was a proposal to change the make up of the Employee Appeals Sub-Committee. It was noted that this report incorporated feedback and discussion had at that meeting together with feedback from Trade Unions.

Ms Harcus explained that she was seeking Members approval for the recommendations listed in the report, in making amendments to the constitution for moving from a Member panel to an Officer panel supported by a Member.

Ms Harcus explained the purpose for this proposal was to increase the importance of positive performance management so individual officers are fully accountable for their action they take and make in the organisation. That Senior Officers should hear dismissal appeals and have accountability for final decisions and should have to account for themselves in the event a case is to go to an Employment Tribunal. It would also reinforce the role of the Chief Executives responsibility as Head of Paid Services to deal with all employment matters. It was noted in the last 5 years there had been 76

dismissals with 24 appeals, 18 cases had been upheld, 6 cases reinstated and 18 cases ending up in an Employment Tribunal.

In response to questions the following was noted;

- Clarification sought on the respective roles of Members and Officers at the appeal meetings.
- Mixed model with officers and members would give assurances to staff and trade unions that a fair process was being followed.
- Officers were confident as this model progresses, this would improve performance management and employee relations. The updating of HR policies and procedures would also make policies and procedures clearer, with less chance of misinterpretations.

Accordingly, the General Purposes Committee;

RESOLVED

1. The Constitutional arrangement for appeals panel to be amended to refer dismissal appeals to an Officer panel, supported by a Member in an advisory capacity.
2. The selection of the advisory member on the appeals panel is to be chosen from the General Purposes Committee.
3. That amendments to the relevant policies and procedures to reflect the changes to the appeals process for dismissal.
4. To receive a report on the performance of dismissal procedures and the outcome of appeals on an annual basis.

5.10 Update on Senior Recruitment – June 2021

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

The Committee noted:

- That Officers for the Director of Education (Children and Culture Directorate) and Director of Customer Services (Resources and Governance Directorate) were now in post.
- In the final stages of confirming appointment to the role of Director of Finance (Deputy S.151 Officer) (Resources and Governance Directorate).
- The recruitment process for the Corporate Director Resources and Governance had been paused and would re-commence in Autumn 2021, and the current interim arrangements would remain in place until then.

Accordingly, the General Purposes Committee;

RESOLVED

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

5.11 Employee Relations Casework Policy - Quarterly Update

Amanda Marcus, Divisional Director, Human Resources and Organisational Development, briefly updated the Committee on the handling of Employee Relations casework within the council, progress made to-date and targets and considerations for the future development of case management.

It was noted that the council was on an improvement trajectory on the amount of time taken to resolve and conclude cases for grievance, disciplinary or capabilities processes and moving to a time resolved to 60 days, where previously some cases have taken up to a year or longer to resolve. Ms Marcus was pleased to report that this was improving. It was also noted that officers were currently working on reviewing a number of policies and working closely with trade unions to ensure policies and procedures are clearer for both managers and staff.

In response to a question it was noted that the next update report would include how are policies are being applied fairly across the organisation, how the need for learning and developing skills can be identified at an early stage and what the broader learning experience is for the organisation from reviewing these policies.

The Committee noted the report and improvements made to policies.

Accordingly, the General Purposes Committee;

RESOLVED

1. That the report be noted.

5.12 Nominations to LGA General Assembly 2021

Matthew Mannion, Head of Democratic Services, introduced the report and briefly explained that the Council had delegated the function of making appointments to outside bodies to the General Purposes Committee. It was noted that only one outside body related to Council functions and this was the Local Government Association General Assembly and Annual Conference.

The Committee noted and agreed the four nominations set out in the report.

Accordingly, the Chair Moved and it was:-

RESOLVED

1. That Councillors Rachel Blake, Asma Begum, Asma Islam and Victoria Obaze be appointed as Members to the Local Government Association (LGA) General Assembly and Annual Conference for 2021.

5.13 Constitution Updates

Matthew Mannion, Head of Democratic Services, introduced the report and briefly highlighted the changes detailed in the report.

Mr Mannion sought agreement to one addition to the Constitution (for the inclusion of the Channel Panel), for the Committee to note an update to the Place Scheme of Delegation and to note that further work in relation to changes following the recent Senior Leadership would be presented at a future meeting.

The Committee noted and agreed the changes set out.

Accordingly, the Chair Moved and it was:-

RESOLVED

1. The addition of the 'Channel Panel' to Section 20 'Other Bodies and Panels' was agreed.
2. The additions to the Place Scheme of Delegation be noted.

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Nil items.

7. 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.

8. EXEMPT REPORTS

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

8.1 Local Authority Governor Report - Restricted Appendices

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

8.2 Annual Report on Redundancy Departures

Ananda Marcus, Divisional Director, Human Resources and Organisational Development, introduced the update, with the purpose to ensure that General Purposes Committee are kept up to date on the overall number of redundancies within the organisation during the period between 1st April and 2020 and 31st March 2021.

The Committee reviewed and noted the report.

RESOLVED

1. That the report be noted.

8.3 Forthcoming Restructures - Staffing Implications

Ananda Marcus, Divisional Director, Human Resources and Organisational Development, introduced the regular report listing any potential redundancies from forthcoming restructures where the overall severance package was likely to exceed £99,999.

One role was listed in the report.

The Committee reviewed the report and agreed the requests as set out.

RESOLVED

1. That the one dismissal set out in the report be agreed.
2. To note and approve the severance packages that apply to the dismissals arise as a result of the individual's contractual terms and conditions of employment.

The meeting ended at 8.05 p.m.

Chair, Councillor Helal Uddin
General Purposes Committee

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GENERAL PURPOSES COMMITTEE WORK PLAN and ACTION LIST 2021/22

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Agenda Item 3

Contact Officer:	Simmi Yesmin Democratic Services
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ACTIONS LIST

Action number	Title	Action Owner	Originating Meeting/Item	Due Date / Comment
1.	Feedback and clarity on the processes for raising Members Enquires and efficient ways to get in touch with Tower Hamlets Homes contact centres,	Ruth Dowden , Head of Information Governance	GPC 06/10/20 Item 5.6	Report expected – 24 June 21 meeting GPC – 04 May 2021 – deferred
2.	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.	Matthew Mannion , Head of Democratic Services	GPC 21/12/20	Matthew to include this in the Constitution report at the GPC meeting in June 2021.

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

GENERAL PURPOSES COMMITTEE WORK PLAN 2021/22

05 OCTOBER 2021			
REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
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. Constitution Review Update	To review any updates or changes to the Constitution	Matthew Mannion, Head of Democratic Services	
4. Forthcoming Restructures – Staffing Implications	An update on forthcoming restructures.	Amanda Harcus, Divisional Director, HR & Transformation	
5. Polling Places Review	To note the commencement of the review of polling places in Tower Hamlets.	Robert Curtis, Head of Elections	Full Council – January 2022
6. Members Enquiry Process	To review the Members Enquiry Process.	Ruth Dowden, Head of Information Governance	
7. Appeals against Dismissal	To review the procedure for appeals against dismissal.	Amanda Harcus, Divisional Director, HR & Transformation	
8. Calculation of Appointments Sub-Committee Proportionality	To consider the review of proportionality for Committees and Sub-Committee.	Matthew Mannion, Head of Democratic Services	

GENERAL PURPOSES COMMITTEE WORK PLAN 2021/22

18 JANUARY 2022			
REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
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. Constitution Review Update	To review any updates or changes to the Constitution	Matthew Mannion, Head of Democratic Services	
4. Forthcoming Restructures – Staffing Implications	An update on forthcoming restructures.	Amanda Harcus, Divisional Director, HR & Transformation	
5. Employee Relations Casework Policy Quarterly Update Report Q1	To receive a quarterly update on the Employee Relations Casework Policy.	Amanda Harcus, Divisional Director, HR & Transformation	
6. London Councils report on bye-laws	A report about applying to London Councils for them to approve use of fixed penalty notices for breaches of bye-laws	Denise Radley, Corporate Director, Health, Adults & Community Services	
7. Elections Update	To receive an update on the preparations for Elections 2022.	Robert Curtis, Head of Elections	

GENERAL PURPOSES COMMITTEE WORK PLAN 2021/22

22 MARCH 2022			
REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
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. Constitution Review Update	To review any updates or changes to the Constitution	Matthew Mannion, Head of Democratic Services	
4. Forthcoming Restructures – Staffing Implications	An update on forthcoming restructures.	Amanda Harcus, Divisional Director, HR & Transformation	
5. Employee Relations Casework Policy Quarterly Update Report Q3	To receive a quarterly update on the Employee Relations Casework Policy.	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	

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>5th October 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of James Thomas, Corporate Director (Children's Services)</p>	<p>Classification: [Unrestricted]</p>
<p>Local Authority Governor Application</p>	

Originating Officer(s)	Runa Basit
Wards affected	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

Re-appointments

- a) The Headteacher and Chair of Arnhem Wharf are in support of the appointment of Alesha De-Freitas. Alesha De-Freitas' application is enclosed at **Appendix 1**.
- b) The Chair and Headteacher of St Paul's Whitechapel & St John's CoE Primary School are in support of the appointment of Anthony Cameron. Anthony Cameron's application is enclosed at **Appendix 2**.

New Appointments

- c) The Chair and Headteacher of Bishop Challoner Secondary School are in support of the appointment of Carolyn Lindsey. Carolyn Lindsey's application is enclosed at **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.

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

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>5th October 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of Lead Director: Ann Sutcliffe, Corporate Director Place</p>	<p>Classification:</p>
<p>Member Enquiries Policy and Process</p>	

Originating Officer(s)	Raj Chand, Director Customer Services
Wards affected	All

Executive Summary

The purpose of the report is to share the improved process for dealing with Members Enquiries.

Recommendations:

The General Purposes Committee is recommended to:

1. The report be noted for information and the new process be adopted.

1. REASONS FOR THE DECISIONS

- 1.1 The Members Enquiry process was lengthy and onerous resulting in delays for residents receiving responses. The new process streamlines the procedure to make it more efficient.

2. ALTERNATIVE OPTIONS

- 2.1 Remaining with the current process, resulting in delays and dissatisfaction for residents and Members and added work pressures for staff

3. DETAILS OF THE REPORT

There is consensus among Members and staff that the current Member Enquiries (ME) Process requires a review to ensure it is fit for purpose.

It is worth noting for contextual purposes that the volume of MEs is high with 6580 recorded in 2016/17, 8099 reported in 2017/18, although the numbers have reduced to 4809 in 2020/21.

In January 2021, following a restructure and savings being made, the ME Function transferred from Democratic Services (DS) to the Information Governance (IG) Service and this provided an opportunity to assess the function and analyse the process.

As part of this, the IG Service consulted with relevant stakeholders in order to gather intelligence, comments and feedback on ways to streamline the ME Process and to ensure it is robust.

During these discussions, a new ME Policy and Process was drafted, which reduces the internal procedural footprint that Members and staff carry out in discharging their duties in relation to MEs.

The new ME Policy and Process simplifies existing protocols by reducing the number of steps interested parties need to take in managing MEs and also addresses historic issues around the delivery of the service.

On 15 June 2021, the new ME Policy and Process was agreed by CLT and this triggered the circulation of the new process, alongside general ME principles, to Members for comments and feedback.

To facilitate this, there were a series of meetings including those attended by senior staff and leaders of the political parties, together with senior staff attendance at the General Purposes Committee on 24 June 2021 to present the proposals. There were also numerous ME Sessions at the end of August 2021.

There was positive and valuable comments made by Members during this process and it has enabled the new ME Policy and Process to be revised accordingly. The main elements, although not exhaustive, are briefly listed below under separate headings for ease of reference.

Need to Know Principle -

The Council operates the Need to Know Principle for MEs in which enquiries are rejected on the basis that the Member has no legitimate reason to request the specific information sought such as information relating to a Ward they do not represent. This has created unease among Members.

The Need to Know Principle will be abolished in terms of the ME Process only.

The Need to Know Principle will remain as a concept which is enshrined in the Council's Constitution for other areas of the councils work, and will still be used in situations such as requests for private Committee reports, draft policy papers and personal information about people. Information can still be refused on various grounds such as confidentiality.

Information Law -

The current practice is that an ME is rejected where staff deem the enquiry as an information request under Information Law, for example where an FOI exemption could apply. This has created unease among Members.

This practice will be abolished.

MEs will now be dealt with as such and responding services will be at liberty to liaise directly with Members to narrow, shorten and condense enquiries if and where relevant and appropriate. Where personal data is being requested the ME should state permission has been granted for data to shared.

Sending the ME Response -

There is at present a complex process where there are numerous steps taken by staff in the IG Service, the responding service and the relevant Member before a response is sent. This process causes delays and has created unease among Members.

This process will be abolished.

ME responses will now be sent by the responding service directly to the resident, with a copy to the Member, with a caveat informing the resident that the response has not been authorised by the Member to ensure a speedy response. But that a copy has been sent to the respective member.

Response Quality and Timescales -

Staff and Members agree that the general quality of responses provided by responding services can be improved and furthermore, there needs to be an adherence to ME timeframes.

ME responses will now be approved by a Senior Manager or a staff member with sufficient and appropriate knowledge and experience of responding to MEs under delegated authority, which would increase the quality of responses.

Regarding timescales, as the new ME Policy and Process has been streamlined, the expectation is that the delays will generally not occur.

Furthermore, the IG Service has now secured an additional resource in the form of a full-time member of staff for up to six months in order to solely screen, log and process MEs. The extra staff member in the IG Service will prevent continuous delays, ensure speedier processing of MEs and sufficient cover during periods of annual leave.

Registered Social Landlords (RSLs) -

Once an RSL has completed a response, it is sent to the IG Service, which subsequently forwards the response to the Member and/or the resident and this causes delays as the IG Service is acting as a mailbox.

ME responses will now be sent by the RSL directly to the resident with a copy to the Member and the IG Service, saving time and staff resources.

General –

The new ME Policy and Process is an open document, which will allow ongoing scrutiny, maintenance and updating of the document.

It is anticipated that the Council will initiate use of the new ME Policy and Process in October 2021 with a review 6-9 months therefrom.

4. EQUALITIES IMPLICATIONS

4.1 There are no implications.

5. OTHER STATUTORY IMPLICATIONS

5.1 The report provides detail on how enquiries will be dealt with should they fall into the category of sharing personal data.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report. The short-term extra officer in the IG service for six months is being funded through an existing Corporate budget.

7. COMMENTS OF LEGAL SERVICES

7.1 The Council has the legal power to make the alterations to the procedure suggested in this report.

7.2 The new procedure refers to times when council officers may refuse the release of information to members and the example of confidentiality is given. However, under the Local Government Act 1972 there are times when (in respect of committees and committee information) the public should be and must be excluded from such meetings or for such information to be otherwise withheld from the public domain. Broadly speaking, these times will be adhered to when Council officer are considering the release of information following a members' enquiry so as to provide consistency of approach by which Council information enters the public domain.

Linked Reports, Appendices and Background Documents

Linked Report

- List any linked reports
-
- State NONE if none.

Appendices

- List any appendices [if Exempt, Forward Plan entry MUST warn of that]
- State NONE if none.

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

List of "Background Papers" used in the preparation of this report

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

- These must be sent to Democratic Services with the report
- State NONE if none.

Officer contact details for documents:

Or state N/A

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London Borough of Tower Hamlets

**Member Enquiries
(ME)
Policy and Process**

V.1

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1.0 Context

- 1.1 Members are an instrumental part of the Council and a prominent element of the local community. The views of Members have an impact on how the Council operates and the way services are delivered.
- 1.2 The roles and responsibilities of Members are contained in the Council's Constitution and the ME Process has been developed in conjunction with these.
- 1.3 The ME Process enables Members to request relevant information from Council officers in connection with Council duties although there are certain exceptions.
- 1.4 All levels of staff, including Senior Management, must be actively involved in good quality and timely responses to Members, ensuring any action points are followed through.
- 1.5 All MEs are registered and tracked on iCasework and all correspondence must be made through the system.
- 1.6 Each iCasework user is only given access to the team module they require in order to manage their cases. An audit trail is registered on the system and any breach of file access will result in disciplinary action.
- 1.7 There are a library of ME reports within iCasework for staff from all services to run reports relating to their service. All services must utilise the reporting mechanism to monitor their own cases. The IG Service can create specific template reports at the request of staff.
- 1.8 The IG Service will not act as a Members Support Service as it will focus on screening, filtering, logging and processing MEs.
- 1.9 The Council may choose to publish a redacted ME response for the public record if appropriate.
- 1.10 Each Corporate Director is ultimately responsible for MEs relating to their particular Directorate and they must ensure appropriate protocols are in place within their services to ensure the efficient running of the ME Process, including delegating to appropriate signatories if appropriate.
- 1.11 This is a working document and regular updates will be made if and when the need arises.

2.0 Definition of an ME

- 2.1 An ME is defined as a routine enquiry made by a Member, normally on behalf of a resident or customer in their Ward.
- 2.2 The enquiry may relate to issues concerning specific impact of an event on a Member's Ward or relate to a resident or a group of residents in a Member's Ward.

2.3 An ME will only be registered if it is raised by a Member and not anyone else.

3.0 What Is Excluded under the ME Process

3.1 A Member must not raise an enquiry where the following apply:

- There is a standard Service Request for a resident such as an adult social care assessment or collection of a bin as these should be made through the normal channel directly with the relevant service
- The Council has existing protocols to deal with the matter such as the Corporate Complaints Process, Parking Appeals Process, Safeguarding investigation, Housing Priority List, School Admission Appeals or first time requests for Landlord property repairs
- The matter has already been processed under any of the routes in the above bullet point
- Where the enquiry relates to any external body such as the police, a utility company or a government department and where the external body has not been commissioned by the Council
- They are requesting committee information as they have direct access to Directors for Portfolio issues.
- See 8.0 Below (Urgent MEs).

3.2 Although not an exhaustive list, it demonstrates areas where the ME Process should not be used.

4.0 Need to Know Principle

4.1 The Need to Know Principle will no longer be operated in terms of the ME Process although it will remain as a concept as it is still part of the Constitution. There are other areas where the Need to Know will still be actively used such as requests for Committee reports, draft policy papers or personal information relating to people. Council officers, in these instances, will still refuse on various grounds such as confidentiality.

5.0 Information Law

5.1 The Council will no longer run the practice of refusing MEs and directing Members to Information Law such as the Freedom of Information Act, Environmental Information Regulations or the Data Protection Act.

5.2 Instead, these will be dealt with as MEs in their own right. However, where the Member has requested in-depth information for example, the responding service will contact the Member direct and seek to narrow the information sought.

6.0 What Information Must a Member Submit

6.1 When a Member submits an ME, the Member must provide:

- their own email address for correspondence
- the resident's or customer's name, address, telephone number and email address
- consent of the resident or customer for the Member to deal with the enquiry
- precise nature of the enquiry including any supporting documentation and desired outcome
- any history relating to the enquiry
- council reference numbers if any
- the responsible service, team or staff member
- the name of the Registered Social Landlord where applicable

6.2 This will enable the ME to be dealt with in an efficient manner and prevents delays.

7.0 Confidentiality

7.1 Where a Member raises an enquiry on behalf of a resident, the Member should include in the initial contact the consent of the resident or their legal representative to allow the Council to provide information to the Member.

7.2 However, the Council recognises that, generally, Members have implied consent for the Council to release information to the Member. However, implied consent only applies to the release of basic, non-sensitive information.

7.3 It must be noted that Members are not automatically entitled to sensitive information such as social care support plans and personal health data.

7.4 If an ME relates to sensitive information, the Member must provide specific, written consent, recently dated, from the relevant person such as the resident or their legal representative.

7.5 If the Member requests information that is beyond the enquiry made by the resident, the Council will reject the ME.

7.6 The nature and details regarding an ME are confidential to that Member and can only be shared with other Members with the consent of the relevant persons, which may be the resident and/or the Member who originally raised the enquiry.

8.0 Urgent MEs

8.1 Where a matter is urgent, for example a resident is threatened with eviction and bailiffs are present, a Member must contact a Senior Manager in the relevant service by telephone to raise the issue.

8.2 In this scenario, the Senior Manager will immediately work with all interested parties and address the issue.

8.3 If the enquiry is resolved, the case will not be registered on iCasework. If, however, the case is unresolved, the ME will be logged by the Directorate ME Officer from within the relevant service.

9.0 Multiple Requests

9.1 MEs initiated and raised by a single Member will directly receive a response.

9.2 However, where the resident or customer has raised the same or similar enquiry with numerous Members (either directly or copied them in correspondence), the enquiry will only be registered on iCasework once and a single response will be sent to the relevant Member. Other Members may be copied in the response but only if appropriate.

9.3 Where the ME relates to different services, the ME will be assigned to the Directorate where the majority of the issues rest and that service will be responsible for collecting the information from the other Directorate(s) and sending a response. In this situation, all efforts will be made to send Members a single, joint response on behalf of all services involved.

10.0 Member of Parliament (MP) Enquiries

10.1 MP Enquiries are processed by the IG Service and are managed in the same manner as MEs with the exception that MPs send their enquiries to a designated Council Mailbox for MPs and responses are sent directly to the MP by the responding service.

11.0 Process and Timeframe

11.1 All Members must submit their enquiries through the Online Members Portal to ensure all cases are registered and monitored. Members must not contact services directly unless Section 8 above applies.

11.2 If a Member contacts a service or staff direct in a non-emergency situation to raise an ME, they will be directed to the Online Members Portal to register their enquiry. The Portal can be found using the following Link: <https://towerhamletsportal.icasework.com/>

11.3 Once a Member registers their enquiry through the Online Members Portal, an iCasework reference number is automatically generated, which will be quoted on the automatic initial acknowledgement and used in future correspondence relating to that particular ME.

11.4 All cases will be registered in the order they are received for fairness and to prevent any bias.

11.5 The Members Enquiries, Information and Complaints Officer (**MEICO**) will then screen the ME from the 'Unassigned Cases' on iCasework, carry out an initial assessment and if the ME is accepted, the MEICO will formally acknowledge the Member within two working days from receipt.

- 11.6 The MEICO will then, within two working days, assign the ME to the relevant Directorate or service in order for that Directorate or service to reassign to the appropriate officer for a response.
- 11.7 If the ME is not accepted, the MEICO will send an email to the Member stating that the enquiry cannot be processed and state the reasons for this.
- 11.8 If the MEICO, Directorate ME Officer or any other staff member notices that the ME has been incorrectly assigned, that staff member will alert the relevant Directorate ME Officer from the responding service and the ME will be urgently reassigned. The timeframe for the ME response will not change if the ME is transferred from one Directorate or service to another.
- 11.9 Once the service receives an accepted ME from the MEICO, the service will respond in writing to the resident and copy in the Member within a **maximum of 10 working days** from the Council's receipt of the ME.
- 11.10 All responses are to be quality checked by relevant staff and also approved by a Senior Manager or an appropriate staff member delegated for this task
- 11.11 The response should state that the Member has not approved the content and advise that it has been sent directly to the resident to ensure a speedy response.
- 11.12 In exceptional circumstances where the 10 day timeframe cannot be met, the responding service must send the resident and copy the Member an interim response. This should include an explanation for the delay and the new expected date of the full response.
- 11.13 If the Member is unhappy with delays in the response, they should raise this directly with the relevant Divisional Director or Corporate Director for immediate action.
- 11.14 Once the response is sent to the resident and copied to the Member by the responding service, that service will close the case on iCasework on the same day.
- 11.15 If a resident or Member is dissatisfied with the ME response, they have the option to raise their dissatisfaction by replying to the iCasework link provided in the response, which then automatically feeds into the case and then picked up by the Directorate ME Officer to assign as appropriate for a further response.
- 11.16 When responding to an ME, if the service identifies that there may be a potential media angle related to the enquiry, the service should make contact instantly with the Council's Communications Service. In these instances, the service will still respond to the resident as appropriate but may have input from the Communications Service.

12.0 Registered Social Landlords (RSLs)

- 12.1 RSLs will send their responses directly to the resident and copy in the Member as this will ensure a speedy response. The RSL will also copy in the Council's MEICO as this will enable the case to be closed on iCasework.

12.2 Members will be given a list of named persons with email addresses and/or telephone numbers as this will enable Members to chase RSLs direct where there is a delay in a response.

13.0 Quality monitoring

13.1 All ME responses must be quality checked by a Senior Manager within the responding Directorate, or an appropriate staff member who has been delegated this task, for appropriateness before they are sent. This includes ensuring:

- the response is in plain English with correct spelling and grammar
- any acronyms are explained
- all the issues raised have been adequately addressed and are up to date
- actions to be taken are clearly stated
- style, tone and feel of the response is appropriate

13.2 Where the responses are not to the expected standard, the Senior Manager of the responding service, or a relevant staff member who has been delegated this task, will ask for the response to be revised to an appropriate and acceptable level.

14. ME Flow Line

MEICO receives ME through iCasework.



Within 2 Working Days:

MEICO Filters ME to determine whether it fits the criteria for an ME.



If it is not accepted as an ME, Member will be informed by MEICO, case status on iCasework changed (eg. rejected/withdrawn) and case closed.

If it is accepted as an ME, MEICO assigns to relevant Directorate/service in order for the responding service to reassign to the appropriate officer for a response.

MEICO completes the initial assessment on iCasework.



MEICO sends an acknowledgment to the Member.



On 8th Working Day:

If no response apparent, Directorate ME Officer from the responding service escalates to the Divisional Director and/or the Corporate Director of the responding service.



Within A Maximum of 10 Working Days:

When a response is drafted, it is also quality checked by a Senior Manager or other staff under delegated authority (IG and Complaints Service can assist where necessary)



Responding service sends a full, written response directly to the resident and copies in the Member through iCasework.



Departmental ME Officer from the responding service completes the case details on iCasework and then closes the case.

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Summary of Discussion and Comments – Member Enquiries Principles, Policy and Process

Need to Know Principle:

Council officers clarified at meetings with Members that the Need to Know Principle is being abolished in terms of the Member Enquiries Process and not as a concept as it is and would still be part of the Constitution. Council officers stated there are other areas where the Need to Know will still be actively used such as requests for Committee reports, draft policy papers or personal information about people. Council officers, in these instances, will still refuse on various grounds such as confidentiality.

A majority of Members highlighted that they were pleased to learn the abolition of the Principle and some made it clear the Principle hampered their enquires, caused a lot of unease with residents, that it stopped legitimate enquiries being addressed and was not conducive.

A small minority of Members were concerned about the extra work this would bring to Council services although another minority highlighted that there would be no extra work.

Information Law:

A majority of Members highlighted that it would be very good to see the Council abolish the practice of refusing MEs and directing Members to Information Law such as FOI/EIR. Members highlighted that the practice of directing MEs through the FOI/EIR route was obstructive and made it harder for them to raise legitimate enquiries on behalf of their residents.

Council officers reassured Members of the paramount issue of confidentiality.

Members support:

A couple of Members stated that there has been a problem with the ME Process since 2014 and it has never been fixed. A couple of Members highlighted that when the ME Function was with Democratic Services, they received 121 support from DS staff and asked if that is going to be possible for the IG Service. Council officers reclarified that the service previously provided by Democratic Services was different in nature to that provided by the IG Service. Council officers made clear that the IG Service would not be providing 121 support as staff resources have reduced over the years. It was suggested that due to resources, 121 support would not have continued with Democratic Services had the function stayed within DS.

Can Members help to reduce the number of MEs and what is an ME?:

On their own accord, some Members asked what they could do to reduce the number of MEs they submit. Members asked for a few examples to be inserted into the ME Process demonstrating what would not constitute an ME such as a Service Request. Council officers highlighted that instead of inserting these examples, the new ME Process makes it clear any elements that do not constitute an ME such as a Service Request, where there is a complaint about the same issue or a PCN Appeal or a School Appeal. In these scenarios, Council officers made it clear that using the ME Process would not be appropriate. A majority of Members were grateful for this clarification in the new ME Process.

RSL Responses:

A majority of Members thought it is a very good idea for RSLs to send their responses directly to Members, instead of through the IG Service which is acting as a mailbox and clogging the system. A majority of Members highlighted this would save a lot of time and effort for all interested parties.

A minority of Members were concerned that Council officers would not see the RLS responses before they were sent to Members as those Members were not confident with the standard of responses from the RSLs.

A large number of Members wanted lists of named individuals from the RSLs so Members could contact them direct for chasers if required.

Sending ME responses directly to residents:

A majority of Members stated that it would be difficult for them to send ME responses directly to residents as suggested in the new ME Process. Members stated that they have jobs and would not have the time to do this type of administrative work.

A majority of Members stated that they would like the Council to send ME responses directly to residents without the Member authorising it and that Members are copied in the responses. Members highlighted that this would save time.

A minority of Members wanted responses still to go to them for approval before the relevant service sends the response to the resident.

A minority of Members had concerns about the quality of Council responses if they were sent directly to residents. Council officers made it clear that these are two separate issues – one is the process of sending the responses directly to residents which would save time and the other is the quality of responses.

A minority of Members stated that if a response is sent directly to the resident, it needs to be made clear that the response was being sent to the resident so they could receive the relevant information quicker and that the response has not been seen by the Member.

Mayor receives detailed responses:

A minority of members highlighted that enquiries raised with the Mayor's Office get detailed responses compared to MEs. Council officers highlighted the new ME Process would include sign off by a Senior Manager or a staff member with sufficient and appropriate knowledge and experience of responding to MEs – this would increase the quality of responses.

Capacity in the IG Service to deal with increase in MEs

A couple of Members were concerned that the IG Service would be swamped with logging and processing MEs and this would result in further delays as there are already delays in this respect. Council officers confirmed the IG Service is currently looking at resources to deal with MEs.

Prioritisation of Enquiries:


A couple of Members wanted a priority system to ensure urgent queries could be addressed in an urgent manner. Council officers made it clear that any urgent enquiries such as 'an eviction on the day' should be raised directly with the Senior Manager in the relevant service and not through the ME Process as it has a 10-day turnaround timeframe. Council officers also made it clear that the enquiries will be dealt with on a first come first served basis as this will be fair for everyone involved. A couple of Members wanted details of the ME Line.

Delays in responses:

A few Members thought it was unreasonable that there were delays in responding services sending

ME responses. Council officers advised that the new ME Process will be streamlined and the expectation is that the delays will be significantly reduced. It was highlighted that the new ME Process will be “work in progress” and if there is a need to revise it further in the future, Council officers would endeavour to do so.

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Post-Election Polling Places Review 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of Janet Fasan, Divisional Director Legal Services, and Interim Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Post-election polling places review 2021</p>	

<p>Originating Officer(s)</p>	<p>Robert Curtis – Head of Electoral Services</p>
<p>Wards affected</p>	<p>All</p>

Executive Summary

The Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006) requires that all local authorities must review their UK Parliamentary polling districts and polling places at least once every five years.

In Tower Hamlets the last formal review took place in 2019 and was approved by Council on 15 January 2020 but following the extraordinary General Election held in December 2019, the GLA elections, the Governance Referendum, the Neighbourhood Planning Referendum on the Isle of Dogs, and the Weavers Ward by election it is considered pertinent for the polling places used at these polls to be reviewed once again given the use of alternative locations utilised over this period.

The review will take place over a period of 6 weeks commencing on the 20th September 2021 until the 29th October 2021 to enable any agreed changes to be agreed and in place prior to the local elections scheduled for May 2022.

Recommendations:

- The General Purposes Committee is recommended to note the commencement of the review of polling places in Tower Hamlets.
- On conclusion of the review for GPC to assess the responses received and recommend to Council those polling places to use and those not to be used.

1. REASONS FOR THE DECISIONS

- 1.1 The review is being undertaken because of several changes, some temporary, to polling places that have had to be put in place since the last formal review undertaken in 2019.
- 1.2 The changes to polling places since 2019 are detailed in **Appendix A**
- 1.3 Once the review is concluded this will enable polling places to be formally agreed and booked prior to the May polls in 2022 and beyond until the next full review of polling places and districts in 2024.
- 1.4 If, following the elections in May 2022, premises become unavailable then a further review will be undertaken.

2. ALTERNATIVE OPTIONS

- 2.1 This review is not a mandatory review as set out in Schedule A1 to the Representation of the People Act 1983.

3. DETAILS OF THE REPORT

- 3.1. As required by Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006) all local authorities must review their UK Parliamentary polling districts and polling places at least once every five years. In Tower Hamlets this was undertaken in 2019 with the outcome agreed by Council on 15 January 2020.
- 3.2. The Electoral Registration and Administration Act 2013 also introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places. Compulsory reviews must be started and completed within the period of 16 months that starts on 1 October of every fifth year after 1 October 2013.
- 3.3. For this truncated review of polling places only, the council is seeking views on any changes that relevant stakeholders consider are required to existing temporary or established polling places used since 2019 and to ensure that any recommendations received for changes of polling places reflect local requirements.
- 3.4. A list of the polling places and polling stations used in 2019 and the local government electorate can be found on the Councils web site here <https://www.towerhamlets.gov.uk/postelectionreview> along with the polling places and comparative local government electorate for the GLA elections and Governance Referendum held in May 2021.
- 3.5. The electorate in some of the polling districts in Tower Hamlets has changed significantly in recent years and is likely to continue to change in the future. There may be a need, when the next formal review is undertaken, to create further polling districts within the borough wards redrawing the polling district boundaries, add additional polling places, merge smaller polling places or it

may be considered that the status quo is retained in some or all the polling districts.

- 3.6. Each polling district should contain its own polling place or polling places and should be evaluated in terms of the current electorate figure, the alignment with the borough ward boundaries, the impact of regeneration on the area, existing natural boundaries (major roads and waterways).
- 3.7. It is important to note that this review is not a review of ward boundaries or the existing polling districts, but a review of those polling places used since 2019 and at recent elections held in 2021.
- 3.8. Local election arrangements for polling districts and polling places are not automatically part of any compulsory review, this a process used to establish the set up for UK Parliamentary Elections. However, as polling districts and polling places for other elections are also based on UK Parliamentary polling arrangements, the requirements of any other elections that are held within the local authority area should be taken into consideration as part of any review.
- 3.9. When carrying this review, the following will take place:
 - publish confirmation that a review is taking place
 - publish all representations received
 - seek representations from such persons who have a particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
 - on completion of the review, give reasons for decisions made and publish documentation relating to the review including correspondence, representations, minutes, and details of the designation of the polling places within the local authority area.
- 3.10. The local authority must comply with the following legislative requirements regarding the designation of polling places:
 - the council must designate a polling place for each polling district, unless the size or other circumstances of a polling district are such that the situation of the polling stations does not materially affect the convenience of the electors
 - the polling place must be an area in the district, unless special circumstances make it desirable to designate an area wholly or partly outside the district (for example, if no accessible polling place can be identified in the district)
 - the polling place must be small enough to indicate to electors in different parts of the district how they will be able to reach the polling station

- 3.11. Local authorities must comply with the following access requirements. As part of the review, they must:
- seek to ensure that all electors in the local authority area have such reasonable facilities for voting as are practicable in the circumstances
 - seek to ensure that so far as is reasonable and practicable every polling place for which it is responsible is accessible to electors who are disabled
- 3.12. The council must have regard to the accessibility to disabled persons of potential polling places or the designation of any existing polling place it is reviewing.
- 3.13. On Monday 20th September 2021 a letter seeking views on the current arrangements and the changes agreed at full council on 15 January 2020 and the changes that have had to be made since that date will be sent to the following
- all elected representatives for the area under review,
 - local political parties,
 - persons and organisations who have a particular interest and expertise in relation to the different aspects of the polling places including location, and accessibility to premises or facilities for persons who have different forms of disability.
- 3.14. Given this review is only of polling places within the Borough the period will be for 6 weeks commencing on Monday 20th September 2021 until 29 October 2021.
- 3.15. As well as formal representations and review findings, statistics, and other information to be considered will include:
- Electorate figures, broken down to street level within wards and existing polling districts.
 - Details of current polling places and an indication as to their overall suitability for purpose.
 - Any comments or complaints regarding the current arrangements from the public, elected members, or other bodies.
 - Information gained from the existing and possible future polling places as to continued availability and suitability.
 - Details of potential alternative buildings that might appear suitable.
 - Advice and guidance from local disability groups and disability organisations and council officers who are responsible for engagement with people with disabilities.

3.16. The timetable for the review is as follows:

- Formal review notice published - Monday 20th September 2021
- Review period commences - Monday 20th September 2021
- Review period ends - Friday 29th October 2021
- General Purposes Committee - 5th October 2021
- Full Council for decision - Wednesday 19 January 2022
- Publication of conclusions of review - Friday 21 January 2022

3.17. Further information, including electorate figures, broken down to street level within wards and existing polling districts together with maps showing the location of polling stations, polling districts and wards can be found on the council's web site here <https://www.towerhamlets.gov.uk/postelectionreview>

3.18. Representations can be emailed to vote@towerhamlets.gov.uk or sent to: -

Post-Election Polling Places Review 2021
Electoral Services
London Borough of Tower Hamlets
7th Floor
Mulberry Place
5 Clove Crescent
London
E14 2BG

4. EQUALITIES IMPLICATIONS

4.1. The Public Sector Equality Duty at s.149 Equality Act 2010 requires the council to have due regard to the following when exercising its functions:

- The need to eliminate discrimination, harassment, victimisation, and other conduct prohibited under the Act.
- To advance equality of opportunity between those with a protected characteristic and those that do not share it; and
- To foster good relations between those with a protected characteristic and those that do not share it.

4.2. Local authorities have a duty to review the accessibility of all polling places to disabled voters and ensure that every polling place, and prospective polling place, for which it is responsible is accessible to disabled voters 'so far as is reasonable and practicable'.

4.3. According to the Equalities and Human Rights Commission the duty to make reasonable adjustments comprises three requirements.

4.4. For service providers and those exercising public functions, these requirements are:

- where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage.
- where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that

disadvantage or adopt a reasonable alternative method of providing the service or exercising the function.

- where not providing an auxiliary aid puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid.

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,
- Reviews,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Whilst this review is only looking at polling places the principles of the steps set out in Schedule A1 of the Representation of the People Act 1983 will be followed. It is informed by guidance issued by the Electoral Commission which sets out the appeals process following conclusion of the review. It is also guided by review principles issued by the Cabinet Office in July 2012 (as updated May 2018).

5.3 The council is required to publish all representations received in relation to the review.

5.4 Personal details will be redacted in line with the General Data Protection Regulation 2018.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- This report requests that the General Purposes Committee note the ongoing review of polling places in Tower Hamlets and on conclusion of the review to assess the responses received and recommend to Council those premises to continue using and those not to be used.
- Any costs arising from the conduct of the review will be met from within the Electoral Services approved budgets.
- Each premises will charge the authority for the provision of the premises at local elections/referendum. Consequently, subject to the outcome of the review and implementation of review recommendations, the costs are unknown but should be met from within approved budgets.

7. COMMENTS OF LEGAL SERVICES

7.1 The legal position is as set out in the body of the report.

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- Appendix A - Changes to Polling Places since 2019.

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:

Rob Curtis, Head of Electoral Services

Email: robert.curtis@towerhamlets.gov.uk

Phone: 020 7364 3139

Changes to polling places since 2019

Extraordinary General Election 2019

110 polling stations set up can be found here

<https://www.towerhamlets.gov.uk/postelectionreview>

Review recommendations agreed by Council on 15 January 2020

- An extra portacabin polling station be provided at East India – Polling District BC1
- The Epainos Ministries (New Testament Church of God), Lichfield Road, E3 5AT be replaced by Gateway Housing Association, 409-413 Mile End Road, E3 4PB – Polling District BW3
- A portacabin to be provided near to the Tesco Express on Westferry Road/Cuba Street replacing the London Marriott Hotel Canary Wharf, 22 Hertsmere Road, Canary Wharf, E14 4ED – polling District CW1
- The Arnhem Wharf Primary School to be used for polling district CW2
- Seven Mills Primary School, Malabar Street, E14 8LY to be used for Polling District CW3
- Docklands Community Organisation, 111-113 Mellish Street, E14 8PJ no longer to be used in polling district CW3
- Toynbee Hall, 28 Commercial Street, E1 6LS to be used in polling district SB1 replacing Christ Church CE Primary School, 47A Brick Lane, E1 6PU
- St Anne's Catholic Primary School, Underwood Road, E1 5AW to be used for polling district SB2 and not SB3
- The Brady Arts and Community Centre, 192-196 Hanbury Street, E1 5HU to be used for polling district SB3

GLA/Governance Referendum/Isle of Dogs NPR – Thursday 7 May 2021

- Following the withdrawal of portacabin to provide facilities at East India the two portacabin polling stations were unavailable and the stations sited at the Town Hall – Polling district BC1
- Following the withdrawal of facilities at Stour Space Exhibition Area, 7 Roach Road, the polling place was sited at H. Forman & Son, Floor 1, Stour Road, E3 2NT – polling district BE2
- The polling place at Gateway Housing Association, 409-413 Mile End Road, E3 4PB was utilised as recommended – polling district BW3
- Following the withdrawal of portacabin to provide facilities near to the Tesco Express on Westferry Road/Cuba Street the polling place was reverted to the London Marriott Hotel, 22 Hertsmere Road, Canary Wharf, E14 4ED – polling district CW1
- The Arnhem Wharf Primary School, 1 Arnhem Place, E14 3RP was utilised as recommended – polling district CW2
- Seven Mills Primary School, Malabar Street, E14 8LY was used for polling district CW3
- Toynbee Hall, 28 Commercial Street, E1 6LS was used for polling district SB1 as recommended
- The Brady Arts and Community Centre, 192-196 Hanbury Street, E1 5HU was used for polling district SB3 as recommended

Weavers Ward By election

- As a result of Columbia Primary School, Columbia Road, E2 7RG undergoing renovation work and not being available an alternative location at Sundial Community Centre, 11 Shipton Street, E2 7RU was used – polling district WE2

Changes to polling places since 2019

Extraordinary General Election 2019

110 polling stations were set up

Review recommendations agreed by Council on 15 January 2020

- An extra portacabin polling station be provided at East India – Polling District BC1
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- Following the withdrawal of portacabin to provide facilities near to the Tesco Express on Westferry Road/Cuba Street the polling place at the London Marriott Hotel, 22 Hertsmere Road, Canary Wharf, E14 4ED was provided – polling district CW1
- The Arnhem Wharf Primary School, 1 Arnhem Place, E14 3RP was utilised as recommended – polling district CW2
- Seven Mills Primary School, Malabar Street, E14 8LY was used for polling district CW3
- Toynbee Hall, 28 Commercial Street, E1 6LS was used for polling district SB1 as recommended
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Weavers Ward By election

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>5 October 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Amanda Harcus, Divisional Director HR & OD</p>	<p>Classification: Internal</p>
<p>Title: Dismissal Appeals Panel – Process and Guidance</p>	

Originating Officer(s)	Pat Chen, Head of HR
Wards affected	

1. EXECUTIVE SUMMARY

- 1.1 GPC previously considered a report on alternative models for an Employee Appeals Sub-Committee on 24 June 2021.
- 1.2 Approval was given to discontinue the Employee Appeals Sub-Committee and to replace it with a Dismissal Appeals Panel that will be chaired by a Corporate Director.
- 1.3 This update report sets out the composition, process and guidance for the operation of the Dismissal Appeals Panel.

2. RECOMMENDATIONS

The General Purposes Committee is recommended to:

- 2.1 Agree to the revisions to the constitution to reflect the revised arrangements for appeals against dismissal, as set out in the report to GPC on 24 June 2021.
- 2.2 Agree that amendments be made to the relevant policies and procedures to reflect the changes to the appeals process for dismissals.
- 2.3 Agree that the new arrangements will be implemented with effect from 1 November 2021.

3. REASONS FOR THE DECISIONS

- 3.1 In order to make the necessary changes to the Constitution, policies and procedures and to implement the revised arrangements for appeals against dismissal.

4. ALTERNATIVE OPTIONS

4.1 N/A

5. DETAILS OF THE REPORT

5.1 The revised Dismissal Appeals process and guidance is attached at Appendix 1.

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 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, good practice requires that appeal hearings should be chaired by an 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.

Linked Reports, Appendices and Background Documents

Linked Report

* NONE

Appendices

* **Appendix 1 – Dismissal Appeals Process and Guidance**

Appendix 1

Human Resources and Organisational Development

Dismissal Appeals Process and Guidance

Implemented: 1 November 2021



Dismissal Appeals – Process and Guidance

1. Introduction and Principles

- 1.1 The Council's Disciplinary Policy, Attendance Management, Standards for Managing Employee Performance, Redeployment and Redundancy procedures provide an appeal in cases of dismissal.
- 1.2 An appeal hearing is to review the decision to dismiss; rather than hold a re-hearing of the case.
- 1.3 Appeals will be heard by a Dismissal Appeal Panel. The Panel will consider the grounds of appeal and decide if the decision to dismiss was fair and reasonable.
- 1.4 The composition of the Panel and the procedural arrangements are set out below.
- 1.5 Appeals against dismissal will normally be heard within 20 working days of the appeal being received.
- 1.6 The circulation of appeal documents and notice of the date of the appeal will be at least five working days' before the appeal hearing.

2. The Appeal Panel

- 2.1 The panel will consist of **2 Senior Managers** (1 Corporate Director and 1 Director or Head of Service) and **1 Elected Member**. The Member will be selected from any Member or Substitute of the General Purposes Committee.
- 2.2 An HR adviser and a legal adviser will also be in attendance.
- 2.3 Panel members and advisers will have had no previous involvement in the case.
- 2.4 A Corporate Director will Chair the appeal panel and is the final decision maker, after considering the views of other members of the panel. There should be majority agreement, i.e., at least one other panel member agrees with the decision of the Chair.
- 2.5 All panel members will receive training on the appeals process and relevant policies and procedures before taking part in any panel.

- 2.6 In the case of a dismissal appeal which gives rise to any issues relating to safeguarding of adults or children, panel members will receive specific training in safeguarding matters before taking part in any panel.

3. Grounds of Appeal

- 3.1 The specific grounds on which the decision to dismiss can be appealed are set out in each policy.

- 3.2 The Appeal Panel will consider the following:

THE PROCEDURE: Was the procedure followed correctly, or are there any procedural irregularities that may have prejudiced the decision.

THE FACTS: Was all the evidence considered when the decision was made, or is there new evidence that the panel should consider.

THE DECISION: Was the sanction appropriate and proportionate.

4. Procedure

4.1 People in attendance at the meeting

Panel members
HR Adviser
Legal Adviser
Clerk/Note taker
Appellant
Appellant's representative/companion
Manager who made the decision to dismiss
HR Adviser to the dismissing manager

4.2 Right to be accompanied

Appellants have the right to be accompanied at the meeting by either a trade union representative or work place colleague.

4.3 Witnesses and new evidence

- 4.3.1 It is not usual for witnesses to appear in person at an appeal hearing, unless they have new, relevant information about the procedure or the facts, or unless new evidence is being presented. Often a written statement from a witness will be sufficient.

- 4.3.2 The Appeal Panel will consider the reasonableness of the decision to dismiss; it is not a rerun of the original hearing. It is not necessary to call witnesses from the original hearing as their evidence is included in the documents considered by the Appeal Panel.

- 4.3.3 Either side may present witness statements or call witnesses to the hearing where appropriate.

4.3.4 Additional evidence will only be considered where, had it been available or known to the disciplinary panel that made the decision to dismiss, it may have influenced or changed that decision. The Appeal Panel will consider the new evidence when deciding if the dismissal was fair and reasonable.

4.4 **Structure of the meeting**

The meeting will be conducted as follows:

1. **INTRODUCTION OF PARTIES AND PURPOSE OF THE MEETING**
2. **APPELLANT'S CASE** will be put first using supportive evidence, documentation and witnesses.
3. **PANEL MEMBERS HEARING THE APPEAL** will ask questions and clarify any points of the Appellant's case, including questions to witnesses.
4. **THE MANAGER PRESENTING THE CASE** may ask points of clarification of Appellant or witnesses.
5. **APPELLANT WITNESSES LEAVE THE MEETING**
6. **THE MANAGER** presents their case, explaining the reasons for the original decision and why this was considered appropriate.
7. **PANEL MEMBERS HEARING THE APPEAL** may ask questions of the manager and clarify any points raised.
8. **THE APPELLANT** (or representative) may ask points of clarification from the manager.
9. **APPELLANT'S CONCLUDING REMARKS** (if any).
10. **MANAGER'S CONCLUDING REMARKS** (if any).
11. **ADJOURNMENT:** The Panel will adjourn to consider presentations and documents and reach a decision. Given the complexity or nature of the case, the Panel may require further time before being able to reach a decision.
12. **OUTCOME:** If the Panel can reach a decision within a reasonable timescale, they will verbally issue the decision. The decision will be confirmed in writing within 10 working days. If the decision needs further consideration, the appellant will be informed that a decision will be provided in writing within 10 working days. If the matter will take longer to reach a decision the parties will be notified in writing. The Chair is responsible for agreeing the content and signing the outcome letter.

4.5 **Possible Outcomes:**

The Chair of the Appeal Panel will decide:

- To uphold the decision to dismiss
- To reinstate the staff member and substitute the sanction for an alternative that is short of dismissal (formal or final written warning)

This decision is the final stage of the Council's procedure and there is no further right of appeal.

4.6 **Reinstatement**

If a staff member is reinstated on appeal their continuous service is not broken and normal pay will be reinstated from the date of the dismissal.

November 2021

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Non-Executive Report of the: General Purposes Committee 5 October 2021	
Report of: Director of Workforce, OD & Business Support	Classification: Unrestricted
Update on Senior Recruitment, October 2021	

Originating Officer(s)	Catriona Hunt, Head of HR
Wards affected	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.
- 1.3 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 General Purposes Committee.

2. DETAILS OF THE REPORT

2.1 Background

General Purposes Committee received a report in June 2021 which provided an update on the recruitment to the posts established in the review of the Senior Leadership Team conducted in November and December 2020.

This report sets out the current status of recruitment to vacant 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 recruited to since last report

Director of Finance (Deputy S.151 Officer) (Resources and Governance Directorate)	Nisar Visram starting on 6 October 2021.
---	--

2.2.2

Posts being currently being recruited to, or within the next 3 months

Job title and directorate	Current arrangements	Comments
Director Adult Social Care (Health, Adults and Community Directorate)	Interim acting up arrangements have been put in place, pending permanent recruitment to the role.	Advert closed on 1 September 2021. Longlisting on 6 September 2021, shortlist meeting on 24 September 2021 and final interviews on 1 October 2021.
Director of Workforce, OD & Business Support (Resources and Governance Directorate)	Arrangements have been made for an interim to provide cover whilst permanent recruitment is ongoing.	Advert closed on 12 September 2021. Longlisting on 16 September, shortlist meeting on 30 September and final interviews on 21 October 2021.
Director of Supporting Families (Children and Culture Directorate)	Temporary arrangements are in place.	Advert closed on 17 September 2021. Longlisting on 23 September 2021, shortlist meeting on 29 September 2021 and final interviews on 11 October 2021
Corporate Director of Resources and Governance (S.151 Officer)	Retaining current interim arrangements pending recommencement of recruitment to this role.	Post to be advertised in October 2021 with final interviews taking place in December 2021

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The Council is committed to equalities and such considerations will be part of the recruitment

OTHER 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 the cost of the posts and recruitment will be funded within existing revenue budgets.

6. COMMENTS OF LEGAL SERVICES

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

Linked Reports, Appendices and Background Documents

Linked Report

- none

Appendices

Officer contact details for documents:

- Catriona Hunt 0207 364 4522

Non-Executive Report of the: General Purposes Committee Tuesday, 5 October 2021	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Open (Unrestricted)
Calculation of Appointments Sub-Committee Proportionality	

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

Executive Summary

This report follows the 12 August 2021 by-election, election of Councillor Kabir Ahmed and the subsequent creation of the new Aspire Group on the Council.

The meeting of Council on 30 September considered a report reviewing the proportionality calculations for the Council’s Committees.

Following that review, the General Purposes Committee are asked to consider the proportionality implications for its Sub-Committees and agree their arrangements.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree the amendment to the arrangements for nominating Councillors to serve on an Appointment Sub-Committee as set out in Paragraph 3.6 below.
2. To note that no change is required to the Employee Appeals Sub-Committee as its membership is drawn from Members of the General Purposes Committee which therefore determines the opposition Member who can be selected.

1. REASONS FOR THE DECISIONS

- 1.1 The Committee is required to review the proportionality of its Sub-Committees following a change in the political balance of the authority.

2. ALTERNATIVE OPTIONS

2.1 None.

3. DETAILS OF THE REPORT

3.1 Following Councillor Kabir Ahmed's election at a by-election on 12 August 2021, and the creation of the Aspire Group on the Council, there is a need to consider the proportionality calculations of the Council's Committees and Sub-Committees.

3.2 Council considered the implications for the Council's Committees at its meeting on 30 September 2021. The General Purposes Committee must now do the same for its Sub-Committees.

Appointment Sub-Committee

3.3 This small change in proportionality does not alter the overall proportions on the Appointment Sub-Committee which remain at four Members nominated by the Labour Group and one Member nominated by an opposition group.

3.4 However, an amendment is required to set out how it should be determined which opposition group should be approached to fill the vacancy.

3.5 The proposal is that the opposition groups should take it in turns, rotating the slot for each recruitment (note – an appointment lasts for the shortlisting and interview phases of a recruitment exercise).

3.6 The proposed amendment to the procedures is set out below with the new explanatory text added below 4.2 (a).

Membership

4.2 In accordance with the proportionality rules for all Council Committees, it is proposed that the following arrangements, should apply;

- a) For a **Chief Officer** (Corporate Director level) and **Deputy Chief Officer** (Divisional Director level) appointment, the Appointments Sub-Committee shall comprise of **five Councillors** as follows:-
 - Four Members nominated by the Leader of the Labour Group, at least one of whom must either be the Mayor or a member of the Executive; and
 - One Councillor nominated by the Leader of an Opposition Group*.

***The opposition groups will be offered the nomination in turn with the position rotating depending on which group filled the place on the last sub-committee to have taken place.**

Where one opposition group declines to take up the nomination the other group will be offered the place.

- b) The Divisional Director, HR (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub Committee in each Chief Officer/ Deputy CO appointment cycle.
- c) The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible. In the event that the initial nominations do not produce such a Sub-Committee, the Divisional Director Legal or the Head of Governance and Democratic Services (or their respective nominee) after consultation with the Divisional Director HR & Transformation will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.
- d) Members can only sit on an Appointments Sub-Committee if they have received training at this Council on recruitment and selection.
- e) The quorum for the Appointments Sub-Committee shall be at least three members.

Employee Appeals Sub-Committee

- 3.7 The Membership rules of the Employee Appeals Sub-Committee has different procedures. These require a panel of three to be selected from the membership of the General Purposes Committee. This therefore dictates which opposition Member can be selected and so no change is required.
- 3.8 Note that a new appeals process is due to be implemented from 1 November which would mean the current Employee Appeals Sub-Committee will be expired.

Conclusion

- 3.9 The General Purposes Committee are therefore asked to approve the change set out above to the Appointment Sub-Committee procedures. To come into effect for the first new recruitment process to be identified in a report to this meeting or subsequently.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to this report. However, the procedures of the Appointment Sub-Committee highlights the importance of ensuring a diverse panel of Members for the Sub-Committee's meetings.

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.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

7.1 The legal considerations are set out in the main body of the report. At the Annual Meeting of Council on 19 May 2021, approval was given to the Director of Legal & Interim Monitoring Officer to approve appointments of Councillors in accordance with recommendation 4.

Linked Reports, Appendices and Background Documents

Linked Report

- Report on the Proportionality of the Council – 30 September 2021 (Council meeting)

Appendices

- None.

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

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Tuesday, 5 October 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Constitution Review</p>	

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

Executive Summary

Following the Annual Meeting of Council signing off the Constitution, the General Purposes Committee has day-to-day oversight of the document.

This update reports asks the Committee to consider a number of changes to the Constitution. The amendments result from a number of different reviews including those on the Senior Leadership Review, Employee Appeals and Contracts Forward Planning.

Further to the above, a referendum was held in May 2021 which confirmed that the Council would continue operating the Mayoral Model of governance for the next ten years. Officers have therefore started looking at whether there were any small changes to procedures which would help support this model over the next few years. Some proposed changes are listed in this report whilst others (if required) will follow at a later date.

The Committee are asked to note or approve (as required) the changes set out in the appendices to the report but can also determine to forward some or all the amendments to Council for decision.

Recommendations:

The General Purposes Committee is recommended to:

1. Consider the changes in Paragraphs 3.3 to 3.14 of the report and set out in detail in Appendices 1 – 4 to the report.
2. Agree the changes in Paragraphs 3.3 to 3.13 and as set out in Appendices 1 – 4 to the report.
3. To note that the new Employee Appeals process agreed by the Committee on 24 June 2021 will come into effect from 1 November 2021.

4. Note the changes in Paragraphs 3.14 and as set out in Appendices 1 – 4 to the report.
5. Note that the proposed new Member Code of Conduct set out at Appendix 5 may be submitted to Council on 17 November 2021 for consideration, subject to any final comments of the Standards Advisory Committee.
6. To delegate to the Monitoring Officer any consequential changes resulting from the above and to reflect any decisions made at the meeting.

1. REASONS FOR THE DECISIONS

- 1.1 The changes, particularly those relating to the Senior Leadership Review, are necessary to keep the Constitution up to date and to ensure efficient and effective decision-making procedures are maintained.
- 1.2 General Purposes Committee is responsible for oversight of the Constitution and so the changes are presented here for agreement.

2. ALTERNATIVE OPTIONS

- 2.1 None are presented but where the Committee is responsible for agreeing changes to the Constitution it can propose alternative actions or not agree the amendments set out.

3. DETAILS OF THE REPORT

- 3.1 Day-to-day oversight of the Council's Constitution rests with the General Purposes Committee. This report proposes a number of updates taking account of various reviews that have taken place looking to continue the work of strengthening the Council's governance procedures. Each set of changes are described in the paragraphs below and all the changes are then set out as track changes to the Constitution document in the four Appendices to the report.
- 3.2 The Committee are asked to consider all the proposed changes. Most are for agreement but some can be determined by officers under delegated authorities. In those circumstances the Committee are asked to note and comment as required.

Changes to Agree

1 - Senior Leadership Review

- 3.3 The recent Senior Leadership Review amended the Council's officer structure. Changes included a new Corporate Director of Resources and Governance (and Chief Finance Officer) with the Director of Legal becoming the Monitoring Officer. (Under the Constitution, many of these changes are

non-material and can be made by the Monitoring Officer under delegated authority.)

3.4 This review has required a number of amendments to the Constitution. These include:

- Part A – Section 13 (Officers of the Council) – various changes to account for the new structure (including updating the organisational chart) plus a new paragraph setting out the allocation of the Chief Finance Officer and Monitoring Officer roles.
- Generally in the Constitution - Direct replacement of old job titles with the new designations and adjusted lists of functions and responsibilities. In addition the title 'Chief Finance Officer' is used where appropriate instead of a specific Job Title. This is so that there will not be a need to make further changes should the Chief Finance Officer role be allocated to a different senior manager during a future re-organisation.
- Part D Section 52 – Merging the Governance and Resources Schemes of Delegation (see paragraph 3.14 below)
- Deputy Chief Executive – amendments to set out the role of the new Deputy Chief Executive role in terms of decision making and deputising for the Chief Executive.

2 - Financial and Procurement Thresholds

3.5 The Council's Key Decision thresholds were updated in 2019/20 to include a new financial threshold of £1 Million for most decisions. At the time not all the financial and procurement thresholds were adjusted to bring them into line. The appendices set out a number of proposed revisions to bring these thresholds into line with the standard Key Decision thresholds. It is considered that this will improve the efficiency of the Council's decision-making processes for mid-range decisions. The requirement to publish all officer decisions over £250,000 ensures that transparency can be maintained.

3.6 Changes proposed include:

- Part C – Section 36 (Financial Regulations and Procedure Rules)
 - B11 – adjustment of thresholds and clearer guidance on decisions valued at between £250,000 and £1 Million. Text has also been amended to make it clear that a decision is required of the Executive and not a 'noting report'.
 - C4 – as above
- Part C – Section 37 (Contracts and Procurement Procedure Rules)
 - Introduction – the new thresholds are set out and clearer guidance provided in a number of places in relation to direct awards and contract variations.
 - As well as Key Decision thresholds being set out, a number of thresholds in Table 1 have been updated (these are externally set thresholds which rise regularly with inflation)

- Clearer reiteration of the requirement to publish decisions over £250,000 through the officer decisions portal.

3 - Changes to the process for appeals against dismissals

3.7 Following the decision at the last General Purposes Committee meeting to agree to proposed changes to the Employee Appeals process, a number of changes have been set out including:

- Part B – Section 19 (Terms of Reference) – Removal of Employee Appeals Sub-Committee (as the new officer led meeting is not a formal council committee) and addition to General Purposes Committee Terms of Reference to receive update reports on employee dismissals and other appeals as appropriate.
- Part B – Section 23 (Corporate Scheme of Delegation – The Chief Executive and CLT) – revised to include reference to the whole Corporate Leadership Team and related job description changes.
- Part B – Section 24 (Functions) – Also revised to reference the full Corporate Leadership Team
- Part C – Section 38 (Officer Employment Procedure Rules) – stating that appeals panels include a Member.

4 - Other HR related updates

3.8 A number of HR related amendments including:

- Officer Employment Procedure Rules (Part C – Section 38) including:
 - Extending the length of interim appointments the Chief Executive can make to six months on the basis that all senior management recruitment processes take longer than the currently allowed three months.
 - Removal of the exemption from the Appointment Sub-Committee process for Deputy and Chief Officer appointments within the Governance Directorate.
 - Clarity on when the Independent dismissal review process applies for the Chief Executive, Monitoring Officer and Chief Finance Officer.
 - A new requirement for permanent appointments to the Monitoring Officer and Chief Finance Officer to be approved by Council.

5 - Hybrid meetings and webcasts

3.9 A small addition to the Council procedure rules (Part B Section 26) to allow for hybrid meeting arrangements. This also take the opportunity to mention webcasts and highlight that meetings can continue even if the webcast fails.

6 - General Governance and Procedural updates

3.10 The Appendices also include a number of proposed procedural changes and improvements for the Committee to consider. The aim of these is to clarify and strengthen some of the procedures related to Council and Executive functions. These have been set out following discussions with officers and Members. The Committee should consider whether it wishes to agree the changes or propose alternatives.

- Mayor's Executive Scheme of Delegation – making the Council Procedure Rules (Part B – Section 26) clearer on the requirement to present this at the Annual Meeting of Council and adding a new requirement that in-year changes be presented at the next available Ordinary meeting of Council for noting (the changes would still come into force when they are announced by the Mayor).
 - Note – if the Committee approve this addition it should consider where on the Council agenda this should be placed.
- Questions at Council – re-worded to highlight the priority given to verbal answers at the meeting and tried to clarify the wording around who answers the questions.
- Call-Ins – it has been suggested that a report be added to the Council agenda setting out for noting any call-ins received by the Executive since the last Council meeting. Proposed wording is set out. The General Purposes Committee should consider whether it wishes to propose Council time is taken up with this business and if so where on the agenda it should be placed.
- Setting out in the Council procedure rules the ability of relevant committees (such as Standards Advisory Committee) to present reports to Council when required.
- Note – further clarifications may be introduced to the Executive Scheme of Delegation should those prove useful. It is for the Mayor to agree any changes to the scheme of delegation.

3.11 Note that a request was also received to add the Mayor as an automatic Member of the Audit Committee, however, having taken advice from Internal Audit this suggestion has not been taken forward. The Chartered Institute of Public Finance and Accounting provides advice that an Elected Mayor (or other Council Leader) should not be a Member of the Council's Audit Committee as it would impact on the Committee's independence.

7 - Member Code of Conduct

3.12 A revised Member Code of Conduct (to replace the existing Part C – Section 31) is being prepared by the Standards Advisory Committee (SAC). This new Code is based on the Model Code of Conduct which was devised by the Local Government Association and published in December 2020. Should this new Code be agreed at the SAC meeting on 30 September (after this agenda has been published) then the new Code of Conduct will be presented to the Council meeting on 17 November for consideration. The draft Code is presented at Appendix 5 to this report.

- 3.13 Should Council agree the new Code, the next significant area of work for the Standards Advisory Committee will be to prepare a new Section 32 (Member Officer Relations Protocol) to follow on from the new Code. This will be reported to Committee at a later date.

Changes to note

- 3.14 The following changes are agreed under delegated authorities and are presented to the Committee for comment and noting.

8 - Non-Material operational changes

- Throughout the Constitution there are non-material changes relating to the senior leadership review and a couple of typographical errors have also been corrected. The Monitoring Officer has delegated power to approve these changes.

Financial Delegations

- Part D – Section 46 (Corporate Operating Procedures) – Amending a number of financial thresholds in line with the above including on income, debtors, leases and disposals. The Chief Finance Officer has delegated power to approve these changes.

HR related changes

- Part D – Section 46 (Corporate Operating Procedures) – Amendments to the levels at which some HR decisions can be taken (generally reducing existing threshold levels). The Chief Executive has delegated power to approve these changes.

Conclusion

- 3.15 The General Purposes Committee are asked to consider and comment on the changes set out in the report and to approve those changes listed in paragraphs 3.3-3.14.

4. EQUALITIES IMPLICATIONS

- 4.1 None specific to this report. However, an effective Constitution is important in helping to ensure the Council can operate clear and transparent decision making.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are

required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 There are best value and good governance risks if the Constitution is not kept up to date.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 The proposed changes to the constitution include updates to agreement and reporting of financial decisions to ensure transparency and clarity of roles and responsibilities. Other than these changes, there are no direct financial implications arising from this report.

7. COMMENTS OF LEGAL SERVICES

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

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

Linked Reports, Appendices and Background Documents

Linked Report

- Constitution report to the Annual Meeting of Council on 19 May 2021 and regular update reports to the General Purposes Committee.

Appendices

- Appendix 1 – Part A of the Constitution with tracked changes
- Appendix 2 – Part B of the Constitution with tracked changes (to follow)
- Appendix 3 – Part C of the Constitution with tracked changes (to follow)
- Appendix 4 – Part D of Supplementary Documents to the Constitution with tracked changes (to follow)
- Appendix 5 – Draft new Member Code of Conduct

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

List of "Background Papers" used in the preparation of this report

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

- None.

Officer contact details for documents:
N/A

Part A – Summary and Explanation

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Version Control for Part A

Dated: 19 May 2021
Version No. May 2021 V 2.0
Document Owner: Matthew Mannion
Post Holder: Head of Democratic Services

1 Introducing the Council's Constitution

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

2 How the Council Operates

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

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

3 How Decisions are Made

Principles of Decision-Making

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

Responsibility for Decision-Making

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

Executive Decision Making

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

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

Executive Key Decisions

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

Savings	Where the proposal is expected to result in savings of above £1 Million
Revenue expenditure	Where the proposal involves revenue expenditure of above £1 Million
Capital expenditure	Where the proposal involves capital expenditure of above £5 Million

OR

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

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

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

Taking Key Decisions

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

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

Executive Decision Making by Officers

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

Non-Executive Decision Making

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

Decision-Making by Council

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

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

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

- Standards Advisory Committee
- Strategic Development Committee & Development Committee

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

Non-Executive Decision Making by Officers

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

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

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

24. The Council has established an Overview and Scrutiny Committee whose main responsibility is to review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.
25. The Overview and Scrutiny Committee, and any Scrutiny Sub-Committees it appoints, will follow the Overview and Scrutiny Procedure Rules and relevant parts of the Council Procedure Rules set out in Part B Section 30 of this Constitution which apply to them when considering any matter.
26. Section 9 also sets out a summary about the Overview and Scrutiny Committee.

Decision-Making by Council Bodies Acting as Tribunals

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

4 Citizens' Rights

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

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

Citizens' Responsibilities

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

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

5 The Speaker of the Council

1. The position of Speaker of the Council performs the duties often carried out by the post of 'civic mayor'.
2. The Council has decided, in agreeing its Executive Arrangements, that the Speaker of the Council will be the first citizen of the Borough and will perform the majority of civic and ceremonial duties for the Borough. The Mayor will perform those functions as the Council's representative where they relate to the promotion of, or business of, the Council. Any future change to these arrangements will be a matter for the Council to determine.
3. **The Speaker of the Council may not be a member of the Executive.**
4. The Speaker of the Council and the Deputy Speaker will be elected by Council annually and the Speaker will have the following roles and functions:
 - a) to uphold and promote the purposes of the Constitution and having sought appropriate advice from the Monitoring Officer, to interpret the Constitution when necessary;
 - b) to preside over meetings of Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
 - c) to ensure that Council is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet can hold the Mayor and Cabinet Members to account in public;
 - d) to promote public involvement in the Council's activities;
 - e) to be the conscience of the Council; and
 - f) to attend such civic and ceremonial functions as the Council and s/he determines appropriate.
5. **The Deputy Speaker of the Council will deputise for the Speaker of the Council whenever the Speaker of the Council is unavailable or unable to act.**
6. The order of precedence for civic events shall be as follows, with the Borough's First Citizen representing the Council at Civic Ceremonial functions in the Borough including:
 - Visits of the Royal Family and dignitaries;
 - Civic receptions, luncheons and dinners;
 - Funeral or memorial services;
 - Religious services; and
 - Prize givings.

7. And events outside the Borough including:
 - Those of the Lord Mayor of London;
 - Invitations from other First Citizens to their Borough; and
 - Those of the London Mayors' Association.

8. This does not preclude the attendance and involvement of the Mayor and/or other Councillors.

6 Members of the Council

Composition and Eligibility

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

Election and Terms of the Mayor and Councillors

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

Roles and Functions of all Councillors

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

Rights and Duties

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

Cessation of Membership

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

Conduct

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

Allowances

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

Freedom of the Borough

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

7 Council

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

Budget and Policy Framework

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

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

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

Housing Land Transfers

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

Functions of Council

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

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

Council Meetings

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

Responsibility for Functions

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

8 The Mayor and the Executive

The Role of the Executive

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

Form and Composition

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

The Mayor

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

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

The Statutory Deputy Mayor

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

Other Executive Members

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

15. Executive Members shall hold office until:
 - a) They are removed or replaced by the Mayor;
 - b) They resign from office; or
 - c) They are no longer a Councillor.
16. In the case of a vacancy arising in any post of Cabinet Member the Mayor may appoint a Councillor to the vacant post at his/her discretion.

Cabinet Responsibilities

17. The Executive Members will have portfolios as set out in the Executive Scheme of Delegation within Section 29 of this Constitution.
18. The portfolios may be subject to change from time to time at the discretion of the Mayor and will be updated by the Monitoring Officer as soon as reasonably practicable when so advised by the Mayor.

Proceedings of the Cabinet

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

Responsibility for Functions

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

9 Overview and Scrutiny

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

Scrutiny Committees and Sub-Committees

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

Scrutiny Leads

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

General Role and Responsibilities

8. Section 30 (Overview and Scrutiny Procedures Rules) sets out in more detail how the Overview and Scrutiny Committee and its Sub-Committees will operate. In summary, their roles include the following:

- Scrutiny of decisions or actions taken by the executive.
- Provide advice and reports to the Executive on key issues including making recommendations to Council and/or the Mayor/Executive.
- Question Members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
- Liaise with external organisations operating in the area to ensure the interests of local people are enhanced by collaborative working including by reviewing the performance of public bodies in the area and inviting reports from them.
- Exercise the right to 'call in' for reconsideration decisions made but not yet implemented by the Mayor/Executive.
- Assist the Council and the Executive in the development of its budget and policy framework and in the in-depth analysis of policy issues.
- Look to enhance community participation in the development of policy options including through petitions to Scrutiny meetings following the rules set out in the Council's Petition Scheme.
- To consider issues raised under the 'Councillor Call for Action' procedure.

Reporting

9. The Overview and Scrutiny Committee reports annually to Council on its work.
10. The Overview and Scrutiny Committee will report to Council, Cabinet or the Mayor or appropriate Cabinet member and make recommendations, as appropriate. All reports and/or recommendations of Scrutiny Sub-Committees shall first be considered by the Overview and Scrutiny Committee before being reported to Council, Cabinet, the Mayor or Cabinet member, as appropriate.

Further Information

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

- Section 30 – Overview and Scrutiny Procedure Rules
- Section 53 – Scrutiny Sub-Committee Procedure Rules

10 Regulatory and Non-Executive Committees

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

Development Control and Licensing

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

9. The **Licensing Committee** oversees the discharge of all licensing functions of the Council as the Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (excluding the Council's Statement of Licensing Policy). The Licensing Committee also reviews licensing fees and charges and oversees the Licensing activities of the Environmental Health and Trading Standards Service.
10. The Licensing Committee also has a responsibility to consider and determine matters under Section 2 of the Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 regarding the control of sex establishments within the borough. It also considers and determines matters under the London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn.
11. The Licensing Committee establishes **Licensing Sub-Committees** to consider Licensing matters under the Licensing Act 2003. The Sub Committees determine applications to grant, vary a license where representations have been made, or where an application to review a licence has been made. The Sub Committee is established to perform the functions of the Licensing Authority with a view to promoting the four licensing objectives:
 - The prevention of public nuisance
 - The prevention of crime and disorder
 - Public safety
 - The protection of children from harm
12. The meetings are an opportunity for councillors to make a decision based on the points of view of all relevant parties.
13. The Licensing Committee and Licensing Sub-Committee Terms of Reference are at Part B Section 19 and the Licensing Code of Conduct is at Part C Section 34.

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

Code of Conduct

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

Standards Advisory Committee

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

Independent Persons

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

12 Joint Arrangements and Partnership Working

Arrangements to Promote Well-Being.

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

Joint Arrangements

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

Current Joint Committees

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

Access to Information

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

Delegation to and from Other Local Authorities

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

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

Contracting Out

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

Partnership Working – General Arrangements

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

13 Officers of the Council

Appointments

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

Statutory Officers

4. In addition to the designation of the Head of Paid Service statutory position to the Chief Executive and the Chief Finance Officer position to the Corporate Director, Resources and Governance, the Council has designated the Monitoring Officer position to the Director of Legal. Part B Section 25 of the Constitution sets out the main statutory officer allocations.

3. —

- 4.5. **The Management Structure.** Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out below.

Conduct

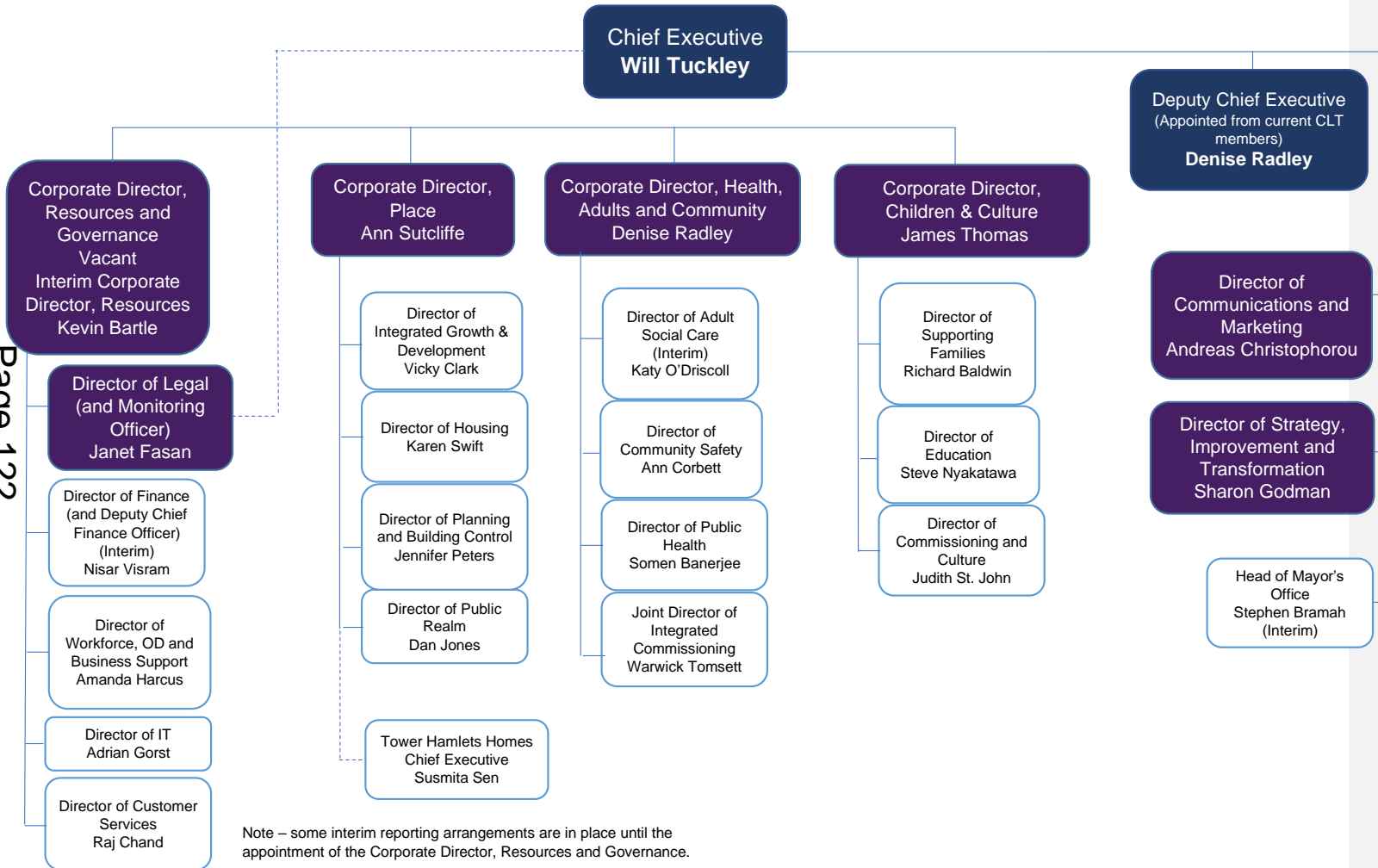
- 5.6. Officers will comply with the Employees' Code of Conduct and the Member/ Officer Relations' Protocol set out in Part C of this Constitution.

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TOWER HAMLETS COUNCIL CURRENT ORGANISATIONAL STRUCTURE

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14 Finance, Contracts and Legal Matters

Financial Management

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

Contracts

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

Legal Proceedings

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

Authentication of Documents

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

Common Seal of the Council

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

certain circumstances that the Council's Common Seal will be affixed to some documents. The Common Seal will be affixed to those documents which in the opinion of the Corporate Director, Governance should be sealed. The affixing of the Common Seal will be attested by the Corporate Director, Governance or some other person authorised by them. The Seal may be applied electronically.

Retention of Documents

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

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

Suspension of the Constitution

1. **Limit to Suspension.** The Rules specified below may be suspended by bodies indicated to the extent permitted within those Rules and the law.
2. **Procedure to Suspend.** A motion to suspend any Rules will not be moved without notice unless at least half (½) of the voting members of the meeting in question are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution.
3. **Rules Capable of Suspension.** The following Rules may be suspended:
 - i. Council Procedure Rules (Council as well as Cabinet and all other Committees and Sub-committees to which Rule 23 of the Council Procedure Rules applies)
 - ii. Budget and Policy Framework Procedure Rules (Council)
 - iii. Overview and Scrutiny Procedure Rules (Overview and Scrutiny Committee)
 - iv. Any Committee / Body Procedure Rules listed in Part D.

Interpretation

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

Publication

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

Reviews of the Constitution

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

Changes to the Constitution

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

Change of Executive Arrangements

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

31 Code of Conduct for Members

Introduction and Purpose of the Code

1. This Code has been developed to support the high standards of leadership and performance of members, and the openness and accountability necessary to ensure public confidence in the way in which you conduct your public duties.
2. The Code applies to the Mayor, Councillors, and Co-opted members of the Council, collectively referred to as member(s) in the remainder of this document.
3. A “Co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who
 - a) is a member of any committee or sub-committee of the authority, or;
 - b) is a member of, and represents the authority on, any joint committee or joint sub- committee of the authority;and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.
4. Some Co-opted Members of the Council’s Scrutiny Committees are not caught by the above definition as they do not have the right to vote, however all Scrutiny Co-optees are expected to abide by the terms of this Code of Conduct.
5. The Code does not apply to Independent Persons, Observers and other persons involved in the Council’s Committees, Boards, and Panels. They are expected to take into account the Code and to follow any rules set out by their own organisations and act appropriately. This includes those members of bodies such as the Health and Wellbeing Board who are appointed by other organisations.
6. The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

7. In addition to the Member Code of Conduct, the Council's governance arrangements include a number of further Codes and Protocols set out in the Constitution which provide additional guidance or obligations which Members must consider. These include, but are not limited to, the Planning and Licensing Codes of Conduct and the Member / Officer relations protocol.
8. As Members you are also required to adhere to the Council's Social Media policy in your role as a Member.
9. The Member Code of Conduct has been set within the context of the Tower Values of 'Together, Open, Willing, Excellent, and Respect' which we all hold [Council's TOWER values \(towerhamlets.gov.uk\)](https://towerhamlets.gov.uk).
10. This Code of Conduct has been developed from the Model Code of Conduct published by the Local Government Association (LGA). The LGA has also produced guidance to accompany its Model Code. This guidance is a useful reference point for Members and officers on the application of the Code.
11. The relevant sections of the guidance are referenced throughout this Code as a useful guide on the application of the code. The full guidance is available here: <https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>
12. Although the guidance is a useful reference for officers and Members, it will be for the Monitoring Officer in consultation with the Independent Person and/or Standards Advisory Committee as appropriate, (applying the Code), to determine whether a Member has breached it.

General principles of councillor conduct

13. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. The Nolan Principles are set out in Appendix A to the Code of Conduct.
14. In accordance with the public trust placed in me, on all occasions:
 - I act with integrity and honesty
 - I act lawfully
 - I treat all persons fairly and with respect; and
 - I lead by example and act in a way that secures public confidence in the role of councillor.
15. In undertaking my role:
 - I impartially exercise my responsibilities in the interests of the local community

- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Local Government Association Guidance on the Model Code of Conduct
 – General Principles of Councillor Conduct

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#general-principles-of-councillor-conduct>

Application of the Code of Conduct

16. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor/Councillor or on appointment as a co-opted member and continues to apply to you until you cease to be a member.
17. This Code of Conduct applies to you when you are acting in your capacity as a member which may include, but is not limited to, when:
- You are acting on council business
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;
 - You misuse your position as a Councillor
18. The Code applies to all forms of communication and interaction, including:
- at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication
 - in electronic and social media communication, posts, statements and
 - comments.
19. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.
20. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Local Government Association Guidance on the Model Code of Conduct
– Application of the Model Councillor’s Code of Conduct

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#application-of-the-model-councillors-code-of-conduct>

Standards of member conduct

21. This section sets out your obligations. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

General Conduct

A - Respect

22. As a Member:

- a. **I promote and support high standards of conduct through my leadership and example.**
- b. **I treat other Members and members of the public with respect.**
- c. **I treat local authority employees, and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**
- d. **I take account of the views of others, including where applicable my political group, but I reach my own conclusions and act in accordance with those conclusions.**

23. Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

24. In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s confidence in councillors.

Local Government Association Guidance on the Model Code of Conduct
– Respect

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respect>

Public Behaviour

25. In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online
26. If you wish to raise concerns about the behaviour of a member of the public you can seek advice from the Monitoring Officer in the first instance.
27. Where you have stopped engaging or refused to engage with any member of the public who could reasonably be perceived as being abusive, threatening, intimidatory or otherwise displaying unacceptable behaviours you should direct them to other communication channels within the council.
28. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the member / officer protocol.

B – Bullying, harassment and discrimination

29. As a Member:

- a. **I do not bully any person**
- b. **I do not harass any person**
- c. **I promote equalities and do not discriminate unlawfully against any person**

30. The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.
31. The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.
32. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

33. The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Local Government Association Guidance on the Model Code of Conduct – Bullying, Harassment and Discrimination

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#bullying>

C – Impartiality of officers of the council

34. As a Member:

- a. **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

35. Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you cannot require or coerce them to act differently, change their advice, or alter the content of that report.

Local Government Association Guidance on the Model Code of Conduct – Impartiality of Officers

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#impartiality-of-officers->

D - Confidentiality and access to information

36. As a Member:

- a. **I do not disclose information:**

- i. **Given to me in confidence by anyone**
- ii. **Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - 1. **I have received the consent of a person authorised to give it;**
 - 2. **I am required by law to do so;**
 - 3. **The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - 4. **The disclosure is:**
 - a. **Reasonable and in the public interest; and**
 - b. **Made in good faith and in compliance with the reasonable requirements of the local authority;**
 - c. **And I have consulted the Monitoring Officer prior to its release.**

37. I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.

38. I do not prevent anyone from getting information that they are entitled to by law.

39. Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Local Government Association Guidance on the Model Code of Conduct – Confidentiality and Access to Information

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#confidentiality-and-access-to-information->

E – Disrepute

40. As a Member:

- a. **I do not bring my role or local authority into disrepute**

41. As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/it's functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.
42. Members collectively are able to hold the local authority and fellow Members to account and where appropriate you can constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct. Members should not make trivial or malicious allegations against each other.

**Local Government Association Guidance on the Model Code of Conduct
– Disrepute**

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#disrepute->

F – Use of position

43. As a Member:

- a. **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

44. Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

**Local Government Association Guidance on the Model Code of Conduct
– Misuse of Position**

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#misuse-of-position>

G – Use of local authority resources and facilities

45. As a Member:

- a. **I do not misuse council resources.**

- b. I will, when using the resources of the local authority or authorising their use by others;**
- i. Act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

46. You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use and are not to be used for business or personal gain.

- Examples include:
 - office support
 - stationery
 - equipment such as phones, and computers
 - transport
 - access and use of local authority buildings and rooms.

**Local Government Association Guidance on the Model Code of Conduct
– Misuse of resources and facilities**

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#misuse-of-resources-and-facilities->

H – Complying with the Code of Conduct

47. As a Member:

- a. I undertake Code of Conduct training provided by my local authority.
- b. I cooperate with any Code of Conduct investigation and/or determination
- c. I do not intimidate or attempt to influence any person who is likely to be involved with the administration of any investigation or proceedings.
- d. I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

48. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

49. Any alleged breach of this code will be dealt with in accordance with the arrangements set out in Appendix C to the Code.

NB: a breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. If you need advice you should contact the Monitoring Officer.

**Local Government Association Guidance on the Model Code of Conduct
– Complying with the Code of Conduct**

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#complying-with-the-code-of-conduct>

Protecting your reputation and the reputation of the local authority

I – Interests

50. As a Member:

a. I register and disclose my interests.

51. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.
52. An example of an interest is something which is of value to you which you may have through personal, professional or other private reasons. For example, your job, home or other property. Your main financial interests are called Pecuniary Interests.
53. You should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in Table 1 of Appendix B, is a criminal offence under the Localism Act 2011 for which you can be prosecuted.
54. You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest.
55. An example of a conflict of interest is ‘a situation where your interests (or responsibility to another organisation) could be (or could be seen to be) in conflict with your responsibilities as a Councillor’. This is especially important in relation to your role as a decision maker at the Council. Table 3 of Appendix B sets out how different types of declarations should be dealt with at meetings.
56. If in doubt, always seek advice from your Monitoring Officer.

57. The register of interests maintained by the Monitoring Officer is a public document that can be consulted when (or before) an issue arises. Your interests will be published on your Council web page.
58. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

**Local Government Association Guidance on the Model Code of Conduct
– Declarations of Interest**

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest>

J – Gifts and hospitality

59. As a Member:

- a. **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- b. **I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.**
- c. **I register with the Monitoring Officer any gift or hospitality that I have been offered but have refused to accept.**
- d. **I will also declare repeated smaller hospitality/gifts which, when combined, would likely exceed £25 within any three-month period.**
- e. **I will consider donating any gifts to the Speaker's Charity or other charitable causes.**

60. In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor.

61. It would be expected that you would accept normal gifts and hospitality in relation to your work. However, if the gift or hospitality was valued at over £100 you would normally only accept it if it directly related to your role as a Member. You should make the reasons for acceptance clear in your declaration.
62. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.
63. However, you do not need to register gifts and hospitality which are not related to your role as a member and that you would have received anyway such as:
- gifts from your friends and family,
 - gifts/hospitality primarily in relation to your employment, voluntary work or similar which are not related to your role as a Member,
 - invitations to weddings and similar events from family and friends,
 - small gifts or hospitality received as part of weddings, life-events, religious festivals and celebrations that you would in any case have attended in a personal capacity (Christmas, Eid, Hannukah, Ramadan etc).

Local Government Association Guidance on the Model Code of Conduct
– Registration of gifts, hospitality and interests

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#registration-of-gifts-hospitality-and-interests>

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

Type A "Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Nonparticipation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Type B - Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. **Type C** - Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. **Type D** - Where a matter arises at a meeting which ***affects*** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. To determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

9. Where a matter ***affects*** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of most inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make

sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

No.	Subject	Description
1	Employment, office, trade, profession or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain. Any unpaid directorship.
2	Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3	Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
4	Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
5	Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
6	Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil

		partners is a partner of or a director* of or has a beneficial interest in the securities* of.
7	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 council; 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 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 member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

No.	Subject
	Any body of which you are in a general control or management and to which
8.	You are nominated or appointed by your authority
9.	Any body exercising functions of a public nature
10.	Any body directed to charitable purposes
11.	Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Note

There is no definitive list of bodies exercising functions of a public nature, but those bodies which:-

- carry out a public service,
- or take the place of local/central government (including through outsourcing);
- or carry out a function under legislation or in pursuit of a statutory power;
- or can be judicially reviewed,

are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies and school governing bodies.

Table 3: Summary of Rules around Participation at Meetings

11. This table sets out a summary of the general rules around participation at meetings with respect to interests. This is only a summary and does not replace more specific guidance available from the Monitoring Officer.

Type Code	Interest Type	Declare on Register	Declare at Meetings ¹	Participate Normally	Only speak with same rights as public and leave meeting after speaking ²	Must leave the meeting entirely
A	Disclosable Pecuniary Interests (Lines 1-7 of the ROI form)	Y	Y	N	N	Y
B	Other Registerable Interests (Lines 8 – 11 of the ROI form)	Y	Y	N	Y	N
C	Other Non-Registerable Interests (direct financial or well-being interest of you or close relative/friend that is not on the ROI form)	N	Y	N	Y	N
D1	Other Non-Registerable Interests (affects financial or well-being interest of you or close relative/friend that is not on the ROI form or affects a body listed on the ROI form) Affects you/relative/friend more than most people affected	N	Y	N	Y	N
D2	Other Non-Registerable Interests (affects financial or well-being interest of you or close relative/friend that is not on the ROI form or affects a body listed on the ROI form) Affects you/ relative/ friend the same or less than most people affected	N	Y	Y	N	N

Notes

1 – Interests must be declared at all meetings or other situations where you come into contact with the issue, this includes informal internal discussions in advance of formal decision-making meetings.

2 – If the public do not have a right to speak then you may not speak.

General Note – where not straight-forward, apply the precautionary principle and in all cases apply the test of whether a reasonable member of the public knowing all the facts would believe you were taking the correct course of action.

Local Government Association Guidance on the Model Code of Conduct
– Interests flowchart

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#appendix-1-interests-flowchart>

LONDON BOROUGH OF TOWER HAMLETS
ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THE
CODE OF CONDUCT FOR MEMBERS
Arrangements agreed by Council on 5th December 2016.

Introduction

The Council has adopted a Code of Conduct for Members which is available on the Council's website and on request from the Monitoring Officer.

In accordance with section 28 of the Localism Act 2011, these arrangements set out how an allegation may be made that the Mayor, an elected Member or a Co-opted Member of the London Borough of Tower Hamlets has failed to comply with the Council's Code of Conduct for Members and how the Council will deal with such allegations.

These arrangements also require that the Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person for the purposes of meeting the statutory requirements of the Localism Act 2011.

Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer. The timelines set out are for guidance and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.

Complaints

1. Allegations concerning possible breaches of the Code of Conduct for Members should be made in writing to the Monitoring Officer.
2. On receipt of a complaint the Monitoring Officer shall within five working days acknowledge receipt to the complainant. The Monitoring Officer will also within five working days and on a confidential basis, inform the subject Member of the substance of the complaint and the identity of the complainant (unless the Monitoring Officer considers that such notification would prejudice the proper consideration and investigation of the complaint).
3. Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is

capable of investigation without the need to ascertain the complainant's identity.

4. A complainant when making an allegation should specify the identity of the person(s) alleged to have breached the Code, the conduct that is alleged to give rise to the breach, the evidence that supports the allegation and the names (and contact details) for any potential witnesses able to give direct evidence of the events complained about.

Assessment of Complaints

5. The Monitoring Officer shall, after consultation with the Independent Person and within ten working days of receiving the complaint:
 - a) Decide whether or not a complaint merits formal investigation and where appropriate arrange for an investigation; OR
 - b) Decide to attempt to facilitate informal resolution of the complaint (such attempt shall be subject to a four-week time limit).
6. In making this determination the Monitoring Officer may at their discretion report the matter to the Investigation & Disciplinary Sub-Committee (IDSC) of the Standards Advisory Committee for consideration and/or consult other persons as appropriate.
7. The Monitoring Officer may decide not to refer the matter for investigation where:
 - (a) The allegation does not demonstrate any potential breach of the Code (because for example it relates to dissatisfaction with a Council decision/service or relates to events which occurred when the person complained about was not acting in an official capacity).
 - (b) The event(s) complained about took place more than six months ago and there are no valid reasons for the delay in bringing the complaint, such as fresh evidence not available at the earlier date or only recently discovered.
 - (c) The allegation is about someone who is no longer the Mayor or a Member/Co-opted Member.
 - (d) The complainant failed to provide the information specified in paragraph 4 above or any other information reasonably requested by the Monitoring Officer.
 - (e) The same or a similar allegation has been investigated and determined.
 - (f) The Mayor, Member or Co-opted Member has already accepted they made an error in their conduct and/or has apologised for their conduct and the Monitoring Officer considers the matter would not warrant a more serious sanction.
 - (g) The allegation is politically motivated and/or 'tit for tat'.

- (h) The allegation is not considered sufficiently serious to merit the cost to the public of carrying out an investigation.
 - (i) The Monitoring Officer has facilitated an informal resolution of the complaint (see below) and the Mayor or Member/Co-opted Member complained about has offered to take remedial action that the Monitoring Officer considers appropriate in all the circumstances (for example by apologising to the complainant and/or undertaking training or issuing a statement of factual correction).
8. Where the Monitoring Officer decides to reject a complaint, they shall inform the complainant in writing giving the reasons for rejection.

Investigation and Monitoring of Complaints

9. If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation themselves. 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 feel it is necessary to ensure a proper and adequate investigation. The Monitoring Officer may refer a complaint for investigation to the Monitoring Officer in a different authority where they have 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 every six months to the Standards Advisory Committee on the number and nature of complaints received and action taken as a result. This will include details of complaints that have been rejected by the Monitoring Officer and any extension made to the period for an investigation of a complaint.
12. Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall within four weeks of receipt of the investigation report, consult with the Independent Person and decide whether the matter should be closed without reference to a Hearings Sub-Committee. The Monitoring Officer shall provide a copy of the report and findings of the investigation which shall be kept confidential to the complainant and to the Member concerned and shall report the matter as part of the quarterly report to the Standards Advisory Committee for information. The Monitoring Officer may also seek advice from the IDSC before deciding that a matter should be closed without reference to the Hearings Sub-Committee.

13. Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer following consultation with the Independent Person, may seek local resolution of the complaint. If local resolution succeeds the Monitoring Officer shall report the matter as part of the quarterly report to the Standards Advisory Committee. If local resolution does not succeed or if following consultation with the Independent Person, the Monitoring Officer considers that it is not appropriate to seek local resolution, the Monitoring Officer shall report the investigation findings to a Hearings Sub-Committee of the Standards Advisory Committee for local hearing and determination. The Hearings Sub-Committee will whenever practicable be convened within one month of the Monitoring Officer receiving the investigation report.

Hearings Sub-Committee

14. The Hearings Sub-Committee will consider the investigation report and any submissions from the subject Member and determine:

- (a) If there has been a breach of the Code of Conduct having taken into account the views of the Independent Person; and if so
- (b) Whether any sanction is appropriate having considered the views of the Independent Person.

15. Possible sanctions may include any of the following:-

- (a) Publication of the Sub-Committee's decision.
- (b) Reporting the Sub-Committee's decision to Council.
- (c) Requesting the Monitoring Officer to arrange training for the Member (subject to the Member's agreement).
- (d) Issuing a censure or reprimand which may also be reported to Council.
- (e) Requiring the Member to contact the Council and officers via specified point(s) of contact.
- (f) Withdrawing facilities provided to the Member by the Council, such as a computer or internet access.
- (g) Excluding the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive, Committee and Sub-Committee meetings (as appropriate).
- (h) Recommending to the Member's Group Leader that they be removed from any or all Committees or Sub-Committees of the Council.
- (i) Recommending to the Mayor that the Member be removed from the Executive, or removed from a particular portfolio responsibility.
- (j) Recommending to Council or the Mayor as appropriate the removal from outside appointments to which the Member has been appointed or nominated.
- (k) Recommending to Council that the Member be removed from any or all Council Committees or Sub-Committees.

16. In determining any recommended sanction the Hearings Sub-Committee may take into account any previous breach by the Member concerned and/or their compliance with any previous sanction applied.

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

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Agenda Item 7.2

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