

# General Purposes Committee

## Agenda

**Thursday, 15 December 2022 at 6.30 p.m.  
Committee Room One - Town Hall, Mulberry  
Place, 5 Clove Crescent, London, E14 2BG**

### Members:

**Chair:** Councillor Saif Uddin Khaled

### Vice Chair:

Councillor Kabir Ahmed, Councillor Musthak Ahmed, Councillor Asma Begum,  
Councillor Maisha Begum, Councillor Abu Chowdhury, Councillor James King,  
Councillor Maium Talukdar and Councillor Abdal Ullah

**Substitutes:** Councillor Gulam Kibria Choudhury, Councillor Mufeedah Bustin,  
Councillor Sirajul Islam, Councillor Amin Rahman and Councillor Asma Islam

[The quorum for this body is 3 voting Members]

### Contact for further enquiries:

Joel West, Democratic Services,

[joel.west@towerhamlets.gov.uk](mailto:joel.west@towerhamlets.gov.uk)

020 7364 4207

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

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



## 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 may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

### Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.  
<http://towerhamlets.public-i.tv/core/portal/home>

### Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available on the Modern.Gov, Windows, iPad and Android apps



Scan this QR code to view the electronic agenda



## **A Guide to General Purposes Committee**

This Committee is responsible for a range of non executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution.

The Committee is made up of nine Members of the Council as appointed by Full Council. Political balance rules apply to the Committee. Each political group may also appoint up to three substitutes. The quorum is three Members of the Committee.

The full terms of reference for the committee is set out in the - Council Constitution

### **Public Engagement**

Meetings of the Committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

# London Borough of Tower Hamlets

## General Purposes Committee

Thursday, 15 December 2022

6.30 p.m.

### 1. DECLARATIONS OF INTERESTS (PAGES 7 - 8)

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 (PAGES 9 - 16)

To agree the unrestricted minutes of the General Purposes Committee meeting held on 13 October 2022.

### 3. WORK PLAN (PAGES 17 - 22)

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

### 4. REPORTS FOR CONSIDERATION

#### 4.1 Polling Places and Districts Review (Pages 23 - 28)

#### 4.2 Constitution Updates (Pages 29 - 56)

#### 4.3 Local Authority Governor Applications Dec 2022 (Pages 57 - 64)

#### 4.4 Employee Relations Casework and Policy update - Q2 - July - September 2022 (Pages 65 - 68)

#### 4.5 Update on Senior Recruitment - December 2022 (To Follow)

### 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.

### Next Meeting of the General Purposes Committee

Thursday, 23 February 2023 at 6.30 p.m. to be held in Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



This page is intentionally left blank

# 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 6.30 P.M. ON THURSDAY, 13 OCTOBER 2022**

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present in Person:**

Councillor Saif Uddin Khaled  
Councillor Kabir Ahmed  
Councillor Musthak Ahmed  
Councillor Asma Begum  
Councillor Abu Chowdhury  
Councillor James King  
Councillor Maium Talukdar

**Apologies:**

Councillor Maisha Begum  
Councillor Abdal Ullah

**Officers Present in Person:**

Will Tuckley	(Chief Executive)
Farhad Ahmed	(Traded and Business Development Manager)
Musrat Zaman	(Director of HR, OD & Business Support Services)
Catriona Hunt	(Head of Corporate Human Resources)

**Officers In Attendance Virtually:**

Kevin Bartle	(Interim Corporate Director, Resources & Section 151 Officer)
--------------	---

## 1. DECLARATIONS OF INTERESTS

There were no declarations of disposable pecuniary interests..

## 2. MINUTES

The following minutes of the General Purposes Committee meeting held on the 21 June 2022 were amended as a correct record of proceedings:

- Post- Election Amendment: *'As a result of the controversy over elections in Tower Hamlets in 2014, the Returning Officer had chosen not to take his fees for any local elections. However, in respect of the local elections held in May 2022 fees were received.'*

Will Tuckley, Chief Executive Officer in his capacity as Returning Officer, updated the Committee that in relation to the post- election, informal double checking took place on Canary Wharf and Shadwell wards. Further checks will be made on any informal double checks to Island Gardens and Bethnal Green East wards. Details will be updated to the Committee outside the General Purposes Committee meeting.

## 3. WORK PLAN

The Committee reviewed the work plan and noted disappointment that the Forthcoming Restructures report was not submitted to the 13 October meeting as specified in the 21 June 2022 work plan.

Musrat Zaman observed that the standing item titled Forthcoming Restructures should be renamed to Reporting of Payments. As there were no payments over £100,000 to report, the item was removed.

## RESOLVED

1. That the General Purposes Work Plan be noted.

## 4. REPORTS FOR CONSIDERATION

### 4.1 Local Authority Governor Applications October 2022

Farhad Ahmed, Head of School Governance, Information and Traded Services, introduced the report, which detailed two recommended Governors be appointed to Tower Hamlets maintained primary schools and nine reappointments.

The Committee AGREED to all recommendations for Governors be agreed.

## **RESOLVED**

1. That the recommendations for Governors be agreed.
2. The report be noted.

### **4.2 Composition of Dismissal Appeals Panel**

Musrat Zaman, Director of Workforce, OD and Business Support, introduced an update to the report, which set out options on the composition of the appeals panel and a recommendation to continue the present arrangement.

The effectiveness of the appeals panel, initially agreed at the General Purposes Committee on 05 October 2021, has not fully been established, and reverting back to the previous model would be premature, as only one appeal has been conducted to date.

There is no legal requirement for appeals to be heard by Members, and it is good practice for managers, who are more equipped in handling staffing issues to chair such appeals.

In response to the presentation the Committee noted:

- Concern that the report appeared biased towards officers and marginalises the Members role in the process.
- The number of dismissals stated did not give a breakdown of employees grades or equality implications.
- The Employment Tribunal claims did not give sufficient clarity nor full details of the legal advice stated in the report.
- Disappointment with the general tone of the report, as it lacked consistency.
- That Trade Unions comments were not taken into account in this instance and requested clarification that they were consulted with prior to the previous arrangement change in 2021.

Will Tuckley, Chief Executive Officer, noted the report is intended to consider all options and allow for deliberation. Dismissal panels are an opportunity to review any procedural issues that may arise and not to rehear cases. Members set the direction whilst officers implement the policies and marginalisation is not a consideration. Previous Members felt it inappropriate to be part of the tribunals process and further evaluation is required before making any changes.

Musrat Zaman clarified that Trade Unions comments were not received prior to the meeting and the legal advice stated in the report was submitted by the

council's employment lawyer. Janet Fasan, Director, Legal – Monitoring Officer, confirmed there is no legal requirement for either Members or Officers to sit at the panels, although it is deemed good practice for Officers.

Both Councillor James King and Councillor Asma Begum requested that further details on equality and diversity of the employees be submitted at the next General Purposes Committee before any resolution be made. The Chair requested the Committee vote on the reports alternative options.

Accordingly, the General Purposes Committee;

Voted 5 to 2 in favour of reverting to the previous model (Option 2 in the report), which consisted of an all-Elected Member panel. This will now require a consultation process with Trade Unions and a change of Constitution through Full Council.

### **RESOLVED**

1. Officers to clarify if Trade Unions were consulted prior to the previous arrangement change in 2021.
2. That the Dismissals Appeals Panel be reverted back to the previous model, consisting of an all-Elected Member Panel. This will require a consultation process and a change of Constitution through Full Council.
3. That the report be noted.

#### **4.3 Employee Relations Casework and Policy Review- Q1 - April - June 2022**

Musrat Zaman, Director of Workforce, OD and Business Support briefly gave an update to the Committee, which detailed the level and management of employee relations casework with the Council and highlighted progress made. The report related to the period from April 2022 – June 2022. This was the first quarterly report since the last General Purposes Committee held on the 21 June, which previously requested annual submittance.

The number of open cases and policy development improvements were highlighted. Staff now have easier access to all policies in one location via The Bridge. Various policies have been revised and details of a proposed consultation process were set out in relation to Death in Service, Organisational changes and Redeployment. Proposals to the Smarter Working policy have been put on hold at this time.

Following the presentation the Committee:

- Expressed concern that details on the Smarter Working policy proposals being held were given as a verbal update and not reflected in the report.

- Clarification on if the Organisational and Redeployment policy changes are Executive Decisions, or if discussions are currently taking place, as this has not been reflected in the report.

Musrat informed the Committee that any policy organisational and redeployment changes are non-executive decisions. Trade Unions have been informed of an Informal work plan, although no formal consultations on the statutory policy have taken place.

#### **RESOLVED**

1. That the report be noted.

#### **4.4 Recommendations on Implementation of Special Severance Payments Regulations**

Musrat Zaman, Director of Workforce, OD and Business Support requested the Committee note the revised process for special severance payments, consider the revised policy statement and recommend the policy for adoption by Full Council on the 16 November 2022 and also delegate any amendments to the 2022/23 pay policy statement to the Chief Executive.

Musrat outlined the reasons for the recommendations which derive from Section 38(1) of the Localism Act 2011, requiring the adoption of the pay policy statement for each financial year. The statement will be submitted for approval by Full Council with discussions exempt.

The Committee AGREED to the recommendations in the report.

#### **RESOLVED**

1. That the report be noted.

#### **4.5 Update on Senior Recruitment - October 2022**

Will Tuckley, Chief Executive Officer, updated the Committee on the recent senior recruitment of Director of Commissioning and Culture within the Children and Culture Directorate. The post for Director, Integrated Growth and Development within Place is currently filled on an interim basis and this arrangement will stay in place for a further six months, pending a structure review.

Mr. Tuckley gave a verbal update on the interim Section 151 Officer and Corporate Director of Resources post, currently held by Kevin Bartle. The Council are considering how best to recruit a permanent post holder in the current market, as a second interim appointment is necessary.

In response to the update, the Committee noted that further work is required to fill gaps within senior positions. Mr. Bartle was thanked for his professionalism and depth of knowledge which is greatly appreciated.

## **RESOLVED**

1. That the report be noted.

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

### Constitution

The Chair noted that several changes have been made to the Constitution in recent years and recommended a Working Group be formed to ensure more accountability and better effectiveness to the Council's decision-making process.

Following the recommendation, the Committee noted;

- That although a review of the Constitution is scheduled in the work plan for the next General Purposes Committee meeting for 15 December 2022, a working group is now necessary.
- Recommendations on the Working Group's remit to be brought back to the next General Purposes Committee for submission to Full Council.

### Restructures and Compulsory Redundancies

Councillor Kabir Ahmed proposed that all details of any key decisions on restructures which impact redeployments or redundancies be brought to the General Purposes Committee for review.

Mr. Tuckley explained that the Committee endorses the Council's policies. It also oversees broad changes at senior directorate level and Officers implement them. Although it would not be prudent for the Committee to oversee all managerial detail within restructures, further discussion on ensuring the Committee has more oversight of key issues is required. A request to defer the proposal until the next General Purposes Committee was made and agreed.

## **RESOLVED**

1. The Committee AGREED to the recommendation of a Constitution Working Group be formed.

2. Proposals for the General Purposes Committee to have oversight of key organisational changes impacting staff be DEFERRED to 15 December 2022 meeting.
3. That the report be noted.

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

No resolution to exclude the press and public was passed at this meeting.

**7. EXEMPT MINUTES**

**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.

The meeting ended at 8.29 p.m.

Chair, Councillor Saif Uddin Khaled  
General Purposes Committee

This page is intentionally left blank





# **GENERAL PURPOSES COMMITTEE WORK PLAN and ACTION LIST 2022/23**

Page 17

Agenda Item 3

Contact Officer:	Joel West Democratic Services
Email:	<a href="mailto:joel.west@towerhamlets.gov.uk">joel.west@towerhamlets.gov.uk</a>
Telephone:	020 7364 4207
Website:	<a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a>

GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23

## ACTIONS LIST

Action number	Title	Action Owner	Originating Meeting/Item	Due Date / Comment
1.	Proposals to monitor effectiveness of the Council's representatives on outside bodies	Matthew Mannion	January 2022	This matter is subject to discussion. A report will be brought forward at the appropriate time
2.	A summary review of all BAME Governors appointed within Tower Hamlets.	Farhad Ahmed		Scheduled for February 2023 meeting.
3.	Forthcoming Restructures	Musrat Zaman		This matter is subject to discussion. A report will be brought forward at the appropriate time.
4.	Review on Polling Stations	Robert Curtis		<b>Complete</b> – see agenda for this meeting.
5.	Restructure and Compulsory Redundancies	TBC	October 2022	This matter is subject to discussion. A report will be brought forward at the appropriate time.

Page 18

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

**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

<b>21 JUNE 2022</b>			
<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed Head of Governance Information and Traded Services	
2. Constitution Update	To receive an update on the Constitution	Matthew Mannion Head of Democratic Services	
<del>3. Forthcoming Restructures</del>	<del>To report on any forthcoming restructures</del>	<del>Musrat Zaman- Director of Workforce, OD and Business Support</del>	
4. Employee Relations Casework Policy Annual Report (21/22)	An update on the Employee Relations Casework Policy Annual Report	Musrat Zaman Director of Workforce, OD and Business Support	
5. Post-Election Report – Thursday 5 May 2022	To receive an update following the Elections 2022.	Robert Curtis, Head of Elections	

**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

**13 OCTOBER 2022**

<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed, Head of School Governance, Information and Traded Services	
2. Composition of Appeals Panels	To review Tower Hamlets Employment Appeals process	Musrat Zaman, Director of Workforce, OD and Business Support	
3. Employee Relations Casework and Policy Quarterly Review	An update on the Employee Relations Casework Policy Quarterly Report	Musrat Zaman, Director of Workforce, OD and Business Support	
4. Special Severance Payments Recommendations	An update on the Special Severance Payments	Musrat Zaman, Director of Workforce, OD and Business Support	
5. Update on Senior Recruitment	An update on Tower Hamlet Senior Recruitment	Musrat Zaman, Director of Workforce, OD and Business Support	


**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

**15 DECEMBER 2022**

REPORT TITLE	BRIEF SUMMARY	LEAD OFFICER	OTHER CTTEE MEETINGS
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed, Head of School Governance, Information and Traded Services	
2. <del>All BAME Governors Summary</del>	<del>A summary review of all BAME Governors appointed within Tower Hamlets.</del>	<del>Farhad Ahmed, Head of School Governance, Information and Traded Services</del>	
3. Employee Relations Casework and Policy Quarterly Review	An update on the Employee Relations Casework Policy Quarterly Report	Musrat Zaman, Director of Workforce, OD and Business Support	
4. Constitution Update	To review the Constitution	Matthew Mannion, Head of Democratic Services	
5. Review on Polling Stations	To review the Tower Hamlets Polling Station process	Robert Curtis, Head of Electoral Services	
6. Update on senior recruitment	To note recruitment activity for senior roles.	Musrat Zaman, Director of Workforce, OD and Business Support	

**GENERAL PURPOSES COMMITTEE WORK PLAN 2022/23**

<b>23 FEBRUARY 2023</b>			
<b>REPORT TITLE</b>	<b>BRIEF SUMMARY</b>	<b>LEAD OFFICER</b>	<b>OTHER CTTEE MEETINGS</b>
1. Local Authority Governor Applications	To endorse nominations for appointments to Local Authority Schools	Farhad Ahmed, Head of Governance Information and Traded Services	
2. Employee Relations Casework and Policy Quarterly Review	An update on the Employee Relations Casework Policy Quarterly Report	Musrat Zaman, Director of Workforce, OD and Business Support	
3. Forthcoming Restructures	To review any forthcoming restructures	Musrat Zaman, Director of Workforce, OD and Business Support	
4. Governors BAME Summary	A summary review of BAME Governors appointed within Tower Hamlets.	Farhad Ahmed, Head of School Governance, Information and Traded Services	

<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>15 December 2022</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Will Tuckley, Tower Hamlets Chief Executive, Returning Officer and Electoral Registration Officer</p>	<p><b>Classification:</b> Unrestricted</p>
<p><b>Polling Places and Polling District Review - Process</b></p>	

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

## Summary

Following the local Borough and Mayor polls held on Thursday 5 May 2022 General Purpose Committee are considering the feasibility of undertaking a review of polling places and polling districts.

This report informs General Purpose Committee of the compulsory statutory timetable and the review processes that need to be followed.

## Recommendations:

1. That the Committee endorses the approach to reviewing polling places and polling districts:
  - i. The council adhere to the compulsory statutory review timetable and that all political parties and elected members are informed of the commencement date in advance.
  - ii. This will enable all stakeholders to preliminary prepare any recommendations that they may be considering ready for the compulsory statutory timetable and consultation this scheduled to commence on 1 October 2023.
  - iii. No interim review is recommended prior to this date because the requirement to fully consult will result in an overlap of the timetables resulting in duplication of process.
  - iv. Any agreed amendments to polling districts or polling places would be adopted after the review has concluded and amendments agreed by council or delegated committee.

## 1. REASONS FOR THE DECISIONS

- 1.1. To mirror the statutory process of compulsory reviews

## 2. ALTERNATIVE OPTIONS

- 2.1 An interim review could take place between January 2023 and the end of September 2023 but would be subject to the full consultation process.

- 2.2 On completion of the interim review the process would then have to be repeated from 1 October 2023 to comply with the statutory requirement to review every five years.

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

- 3.1. Polling District and Polling Place reviews are undertaken pursuant to Schedule 1A of the Representation of the People Act 1983 (as amended by the Electoral Administration Act 2006) and require all local authorities to review their UK Parliamentary polling districts and polling places at least once every five years.
- 3.2. A Polling District is a geographical area created by the sub-division of an electoral area i.e., a UK Parliamentary constituency, a European Parliamentary electoral region, a Ward, or an electoral division.
- 3.3. A Polling Place is a geographical area in which a polling station is located. There is no legal definition of what a Polling Place is; it could be defined as tightly as a particular building or as widely as the entire polling district.
- 3.4. A Polling Station is the actual area where the process of voting takes place and must be located within the Polling Place designated for the Polling District.
- 3.5. When undertaking a review, the following must be considered.
- (a) The authority must seek to ensure that all electors in a constituency in its area have such reasonable facilities for voting as are practicable in the circumstances.
  - (b) the authority must 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.
  - (c) the authority must have regard to the accessibility to disabled persons of potential polling stations in any place which it is considering designating as a polling place.
  - (d) the polling place for a polling district must be an area in the district unless special circumstances make it desirable to designate any area wholly or partly outside the district.
  - (e) 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.
- 3.6. Detailed guidance on reviews can be found on the Electoral Commissions web site here <https://www.electoralcommission.org.uk/i-am-a/electoral-administrator/returning-officer/polling-place-reviews>
- 3.7. The Electoral Registration and Administration Act 2013 introduced a change to the timing of compulsory reviews of UK Parliamentary polling districts and polling places with compulsory reviews having to start and be completed within the period of 16 months starting on 1 October of every fifth year after 1 October 2013, so 1 October 2018, 1 October 2023, 1 October 2028 etc.



- 3.8. The last compulsory review had to take place between 1 October 2018 and conclude by 31 January 2020 (Inclusive).
- 3.9. Following a 12-month consultation the review was concluded and the results considered by council on 15 January 2020.
- 3.10. 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 was considered pertinent for selected polling places used at these polls to be reviewed again given the use of alternative locations utilised over this period.
- 3.11. An interim review commenced on Monday 20<sup>th</sup> September 2021 concluding on Wednesday 19 January 2022 in time for the local elections to be held on Thursday 5 May 2022 with the following polling places changed.
  - a. Ceased using the East India portacabins (BC1)
  - b. Moved the polling place to the Town Hall (BC1)
  - c. Split the polling district BC1 incorporating Island Social Community Centre
  - d. Changed H Forman & Sons to Hub 67 (BE2)
  - e. Changed Francis Lee Community Centre to Old Ford Methodist Church (BE1)
  - f. Changed St Annes and Guardian Angels Catholic Primary School to Montefiore Centre (SB2)
- 3.12. In accordance with the Electoral Registration and Administration Act 2013 the next compulsory review is now scheduled to be completed from 1 October 2023 to 31 January 2025 (Inclusive).
- 3.13. This compulsory review cannot commence before 1 October 2023.
- 3.14. Although the statutory requirement is to review the polling districts and places used at parliamentary elections, they will be used at Local Government elections and any future referendums.
- 3.15. Interim Reviews can be undertaken but these tend to be for, but are not limited to, changes to boundaries, where premises become no longer available or following polls where facilities are not considered suitable for

continued use as was the case in September 2021 to ensure premises were in place for the local elections held in May 2022.

- 3.16. Consequently, interim reviews tend to take place to identify and agree premises that sit within new boundary areas or replace premises that are no longer available.
- 3.17. It is important to note that the last compulsory review that concluded on 15 January 2020 took 12 months to complete and a consultant was recruited by the authority to assist the electoral services team.
- 3.18. There is also no provision in law to undertake a partial review with limited consultation.
- 3.19. Selected areas can be identified but these areas must be subject to a full consultation in line with the compulsory process.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1 There are no equalities or diversity implications arising from this report.

#### **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

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

5.2 There are no other implications arising from 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 Representation of the People Act 1983, as amended places a duty on all local authorities to review all polling districts and polling places every five years. It is possible but not a legal requirement for an interim review to be conducted.
- 7.2 For the reasons set out above in the report it is not recommended that an interim review be held.

- 7.3 The Elections Act 2022 has recently been enacted and the implications of the Act are currently being considered and lessons will be learnt from those areas holding scheduled polls on 4 May 2023 and this will be taken into consideration as part of the statutory review from 1 October 2023.
- 7.4 Legal implications to be inserted when Financial Implications have been completed].
- 

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

#### **Linked Report**

- NONE.

#### **Appendices**

#### **Local Government Act, 1972 Section 100D (As amended) list of “Background Papers” used in the preparation of this report**

- NONE.

#### **Officer contact details for documents:**

- Robert Curtis, Head of Electoral Services

This page is intentionally left blank

<p>Non-Executive Report of the:</p> <p><b>General Purposes Committee</b></p> <p>Thursday, 15 December 2022</p>	 <p><b>TOWER HAMLETS</b></p>
<p><b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer</p>	<p><b>Classification:</b> Open (Unrestricted)</p>
<p><b>Constitution Updates and Establishment of the Employee Appeals Sub-Committee</b></p>	

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

## Executive Summary

Following the Annual Meeting of Council signing off the current Constitution on 25 May 2022, day-to-day oversight of the document returns to the General Purposes Committee.

This report provides an update on a few proposed and agreed amendments to the Constitution.

Specific updates include those on:

- Member Allowances Scheme
- Grants Determination Sub-Committee
- Petition Scheme
- Officer Structure Chart

Employee Appeals Sub-Committee:

The last meeting of the General Purposes Committee agreed to re-establish the Employee Appeals Sub-Committee processes. This report therefore asks the Committee to formally agree to the establishment of the Sub-Committee to hear future employee appeals against dismissal and to agree consequent changes to the Constitution.

## Recommendations:

The General Purposes Committee is recommended to:

1. Establish the Employee Appeals Sub-Committee for the remainder of the municipal year 2022/23 with the attached terms of reference (Appendix 1) and hearing structure (Appendix 2) and the consequent Constitution changes set out in Appendix 3.
2. Agree the proposed amendments to the Council's Petition Scheme as set out in Paragraphs 3.9 and 3.10.

3. Note the agreed changes to the Constitution on the Member Allowances Scheme (Appendix 5) the Grants Determination Sub-Committee (Appendix 6) and the Officer Structure Chart.

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

- 1.1 The Committee is required to agree a new Employee Appeals Sub-Committee structure to enable Member-level decision making.
- 1.2 The General Purposes Committee has day-to-day oversight of the Council's Constitution and is responsible for ensuring it is up to date and effective.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The report offers the Committee the opportunity to consider a review of any parts of the Constitution it wishes.

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

### Employee Appeals Sub-Committee

- 3.1 The General Purposes Committee has overall responsibility for Member-level decision making in relation to Human Resources matters. At its last meeting the Committee agreed to re-establish the previous Member-level Sub-Committee to hear employee appeals against dismissal. This report therefore sets out the Sub-Committee Terms of Reference, Procedures and Constitution changes for Member agreement.
- 3.2 Should the Committee agree these changes it is proposed that they come into force from 1 January 2023 to allow consequent internal changes to also be confirmed.
- 3.3 The Employee Appeal Sub-Committee will comprise of an ad hoc panel for each appeal dependent on availability. This panel will include in each case a Chair and two other Councillors drawn from the General Purposes Committee Members and their appointed substitutes. Once appointed for a particular appeal, the membership of the Sub-Committee must remain the same throughout all stages of that appeal.
- 3.4 Members can only sit on an Appeals Sub-Committee if they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal which the Sub-Committee is charged.
- 3.5 The terms of reference and membership arrangements for the Employee Appeals Sub-Committee are attached at Appendix A. Also attached is the Appeals hearing structure (Appendix B).
- 3.6 Meetings will be scheduled in relation to the availability of Members.

## Member Allowances Scheme

- 3.7 Following Council's decision to amend the Member Allowances Scheme by reducing the number of Special Responsibility Allowances, the updated Scheme is presented for noting and inclusion in the Constitution. This is set out at Appendix 4.

## Grants Determination Sub-Committee

- 3.8 During its meeting on 6 July 2022 the Grants Determination Sub-Committee agreed to update its Terms of Reference to set out its operation in more detail and to collate previously agreed delegations. The updated Terms of Reference are included for noting as the General Purposes Committee does not have authority to amend Executive procedures.

## Petition Scheme

- 3.9 Democratic Services have recently received a number of questions about the management of petitions and in particular the length of time that they are available for signature. There have never been any restrictions placed on petitions and indeed it would not be possible to know how long hard copy petitions have been in circulation.
- 3.10 The Petition Scheme itself is silent on this matter and so it is proposed that adding a sentence to make this clear would be useful. The following is the suggested text:

"There are no set rules as to how long you can collect signatures for a petition. It is up to you as petition organisers to determine when to close your petition and submit it to the Council. However, the Council will not normally host live petitions on its own ePetitions site for longer than six months."

## Officer Structure Chart

- 3.11 Two changes need to be made to the Officer Structure Chart in Section 13 'Officers of the Council'. Ellie Kershaw replaces Vicky Clark as Director of Integrated Growth and Development whilst Michael Eady replaces Judith St. John as Director of Commissioning and Culture.
- 3.12 As these are purely factual changes their agreement is delegated to the Director of Legal and Monitoring Officer and are presented to the Committee for noting.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 An up to date Constitution is important in supporting proper decision-making which includes consideration of equalities implications.

## **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 Failure to maintain an up-to-date Constitution could impact on any/all of the above implications.

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

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

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

7.1 The Council's Constitution delegates amendments to the Constitution to the General Purposes Committee. The matters set out in this report are therefore within the powers of the General Purposes Committee to decide.

---

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

### **Linked Report**

- Report on the Employee Appeals Process – General Purposes Committee 13 October 2022.
- Report on the Members Allowances Scheme – Council 16 November 2022.

### **Appendices**

- Appendix 1 – Employee Appeals Sub-Committee Terms of Reference
- Appendix 2 – Employee Appeals Sub-Committee Procedures
- Appendix 3 – Employee Appeals – consequent Constitution changes
- Appendix 4 – Updated Member Allowances Scheme
- Appendix 5 – Grants Determination Sub-Committee Terms of Reference

### **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

This page is intentionally left blank

## EMPLOYEE APPEALS SUB-COMMITTEE

### Terms of reference:

1. That the General Purposes Committee establish an Employee Appeals Sub-Committee with the following terms of reference:-
  - To consider and determine appeals by employees under human resources procedures requiring a member level decision.

### Membership:

2. That the membership of the Employee Appeals Sub-Committee comprise:-
  - 2.1 A panel of **three members** to be appointed by the Director of Workforce, OD and Business Support on an ad hoc basis for each employee appeal from a pool of all Members and Substitutes of the General Purposes Committee.
  - 2.2 The first item of business at each Employee Appeals Sub-Committee shall be to appoint, from amongst the Sub-Committee Members, a Chair for the appeal hearing.
  - 2.3 The quorum for the Employee Appeals Sub-Committee shall be three Members.
  - 2.4 Members may serve on an Employee Appeals Sub-Committee panel only after they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal with which the Sub-Committee is charged.
  - 2.5 In the case of an appeal which gives rise to any issues relating to safeguarding of adults or children, no Member may sit on the Employee Appeals Sub-Committee to consider that appeal unless they have previously received training in safeguarding matters to the satisfaction of the Director of Workforce, OD and Business Support and the Corporate Director, Children and Culture or the Corporate Director, Health, Adults and Community as appropriate.
  - 2.6 The Director of Workforce, OD and Business Support shall be authorised to convene meetings of the Employee Appeals Sub-Committee, established by the General Purposes Committee, to discharge functions on its behalf, subject to the criteria set out in paragraphs 2.1 to 2.5 above.

**Formal Terms of Reference to be added to Part B Section 19 (Terms of Reference – Council and Committees)**

**Employee Appeals Sub-Committee**

<b>Summary Description:</b> An Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine appeals by employees under human resources procedures requiring a member level decision such as appeals against dismissal.	
<b>Membership:</b> A panel of three members will be appointed on an ad-hoc basis for each employee appeal from a pool of all Members and Substitutes of the General Purposes Committee.	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To determine appeals by employees requiring a Member level decision.	None
<b>Quorum:</b> Any three Members of the Sub-Committee	

## APPEAL HEARING STRUCTURE

1. **Introduction of parties and explanation of structure.**
  - In attendance:
  - Members hearing the Appeal
  - Human Resources Adviser to the Panel
  - Legal adviser to the Panel
  - Note taker
  - Manager presenting case
  - Human Resources Advisor to the Manager
  - Appellant
  - Appellant's Representative (only one representative will be allowed to attend the hearing and this may be a Trade Union Representative or a work colleague.
2. **APPELLANT'S CASE** will be put first using supportive evidence, documentation and witnesses.
3. **MEMBERS HEARING THE APPEAL** will ask any points regarding the Appellant's case, including questions to witnesses.
4. **THE MANAGER PRESENTING THE CASE may ask** points of clarification only of Appellant or witnesses. If either side does not wish to check any points with the witnesses, they may leave the hearing at this stage.
5. **THE MANAGER** will then present his / her case, explaining why the original decision was considered appropriate.
6. **MEMBERS HEARING THE APPEAL MAY ASK** questions of the Manager and his / her witnesses.
7. **THE APPELLANT** (or his / her representative) **may ask** points of clarification only from the Manager or his / her witnesses.
8. **APPELLANT'S CONCLUDING REMARKS** (if any)
9. **MANAGER'S CONCLUDING REMARKS** (if any)
10. **AFTER AN ADJOURNMENT** if the Members are able to come to a decision within a reasonable timescale the Chair of the Sub Committee hearing the Appeal will give the decision. If the decision is likely to take some time the parties will be offered the option of being notified of the decision the following working day by the Human Resources Adviser. The decision will be confirmed in writing to the Appellant.

## APPEALS UNDER THE DISCIPLINARY PROCEDURE

1. The function of the Appeal is to consider the evidence in the light of the submissions made by the Appellant, together with the Council's response and to decide upon the fairness and reasonableness of the decision. It is not a rehearing. It is a review process.
2. In reaching a decision, the Panel of Members should consider the following: -
  - (i) Has any new evidence been presented which was not heard by the Chair of the original Panel? New evidence will only be considered if it was not available to the deciding officer and is relevant to the matter.
  - (ii) Was the decision procedurally correct.
3. If the Appeal grounds are on procedural irregularities, the Panel must decide whether there were any such irregularities and, if so, whether these prejudiced the disciplinary decision to such an extent that a fair hearing was not possible.
4. Appeals against disciplinary action will only be considered on one or more of the following reasons:
  1. The PROCEDURE, - the grounds of appeal should detail how procedural irregularities prejudiced the disciplinary decision.
  2. The FACTS, - Failure to take account of material evidence.
  3. The DECISION, The decision did not justify the level of disciplinary sanction imposed. The Panel will decide if the decision was a decision a reasonable employer could reasonably make.

## **APPEALS UNDER THE SICKNESS PROCEDURE**

**APPEALS AGAINST DISMISSAL UNDER THE SICKNESS PROCEDURE:**

**THE STRUCTURE OF THE HEARING FOLLOWS THE DISCIPLINARY CODE.**

**THE GROUNDS FOR APPEAL ARE: -**

1. That the medical opinion was wrong
2. That redeployment was a viable option
3. That having regard to operational requirements, financial constraints and personal circumstances, it would have been reasonable to allow a longer period to recover before a final decision was made.
4. That there were procedural irregularities by the Council in the operation of the scheme, and these irregularities prejudiced the case to such an extent that a fair hearing was not possible.

This page is intentionally left blank



## 19 Terms of Reference – Council and Committees

### 8. General Purposes Committee

**Summary Description:** The Committee is responsible for a range of non-executive functions including matters such as; electoral matters, personnel issues and byelaws, that have not been delegated to other Committees.

**Membership:** 9 Councillors

Functions	Delegation of Functions
<p>This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution</p>	-
<p>1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including:</p> <ul style="list-style-type: none"> <li>(a) the provision of assistance at European Parliamentary elections;</li> <li>(b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and</li> <li>(c) the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under Local Government Act 2000).</li> </ul>	None
<p>2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor</p>	The Monitoring Officer is authorised to make or amend Committee/ Subcommittee appointments in accordance with Section 24 of this Constitution
<p>3. To recommend to Council the introduction, amendment or revocation of byelaws</p>	None
<p>4. Appointment and revocation of local authority school governors</p>	None
<p>5. To make changes to the membership and substitute membership of committees appointed by the Council</p>	The Monitoring Officer is authorised to make or amend

and their subordinate bodies, consistent with the proportionality rules	Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution
6. To consider and make changes to the Council's Constitution upon the recommendation of the Monitoring Officer	
7. To determine major policy on the terms and conditions on which staff hold office within allocated resources	
<del>8. To agree any negotiated settlement, in relation to a senior executive in circumstances which do not amount to a dismissal that may be proposed in accordance with the Council's Pay Policy Statement</del>	[Note being deleted as new rules mean these must now be agreed by Full Council]
9. To determine the criteria for the appointment of the Head of Paid Service and other statutory and non-statutory chief officers and deputy chief officers and to establish Appointments Sub-Committees to consider such appointments	The Monitoring Officer and the Director of Workforce, OD and Business Support are authorised to appoint members to Appointment Sub-Committees in line with the Governance and Resource Directorates Schemes of Delegation in Part D of the Constitution
10. To make recommendations to Full Council on the appointment of the Head of Paid Service	
11. To establish a Sub-Committee to consider any proposal to discipline and/or dismiss the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution and to appoint a minimum of two (2) 'Independent Persons' to such Sub-Committee	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution.
12. To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including: (a) Education awards appeals;	None

<p>(b) Appeals by governing bodies;  (c) <u>Appeals by employees under human resources procedures requiring a Member level decision; and</u></p>	
<p>13. Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval</p>	None
<p>14. To establish <u>Employee Appeals Sub-Committees and other</u> Appeals Sub-Committees as appropriate to be convened by the Monitoring Officer <u>or Director of Workforce, OD and Business Support as appropriate</u> for determination of the above appeals referred to in paragraph 12 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance</p>	<p>The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution.</p> <p>The Director of Workforce, OD and Business Support is authorised to appoint Members to Employee Appeals Sub-Committees in line with the Resources Directorate Scheme of Delegation as set out in Part D of the Constitution</p>
<p>15. To receive general update reports on employee appeals against dismissal and other Appeals processes and cases as required (as determined by the Director of Workforce, OD and Business Support)</p>	None
<p>16. Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution.</p>	None
<p>17. In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part B Section 24 of this Constitution</p>	None

**Quorum:** 3 Members of the Committee

## **Part C – Section 38 – Officer Employment Procedure Rules**

8.4 Involvement of Members in Disciplinary Action. Neither the Mayor nor any Member of the Council will be involved in disciplinary action against any officer below deputy chief officer.

8.5 A Disciplinary Policy and Procedure for the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer shall from time to time be issued or updated. That document does not form part of the Council's Constitution but should be read alongside these Officer Employment Procedure Rules.

### **9. DISMISSAL**

9.1 Neither the Mayor nor any Member of the Council will be involved in the dismissal of any officer below deputy chief officer **except where set out in Paragraph 10.**

### **10. APPEALS**

10.1 Nothing in Rule 1.1 above shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:-

- a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or
- b) **a member of staff of the authority against any decision relating to the dismissal of that member of staff.**

**Part D – Section 52 – Resources Scheme of Delegation**

**2. Human Resources**

	<b>Decision</b>	<b>Corporate Director</b>	<b>Director</b>	<b>Head of Service</b>	<b>Other</b>
2.1	<p><u>Authorising a Settlement Agreement or Special Severance Payment.</u></p> <p><u>Payments up to £20k</u></p>	<p><u>Resources</u></p>	<p><u>Workforce, OD and Business Support</u></p>		<p><u>Subject to proposal by Director, Workforce, VFM and Audit justification must be agreed by Corporate Director of Resources and Director of Legal &amp; Monitoring Officer.</u></p>
2.2	<p><u>Authorising a Settlement Agreement or Special Severance Payment.</u></p> <p><u>Payments £20k to £100K</u></p>				<p><u>Decision to be taken by the Chief Executive following the agreement of the Mayor on a proposal from the Director, Workforce, OD and Business Support.</u></p> <p><u>VFM and Audit justification must be agreed by the Corporate Director, Resources, Director of Legal as part of this process.</u></p>
2.3	<p><u>Authorising a Settlement Agreement or Special Severance Payment.</u></p>				<p><u>Decision to be taken by a meeting of Full Council.</u></p> <p><u>Subject to proposal by</u></p>

	<u>Payments above £100k</u>				<u>Director, Workforce, VFM and Audit justification must be agreed by Corporate Director of Resources and Director of Legal &amp; Monitoring Officer.</u>
2.4	Authorising settlement of an Employment Tribunal Claim	Resources in consultation with the Director of Legal and Monitoring Officer	Workforce, OD and Business Support		
<u>2.5</u>	<u>Agreeing to establish individual Employee Appeal Sub-Committees including; Membership, Meeting dates/times, training and other procedural matters as required.</u>		<u>Workforce OD and Business Support</u>		

## **Part C – Section 39 London Borough of Tower Hamlets: Members' Allowances Scheme**

**This Scheme is made by the London Borough of Tower Hamlets in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.**

1. This Scheme shall be called The London Borough of Tower Hamlets Members' Allowances Scheme 2022 and it shall come into effect on 1 April 2022. The Scheme shall apply to the Mayor, Councillors and Co-opted Members of the London Borough of Tower Hamlets.

### **Basic Allowance**

2. Subject to paragraph 8, a basic allowance of £11,898 shall be paid to each Councillor for each year. The Basic Allowance shall not be payable to the elected Mayor.
3. The basic allowance of £11,693 shall be payable with effect from 1 April 2022.

### **Special Responsibility Allowance**

4. Subject to paragraphs 5-8, a special responsibility allowance shall be paid for each year to those Members who hold a position of special responsibility as specified in Schedule 1.
5. The amount of each such allowance shall be the amount specified against the respective special responsibility in Schedule 1 and it shall be payable with effect from 1 April 2022.
6. Any special responsibility allowance payable under paragraphs 4 and 5 shall be in addition to the basic allowance payable under paragraph 2 above.
7. Any Member who holds more than one position of special responsibility shall receive only one special responsibility allowance which shall be at the higher level.

### **Part-Year Entitlement**

8. If, in the course of the year, this scheme is amended or a Member's entitlement changes, the relevant basic and/or special responsibility allowance shall be calculated and paid pro-rata during the particular month in which the scheme amendment or entitlement change occurs.

### **Dependants' Carers' Allowance**

9. A maximum of £11.05 per hour shall be paid to those Members who necessarily incur expense in arranging for the care of their children or other dependants to

enable them to undertake any of the activities specified in Schedule 2 to this Scheme.

10. The following conditions shall apply:
- payments shall be claimable for children aged 15 or under or for other dependants where there is medical or social work evidence that care is required;
  - only one weekly payment shall be claimable for the household of each Member, unless the Council's Standards Advisory Committee considers there are special circumstances;
  - the allowance shall be paid as a re-imbusement of incurred expenditure against receipts;
  - the allowance shall not be payable to a member of the claimant's own household;
  - any dispute as to entitlement and any allegation of abuse shall be referred to the Council's Standards Advisory Committee for adjudication.

### **Indexation**

11. The Basic, Special Responsibility, Mayor's and Dependants' Carers' Allowances will be adjusted to reflect the annual pay settlement for local government staff effective 1 April 2022. The Dependents' Carers' Allowance will also be adjusted to, as a minimum, be in line with the London Living Wage.

### **Travel and Subsistence Allowance**

12. An allowance shall be paid to any Member for travelling and subsistence undertaken outside the Borough in connection with any of the duties specified in Schedule 2.
13. An allowance shall be paid to a co-opted member of a Committee, Sub-Committee or Panel of the Council for travelling and subsistence in connection with any of the duties specified in Schedule 2, irrespective of whether the meeting or duty is inside or outside the Borough.
14. The amounts payable shall be the amounts which are for the time being payable to officers of the Council for travelling and subsistence undertaken in the course of their duties.

### **Co-optees' Allowance**

15. Subject to paragraph 16, a co-opted member of the Standards Advisory Committee, the Overview and Scrutiny Committee or any of its Sub-Committees, may claim a co-optee allowance of £136 and a co-opted member who is appointed as Chair of the Standards Advisory Committee may claim a co-optee allowance of £272, for attendance at any meeting of the Committee



or the Panel or attendance at any conference or mandatory training event, where attendance is on behalf of and authorised by the Council.

16. A claim for co-optees' allowance shall be made in writing within two months from the date of attendance at the meeting, conference or training event.
17. Where a member is suspended or partially suspended from his or her responsibilities or duties as a co-opted member under Part III of the Local Government Act 2000, any co-optee's allowance payable to him or her for the period for which he or she is suspended or partially suspended, may be withheld by the Council.

### **Maternity, Paternity, Adoption and Sickness Pay**

18. All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity, adoption and sickness leave.
19. Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity, adoption and sickness leave in the same way that the Council's employees enjoy such benefits.
20. If a replacement to cover the period of absence is appointed by Council or the Mayor (or in the case of party group position, the party group) the replacement will be entitled to claim a Special Responsibility Allowance.

### **Recovery of Allowances Paid**

21. Any allowance that has been paid to a Member after he or she has ceased to be a member of the Council, or is for some other reason not entitled to receive the allowance for a specified period, may be recovered.

### **Claims and Payments**

22. Payments shall be made for basic and special responsibility allowances in instalments of one-twelfth of the amounts respectively specified in this Scheme, paid on the last working day of each month.
23. Where a payment of one-twelfth of the amount specified in this Scheme for a basic or special responsibility allowance will result in the Member receiving more than the amount to which he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
24. A claim for travelling and subsistence or dependants' carers' allowance;
  - shall be made in writing within two months from the date of the performance of the duty for which the claim is made;
  - shall be accompanied by receipts and/or any relevant evidence of the costs incurred;

- shall be subject to such validation and accounting procedures as the Council's Corporate Director, Resources may from time to time prescribe.

25. Travelling and subsistence and dependants' carers' allowance shall be paid on the last working day of each month for any claim received not less than 21 days before that date.

### **Pensions**

26. Neither members nor co-opted members of the Council are eligible to join the London Borough of Tower Hamlets Local Government Pension Scheme.

### **Records of Allowances and Publications**

27. The Council shall keep a record of payments made by it under this Scheme, including the name of the recipients of the payment and the amount and nature of each payment.
28. The record of the payments made by the Council under this Scheme shall be available at all reasonable times for inspection at no charge. A copy shall also be supplied to any person who requests it on payment of a reasonable fee.
29. As soon as reasonably practicable after the end of the year to which this Scheme relates, the Council shall make arrangements to publish the total sums paid by it to each recipient for each different allowance.
30. A copy of the Scheme shall be supplied to any person who requests it on payment of a reasonable fee.

### **Renunciation**

31. A member may at any time and for any period, by notice in writing given to the Chief Executive, elect to forego any part of their entitlement to an allowance under this Scheme.

### **Interpretation**

32. In this scheme:
- "Councillor" means an elected member of the London Borough of Tower Hamlets who is a councillor;
  - "Mayor" means the elected Mayor of Tower Hamlets Council;
  - "Member" means any person who is either the Mayor, a Councillor or a co-opted member of Tower Hamlets Council;
  - ~~"Co-opted member" means any person who is not a Councillor but who sits on a Committee, Sub-Committee or Panel of the Council;~~ **"A Co-opted Member refers to persons who are not Councillors but who sit on a Committee, Sub-Committee or Panel of the Council. The**

**exact definition to be used in this scheme is that set out in the Member Code of Conduct (Constitution, Part C, Section 31)”**

- “Year” means the 12 months ending on 31 March in any year.

### **Revocation**

- 33.** The London Borough of Tower Hamlets Members’ Allowance Scheme 2021 is hereby revoked and replaced with the Tower Hamlets Members’ Allowances Scheme 2022.

## SCHEDULE 1

### Special Responsibility Allowance

The following are specified as the special responsibilities for which special responsibility allowances are payable and the amounts of those allowances:

	<b>Eff. 1 April 2022</b>
Mayor	£80,579
Deputy Mayor <b>(Maximum of one allowance)</b>	£32,631
Leader of the Majority Group on the Council	£12,291
Leader of the largest Opposition Group (subject to having at least 10% of the Council)	£12,291
Leader of the largest Opposition Group (if the Group has fewer than 10% of the Council)	£5,439
Leader of any Group (subject to having at least 10% of the Council)	£5,439
Cabinet Members	£21,754
<b>Mayoral Advisers</b>	<b>£7,614</b>
Chair of Overview and Scrutiny Committee	£11,965
Chair of Scrutiny Sub-Committee (Health, Housing or Grants)	£8,702
Lead Member for Scrutiny	£8,702
Chair of Development Committee	£11,965
Chair of Strategic Development Committee	£11,965
Chair of Licensing Committee	£6,526
Chair of General Purposes Committee	£8,702
Chair of Audit Committee	£6,526
Chair of Pensions Committee	£6,526
Speaker of Council	£10,877
Deputy Speaker of Council	£5,439
<b>Chief Whip (Whip of the Majority Group)</b>	<b>£11,965</b>

## SCHEDULE 2

### **Dependants' Carers' and Travelling and Subsistence Allowances**

The duties for which these allowances are payable include:

- the attendance at a meeting of the Council or of any committee or sub-committee of the Council or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- the attendance at any other meeting, the holding of which is authorised by the Council, or a committee or sub-committee of the Council, or a joint committee of 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that –
  - where the Council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
  - if the Council is not so divided, it is a meeting to which at least two members of the Council have been invited
- the attendance at a meeting of any association of authorities of which the Council is a member;
- the attendance at a meeting of the Cabinet or a meeting of any of its committees, where the Council is operating executive arrangements;
- the performance of any duty in pursuance of any standing order under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
- the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.
- the performance of any duty in connection with arrangements made by the Council for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and
- the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees.

This page is intentionally left blank

## GRANTS DETERMINATION SUB-COMMITTEE

### Terms of Reference

<b>Description:</b> A Cabinet Sub-Committee, <u>chaired by the Mayor</u> , established to consider matters relating to grants.	
<b>Membership:</b> Three <del>Four</del> Members of the Cabinet (Executive Councillors or the Mayor) as appointed by the Mayor. All other Executive Members can substitute where necessary.	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To determine all applications for grant funding received by the Council <u>that require a Member level decision where there is no specific delegation to officers</u>	<u>Various grants decisions have been specifically delegated to officers (see 3 below).</u>
2. To determine all applications for corporate match funding received by the Council.	No delegations
3. The Sub-Committee may delegate decision making to individual officers, provided that the extent of this delegation is made clear and that it is minuted properly.  <u>Delegations agreed by the Sub-Committee will be listed at the bottom of the Terms of Reference in respect of decisions from May 2021.</u>	<u>As delegated by the sub-committee.</u>
4. Where decision making has been delegated, to receive a report advising as to the exercise of a discretion at the next Sub-Committee meeting following the exercise of such discretion.	No delegations
5. To receive quarterly update reports against defined parameters in order for the Council to demonstrate either: that delivery is in line with the application and, therefore, the grant achieved its purpose; or to provide clear delineation where outcomes were not achieved and the reasons for such failure are apparent. Such Monitoring should therefore include measuring performance against the expected outcomes.	No delegations
6. To determine criteria under which grant applications will be considered.	No delegations

**Quorum:** Three (3) Members of the Committee

**Officer delegations agreed by the Grants Determination Sub-Committee since May 2021.**

- Small Grants Programme and Older People's Services Fund
- Emergency Funding to local VSC organisations
- Innovation Fund
- Community Benefit Rent Reduction
- Carbon Reduction Community Grants Programme
- Community Gardens Programme
- Community Centres Local Infrastructure Fund (LIF) Capital Grant Programme
- Food Pantry Programme Funding – Family Action
- Connecting Communities – Digital Inclusion
- Whitechapel Levelling up fund
- London Square New Town Hall (CIL)
- Grant Payment for St Anne's Catholic Primary School Expansion
- Aberfeldy Pocket Park - Grant offer to Poplar HARCA using Local Infrastructure Fund (LIF) to support the design and delivery of a pocket park, public realm improvements and engagement near Dee Street
- Historic Buildings Grants
- Middlesex Street Area Regeneration Programme Grants.
- Grant offers to Toynbee Hall
  - to support the production of an updated Conservation Area Appraisal & Management Plan for the Wentworth Street Conservation Area
  - £90,000 to Toynbee Hall for the Petticoat Lane Cultural Programme
  - For a Memories, Craft and Community Hub, as part of the Petticoat High Street Heritage Action Zone programme.



Non-Executive Report of the:  <b>General Purposes Committee</b>  15 December 2022	 <b>TOWER HAMLETS</b>
<b>Report of</b> James Thomas, Corporate Director (Children's Services)	<b>Classification:</b> Part Exempt
<b>Local Authority Governor Application</b>	

<b>Originating Officer(s)</b>	Farhad Ahmed
<b>Wards affected</b>	All wards

### Executive Summary

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

### Recommendations:

The General Purposes Committee is recommended to:

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

### 1. REASONS FOR THE DECISIONS

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

### 2. ALTERNATIVE OPTIONS

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

dispute about an appointment or there was more than one applicant for a post in which case the Committee would decide the appointment.

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

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

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

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

#### **3.2 APPLICATIONS**

##### **Re-appointments**

a) The Headteacher and Chair of Southquay support the appointment of **Ian Cameron** - Application is enclosed as **Appendix 1**.

##### **New Appointments**

b) The Headteacher and Chair of St Edmunds Primary School support the appointment of **Dr Michelle de Haan** - Application is enclosed as **Appendix 2**

### **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 – 2 [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:**

Farhad Ahmed

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

Document is Restricted


This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



Cover Report to:  <b>GENERAL PURPOSES COMMITTEE</b>  15 December 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Musrat Zaman, Director of Workforce, OD and Business Support Services	<b>Classification:</b> Unrestricted
<b>Quarterly report on Employee Relations casework and policy</b>	

<b>Originating Officer(s)</b>	Pat Chen, Head of HR
<b>Wards affected</b>	None

## 1. EXECUTIVE SUMMARY

- 1.1. The attached report is to update GPC on the level and management of employee relations casework within the Council, highlighting progress made.
- 1.2. Reports are produced on a quarterly basis. This report is for the period July 2022 – September 2022.

## 2. RECOMMENDATIONS:

- 2.1. The General Purposes Committee is recommended to:
  1. Note the report.

This page is intentionally left blank

# **Employee Relations Quarterly Report on Casework and Policies**

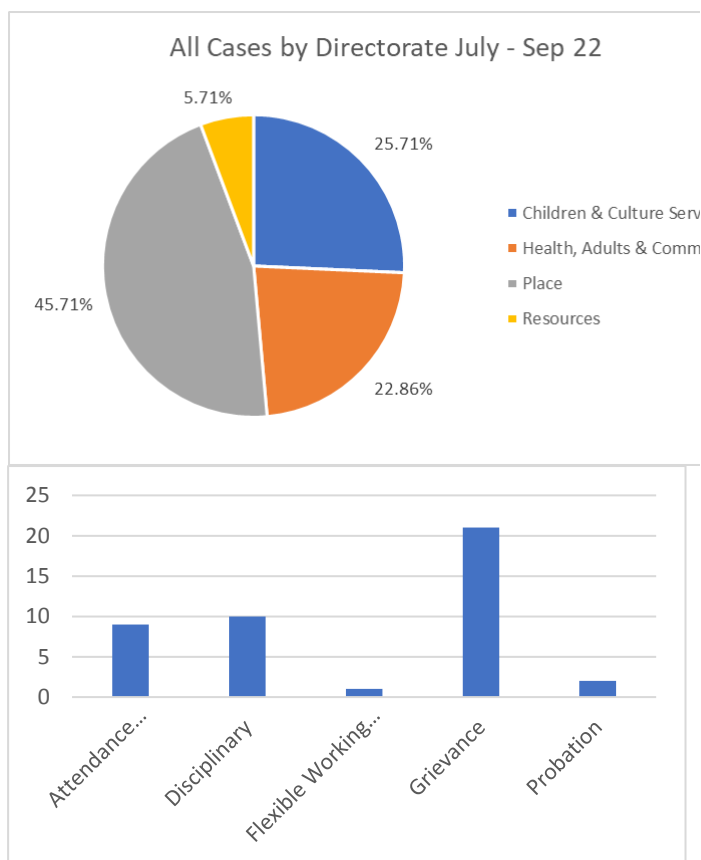
**Q2 2022/23 (1 July 2022 to 30 September 2022)**

# ER Casework Dashboard

## Case Type by Directorate Jul - Sep

<b>Children &amp; Culture Services</b>	<b>11</b>
Attendance Management	5
Disciplinary	2
Flexible Working Appeal	1
Grievance	3
<b>Health, Adults &amp; Community</b>	<b>10</b>
Attendance Management	2
Disciplinary	3
Grievance	4
Probation	1
<b>Place</b>	<b>20</b>
Attendance Management	1
Disciplinary	5
Grievance	13
Probation	1
<b>Resources</b>	<b>2</b>
Attendance Management	1
Grievance	1
<b>Grand Total</b>	<b>43</b>

## All Cases by Type & Directorate Jul – Sep



### Summary of Quarter 2 Casework Data (1 July 2022 to 30 September 2022)

- There were 43 cases in this period (an increase of 2 in quarter 1). This includes open cases and those closed during the period. The breakdown by Directorate shows they were highest in Place (20), 6 of which are individuals in one collective grievance. Looking at all cases by type 21 grievances are the highest (21), followed by disciplinaries (10) and then attendance management (9).
- At the end of this quarter by 30 September there were 25 open cases (an improvement on quarter 1 case numbers which ended with 41 open cases).
- During this period there were 5 suspensions (an increase of 1 since quarter 1). These are for agreed cases of alleged gross misconduct where alternative duties are not possible, and these are kept under review.
- During this period there were 32 long term cases (those open for 90 days or more).
- The average length of cases which were closed in this period is 139 calendar days (which is an improvement on quarter 1 where the average was 187 days).
- During this quarter, 19 cases were closed (an improvement from quarter 1 which was 15).
- Outcomes for cases closed show that of the 7 closed grievances in the quarter, only 3 were partially upheld. Of the 4 disciplinaries, one led to a written warning and one led to a final written warning.
- In this quarter alone ER received 132 general enquiries through our in box. 75 (57%) of these were about attendance management matters. The majority of overall queries were from Place (45), followed by Resources (44).
- Equalities data is reported annually.

### Policy Development

- In the pipeline is a review of the Organisational Change Policy, the Redeployment Guide and the Reference Policy.