

General Purposes Committee

Agenda

**Thursday, 23 February 2023 at 6.30 p.m.
Committee Room - Tower Hamlets Town Hall,
160 Whitechapel Road, London E1 1BJ**

Members:

Chair: Councillor Saif Uddin Khaled

Vice Chair: Councillor Musthak Ahmed

Councillor Kabir 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

020 7364 4207

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<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.

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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, 23 February 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

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 - 14)

To agree the unrestricted minutes of the General Purposes Committee meeting held on 15 December 2022.

3. WORK PLAN

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

4. REPORTS FOR CONSIDERATION

4.1 LA Governor Appointment Report Feb 2023 (Pages 15 - 26)

4.2 A summary review of Governors within Tower Hamlets Feb 2023 (To Follow)

4.3 Constitution Working Group (Pages 27 - 32)

4.4 Constitution Updates (Pages 33 - 36)

4.5 Employee Relations Casework Policy Update 22/23 Q3 (To Follow)



- 4.6 Update on Senior Recruitment (Pages 37 - 40)
- 4.7 Process for agreeing Special Severance Payment (To Follow)
- 4.8 Process for agreeing Interim Chief Executive arrangements (To Follow)
- 5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**
- 6. **EXCLUSION OF THE PRESS AND PUBLIC (if required)**

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

To be confirmed at the Annual General Meeting



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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, 15 DECEMBER 2022

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

Members Present in Person:

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

Members In Attendance Virtually:

Councillor Musthak Ahmed

Apologies:

Councillor Maisha Begum
Councillor Abdal Ullah

Officers Present in Person:

Matthew Mannion (Head of Democratic Services)
Joel West (Democratic Services Team Leader (Committee))

Officers In Attendance Virtually:

Musrat Zaman (Director of HR, OD & Business Support Services)
Farhad Ahmed (Traded and Business Development Manager)
Robert Curtis (Head of Electoral Services)
Pat Chen (Head of HR, HAC and Children & Culture)

1. DECLARATIONS OF INTERESTS

None were declared.

2. MINUTES

The unrestricted minutes of the General Purposes Committee meeting held on 13 October 2022 were not agreed as a correct record. The Committee asked that the draft minutes are amended to reflect that all members of the Committee contributed to discussion at the meeting.

3. WORK PLAN

The Committee reviewed the updated work plan circulated as agenda supplement 2.

RESOLVED: That the General Purposes Work Plan be noted.

4. REPORTS FOR CONSIDERATION

4.1 Polling Places and Districts Review

Robert Curtis, Head of Electoral Services informed the Committee of the compulsory statutory timetable and the processes to be followed for a review of polling places and polling districts.

Robert explained that any proposal to hold an interim review would overlap with statutory requirements to review every five years due to commence on 1 October 2023. It was instead proposed that all stakeholders be informed in advance of the statutory review timetable commencing to enable stakeholders to prepare in advance

Robert explained that the ongoing Parliamentary Constituency Boundary review, which was not covered in the report, would also impact on this work and that the statutory timetable meant the results of the review would not be implemented prior to the May 2024 elections if the consultation period were to extend to that date.

Further to questions from the Committee, Robert provided additional information on:

- Scope to deviate from the statutory review timetable: there was no flexibility in this regard.
- Feasibility of concluding the review prior to the May 2024 elections. Robert advised that the period for undertaking the review is not specified as long as it is completed within 16 months and that commencing on 1 October with everyone prewarned and able to prepare responses in advance may make this feasible. This would be considered when the timetable is formally announced prior to 1 October 2023
- The rationale and process for the ballot paper check undertaken for Shadwell Ward at the 2022 election count.
- Informal feedback from the 2022 election regarding polling places. Feedback was positive in the main, but some concerns had been received regarding high voter numbers at some venues and this will be considered as part of the review and requirements of the Elections Act 2022.

The Committee then discussed the report and raised the following points:

- It would be desirable to pursue any opportunities to expedite the statutory review timetable so that findings might be implemented for the 2024GLA elections.
- The Committee asked officers to explore whether the Council's decision to implement any changes to polling districts or polling places arising from the review could be delegated to the Committee to help speed up the overall process.

RESOLVED that:

1. The Committee endorses the following 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 to 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.
 - ii. No interim review is to be pursued because the requirement to fully consult will result in an overlap of the timetables resulting in duplication of process.
 - iii. 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.

4.2 Constitution Updates

Matthew Mannion, Head of Democratic Services introduced the report that provided an update on proposed and agreed amendments to the Constitution. Matthew outlined the main proposed changes and the rationale for each.

Regarding the item on the Committee's work plan on a proposed constitution working party, Matthew advised that discussions were in progress and a report would be brought to a future meeting with outline proposals, though any suggestions from members in the meantime would be welcome.

Further to questions from the Committee, Matthew provided additional information on:

- Background to the proposed change to the definition of a co-opted member.
- The membership arrangements for the proposed Employee Appeals Sub-Committee sub committee. Members can be drawn from all members and substitutes of the General Purposes Committee.

The Sub Committee then discussed the report and raised the following points relating specifically to the proposed Employee Appeals Sub-Committee:

- The terms of reference should clarify on whether decisions of sub committee will be binding.
- The terms of reference should include a provision that proportional political group representation and gender/ethnicity balance be secured as far as is reasonably practicable.
- The Committee discussed a proposal that the terms of reference provide for the exclusion of members of the executive from Employee Appeals Sub-Committees where the appeal being considered related to an employee in their service. Some members of the Committee felt such an approach would protect the Council from accusations of conflicts of interest; other Committee members felt such a provision was unnecessary as any such conflicts of interest would be managed through existing mechanisms including the Members Code of Conduct and the declarations of interest agenda item at the meeting.
- The Committee asked the Head of Democratic Services to propose minor changes to the terms of reference and hearing structure to give effect to the Committee's discussion. It asked that any changes be determined following consultation with the Chair.
- Training to cover the requirements outlined in paragraphs 2.4 (policies and procedures) and 2.5 (safeguarding) should be scheduled together as far as practicable.

RESOLVED to:

1. Establish the Employee Appeals Sub-Committee for the remainder of the municipal year 2022/23 with the terms of reference as at Appendix 1, hearing structure at Appendix 2 and the consequent Constitution changes set out in Appendix 3 to the report.
2. Delegate to the Head of Democratic Services, following consultation with the Chair, authority to make minor amendments to the Employee Appeals Sub-Committee terms of reference and hearing structure to give effect to the Committee's wishes regarding:
 - a. Clarification on whether decisions of sub committee will be binding.
 - b. Guidance on membership, gender and ethnicity balance and political proportionality requirements.
 - c. Any reasonable and practical restrictions to be placed on executive members' participation.
3. Agree the proposed amendments to the Council's Petition Scheme as set out in Paragraphs 3.9 and 3.10 of the report.
4. Note the agreed changes to the Constitution on the Member Allowances Scheme in Appendix 5 to the report, the Grants Determination Sub-Committee in Appendix 6 to the report and the Officer Structure Chart.

4.3 Local Authority Governor Applications Dec 2022

Farhad Ahmed, Head of Governor Services introduced the report that set out details of applicants who had applied to be nominated as the local authority governor at Tower Hamlets maintained schools.

Further to questions from the Committee, Farhad provided additional information on:

- How governor positions are advertised and recruited and how the Council encouraged local community involvement.
- Current equalities monitoring arrangements and data. Farhad asked the Committee to note that governors can choose not to declare equalities monitoring information and previous efforts to seek equalities data resulted in a response rate of only 10 per cent. Therefore, data regarding the overall position is incomplete.

Farhad agreed to provide Committee members with details of training opportunities and attendance data (including equalities data where available) for governors.

The Committee discussed black and minority ethnic representation within school governance. Some members of the Committee noted that the Council had previously made recommendations to improve black and minority ethnic take-up of school governor roles. Farhad was asked to review those previous recommendations to ensure any new initiatives build on previous learning.

RESOLVED that:

1. The Committee nominates the applicants to the positions for local authority governors at maintained schools in Tower Hamlets as set out in paragraph 3.2 of the report.

4.4 Employee Relations Casework and Policy update - Q2 - July - September 2022

Musrat Zaman, Director of Workforce, OD & Business Support and Pat Chen, Head of HR introduced the report that provided an update on the level and management of employee relations casework within the Council, highlighting progress made for the period July 2022 – September 2022.

Further to questions from the Committee, Musrat and Pat provided additional information on:

- The main categories of grievances.
- How data is monitored and work to identify patterns.
- The training of staff and introduction this year of a mediation service and how the service focussed on re-building relationships to reduce the number of formal grievance processes.

The Committee indicated it would welcome greater detail in statistics relating to ER casework as it felt the current level of detail was not sufficient to allow meaningful conclusions to be reached. Such additional detail ideally to include feedback or similar data on levels of complainant's satisfaction with the ER process; performance against policy timescales; and categorisation of individual complaints/ grievances. The Committee noted the risk of identifying staff involved may place limits on the level of additional detail that could be provided.

RESOLVED that:

1. The report be noted, subject to the comments above.

4.5 Update on Senior Recruitment - December 2022

Musrat Zaman, Director of Workforce, OD & Business Support and Pat Chen, Head of HR introduced the report that provided an update on senior posts and recent recruitment activity.

RESOLVED that:

1. The Committee note the current position on the recruitment to senior management vacancies in the Council structure and the interim arrangements to cover the chief officer post with statutory responsibility for Adult Social Services (DASS) and Chief Finance Officer (Section 151 Officer) post, as set out in the report.

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

None.

6. EXCLUSION OF THE PRESS AND PUBLIC

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

The meeting ended at 8.10 p.m.

Chair, Councillor Saif Uddin Khaled
General Purposes Committee

Non-Executive Report of the: General Purposes Committee 23 Feb 2023	
Report of James Thomas, Corporate Director (Children's Services)	Classification: Part Exempt
Local Authority Governor Application	

Originating Officer(s)	Farhad Ahmed
Wards affected	All wards
Exempt information	This report and/or its appendices include information that has been exempted from publication as the Monitoring Officer: <ul style="list-style-type: none"> • has deemed that the information meets the definition of a category of exempt information as set out in the Council's Access to Information Rules; and • has deemed that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The exempt information is contained in Appendices 1-3 The exempt information falls into this category: <ul style="list-style-type: none"> • 1. Information relating to an individual

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 **Wellington** support the appointment of **Clifford Atkins** - Application is enclosed as **Appendix 1**.
- b) The Headteacher and Chair of **Alice Model** support the appointment of **Deidre Dixon** - Application is enclosed as **Appendix 2**.
- c) The Headteacher and Chair of **Stepney All Saints** support the appointment of **Julia Clarke** - Application is enclosed as **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 a person appointed as a local authority governor and for a number of associated matters.
- 7.2 The 2012 Regulations detail the composition of the governing body and the appointment of governors, including local authority governors. The 2012 Regulations provide that there can be only one local authority nominated governor. A local authority governor is a person who is nominated by the local authority and is appointed by the governing body after being satisfied that the person meets any eligibility criteria set by the governing body. It is for the governing body to decide whether the Local Authority nominee has the skills to contribute to the effective governance and success of the school and meets any eligibility criteria they have set. If the governing body has set eligibility criteria, then these should be notified at the meeting, so the Committee can consider them before making a nomination.

- 7.3 Schedule 4 to the 2012 Regulations set out the circumstances in which a person is qualified or disqualified from holding or continuing in office as a governor, details of which are as follows –
- A person who is a registered pupil at a school is disqualified from holding office as a governor of the school.
 - A person must be aged 18 or over at the date of appointment to be qualified to be a governor.
 - A person cannot hold more than one governor post at the same school at the same time.
 - A governor who fails to attend meetings for six months without the consent of the governing body becomes disqualified from continuing to hold office.
 - A person is disqualified from holding or continuing in office if: (1) his or her estate is sequestered (under bankruptcy) or the person is subject to a bankruptcy restrictions order or an interim order; (2) he or she is, broadly speaking, disqualified from being a company director; (3) he or she has been removed from office as trustee of a charity; (4) he or she has a criminal conviction of a specified kind within a specified time period; (5) he or she is subject to a specified prohibition or restriction on employment, such as being barred from ‘regulated activity’ relating to children under the Safeguarding of Vulnerable Groups Act 2006; or (6) he or she refuses to apply for a criminal records certificate when requested to do so by the clerk to the governing body.
 - A person is disqualified from appointment as a local authority governor if he or she is eligible to be a staff governor.
- 7.4 Once appointed, a governor will hold office for a fixed period of four years from the date of appointment, except in a limited number of circumstances. This does not prevent a governor from being elected for a further term. A governor may resign, be removed or be disqualified from holding office in the circumstances specified in the relevant Regulations.
- 7.5 In determining whether to appoint an authority governor, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don’t. The Committee will wish to be satisfied that the process of selection is fair, open and consistent with furtherance of these equality objectives.
- 7.6 The Council’s Constitution gives the General Purposes Committee responsibility for appointment of local authority school governors.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

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

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

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

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

- NONE

Officer contact details for documents:

Farhad Ahmed

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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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of the Local Government Act 1972.

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of the Local Government Act 1972.

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Non-Executive Report of the: General Purposes Committee Thursday 23 February 2023	 TOWER HAMLETS
Report of: Janet Fasan, Director of Legal and Monitoring Officer	Classification: Unrestricted
Constitution Working Party	

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

Executive Summary

The General Purposes Committee at its meeting on 13 October 2022 requested that a Constitution Working Group be established to review the constitution and look at potential improvements.

Subsequent to that request, discussions took place and a report was presented to the Chief Executive for him to sign off his agreement to establishing the working group (in line with the constitutional requirement).

General Purposes Committee are asked to note the establishment of the working group and review the initial plans for its initial meeting.

Finally, the Committee is asked to confirm its agreement to this working group taking place and agree to receive decision reports as and when required. The Committee, should it wish, can forward those reports to Council for a final decision.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the establishment of the Constitution Working Group.
2. Note and review its planned work areas.
3. Confirm the Committee's agreement to the establishment of the working group and agree to receive any decision reports following its work as required.

1. REASONS FOR THE DECISIONS

- 1.1 The General Purposes Committee requested the establishment of a Constitution Working Group. This report provides an update on its progress.

2. ALTERNATIVE OPTIONS

- 2.1 The General Purposes Committee are free to propose alternative courses of action for the Constitution Working Group or to request that it be disbanded.

3. DETAILS OF THE REPORT

- 3.1 Informal working groups or boards can be established by the Council on any relevant matters. These bodies can have both Members and officers in their membership but they may not have decision-making powers. The power to establish such bodies rests with the Mayor (for Executive matters) and the Chief Executive (all matters) (Constitution Section 20, Paragraph 13).
- 3.2 Working Groups in relation to the Constitution are common across local authorities and there have been several at Tower Hamlets over the years.
- 3.3 The last significant review of the Constitution took place in 2018/19 where its style and layout was significantly overhauled and specific changes were made, such as introducing a financial key decisions thresholds and improving and updating schemes of delegation. These changes were overseen by the General Purposes Committee and no separate CWG was established.
- 3.4 However, CWG's have been used before that including in 2017 which mainly focussed on factually updating the constitution (as it hadn't received a significant review for a number of years) but also looked at areas such as Council Procedure Rules, Planning/Licensing Codes and similar.
- 3.5 Prior to that a number of constitution and governance working groups have operated at various times.

Request to establish a Constitution Working Group

- 3.6 At its meeting on 12 October 2022, the General Purposes Committee requested that a Constitution Working Group be established to review the Constitution as it had been four years since the last significant review had been undertaken.
- 3.7 As set out at the top of the report, the power to agree to the establishment of such a group rests with the Chief Executive. A report was subsequently prepared and presented to the Corporate Leadership Team (CLT) and Chief Executive seeking agreement to such a move.
- 3.8 The CLT and Chief Executive were in agreement with the establishment of the working group. Initial ideas for areas of work for the group were considered but it will also be for Members and the General Purposes Committee to guide the programme.

First meeting of the Constitution Working Group

- 3.9 It is anticipated that the CWG will meet as soon as an appropriate date can be identified.
- 3.10 The main focus on the first meeting will be an introduction to the Constitution as it is currently set out, looking at the four Parts, their content and target audience. The meeting will also briefly look at some of the key changes made in recent years.
- 3.11 Leading from this the CWG will propose an initial work programme to be overseen by later meetings.

Timeline and process

- 3.12 The Constitution Working Group will meet on an ad-hoc basis as required during 2023. Any changes to the Constitution requiring a decision will be presented to the General Purposes Committee for agreement.
- 3.13 A report on progress will be presented regularly to the General Purposes Committee as required.

4. EQUALITIES IMPLICATIONS

- 4.1 A well-functioning Constitution is important in supporting all the Council's work and in encouraging public participation in 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 None specific to this report but a well-functioning

6. COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 There are no financial implications from the setting up of the Constitution Working Group. Financial implications of proposed changes to the constitution will be considered as and when the changes are proposed.

7. COMMENTS OF LEGAL SERVICES

- 7.1 Section 111 of the Local Government Act 1972 permits a local authority to do any thing which facilitates or is incidental to the discharge of any of its functions. In addition, the Council's Constitution at Section 20, Paragraph 13, permits the Mayor and / or the Chief Executive to establish working parties which may include in their membership Members, officers and others. The list of these bodies is to be maintained and updated by the Monitoring Officer.
- 7.2 The matters referred to in this report comply with the Constitution and with the above legislation.
-

Linked Reports, Appendices and Background Documents

Linked Report

- None specifically although there are regular Constitution reports to previous Council and General Purposes Committee meetings.

Appendices

- Appendix 1 – CWG Process Note

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- The Constitution is available on the Council's website.

Officer contact details for documents:

N/A

**CONSTITUTION WORKING GROUP
2022/23**

MEMBERSHIP AND PROGRAMME

1. BACKGROUND

- 1.1 The General Purposes Committee has responsibility for overseeing the effectiveness of the Constitution (and for agreeing changes, except where these are presented to Council for determination).
- 1.2 The Committee has requested that this Constitution Working Group be established to review the Council's Constitution and to prepare recommendations for agreement by the General Purposes Committee/Council as appropriate.
- 1.3 In addition, the Monitoring Officer is also required 'to monitor and review the operation of the Constitution and make recommendations to ensure that the aims and principles of the Constitution are given full effect' The establishment of a working group will help the Monitoring Officer achieve those goals.

2. CONSTITUTION WORKING GROUP (CWG)


- 2.1 The working group is set up by the Chief Executive under powers set out in Part B, Section 20 of the Constitution, pursuant to a request by the Monitoring Officer and the General Purposes Committee, to review the constitution and consider potential changes.
- 2.2 Any changes proposed will be submitted to the General Purposes for formal consideration. Major proposed amendments will then need to be submitted to Council for its agreement.

3. MEMBERSHIP AND OFFICER SUPPORT

- 3.1 Formal Membership of the group will consist of three Members from the Aspire Group and two from the Labour Group. The group will be chaired by a Member of the Majority Group (unless otherwise agreed).
- 3.2 The formal Membership of the group will lead the review and determine the areas of the Constitution to be considered and the final changes to be recommended to the Monitoring Officer/Committee.
- 3.3 Ungrouped Councillors will have a standing invitation to attend should they wish but are not formal Members of the CWG.
- 3.4 The CWG will be supported by Democratic Services and Legal Services. Other officers may be asked to attend to present on specific issues/sections of the Constitution as appropriate.

4. PROGRAMME AND PLANNING

- 4.1 The CWG will hold an initial meeting to agree its priorities and initial programme of work. Officers will undertake the relevant research work and will then report back to further meetings as appropriate.
- 4.2 Any proposed constitutional changes agreed by the Group will be submitted to the Monitoring Officer for sign-off before being considered by the General Purposes Committee and/or Council as appropriate.

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Thursday 23 February, 2023</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Unrestricted</p>
<p>Constitution Updates</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 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 couple of minor amendments to the Constitution for noting.

These are on:

- A correction to the General Purposes Committee Terms of Reference
- An addition to the Health, Adults and Community Directorate Scheme of Delegation.

Recommendations:

The General Purposes Committee is recommended to:

1. Note the updates to the constitution as set out in the report.

1. REASONS FOR THE DECISIONS

- 1.1 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

3.1 The General Purposes Committee receives regular reports on agreed and proposed updates to the Constitution as part of its role overseeing the effectiveness of the Constitution.

3.2 The Committee is asked to note two minor updates as part of this report.

Health, Adults and Community Directorate Scheme of Delegation

3.3 Somen Banerjee, Director of Public Health, deputising for Denise Radley, Corporate Director, Health, Adults and Community has agreed an addition to the Directorate Scheme of Delegation in relation to dog fouling. It reads as follows and is added to the end of the relevant section of the Scheme of Delegation:

Decision Relating to:	Corporate Director	Director	Head of Service	Other
Dogs (Fouling of Land) Act 1996	Health Adults and Community	Director of Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs

3.4 The Corporate Director has the authority to agree the above change and so the General Purposes Committee are asked to note the change.

General Purposes Committee Terms of Reference

3.5 A typographical error has been identified in the General Purposes Committee Terms of Reference. Rule 10 references the Employment Procedure Rules 'as set out in Part 4 of this Constitution'.

3.6 This should read 'as set out in Part C, Section 38 of this Constitution'.

3.7 As this is a factual error the Monitoring Officer has authority to agree the change and the Committee are asked to note this amendment.

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 recommendation 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

- None specifically but the General Purposes Committee receives regular reports in relation to Constitution Updates.

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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Non-Executive Report of the: General Purposes Committee 23 February 2023	 TOWER HAMLETS
Report of: Director of Director of Workforce, OD & Business Support	Classification: Unrestricted
Update on Senior Recruitment	

Originating Officer(s)	Catriona Hunt, Head of HR
Wards affected	None

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 and any interim arrangements in place.

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 states 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 an update in December 2022 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

The detail of the progress on the recruitment to senior roles is set out in the table below. This also includes any interim arrangements.

Job title and directorate	Current arrangements	Comments
Corporate Director, Resources	Caroline Holland started as interim Corporate Director and S.151 officer on 9 January 2023	
Director of Education Children and Culture Directorate	Steve Nyakatawa leaving on 28 April 2023	Recruitment is underway and final interviews are to take place in March 2023.
Director of Integrated Growth and Development Place Directorate	Interim acting up arrangements to continue for an additional six months, pending a review of the structure.	Recruitment is to commence in March 2023.

3. EQUALITIES IMPLICATIONS

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

4. OTHER STATUTORY IMPLICATIONS

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

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.

- 4.2 Recruitment to the senior management structure enables the Council to deliver excellent services for residents and deliver the associated financial saving.
- 4.3 Risks associated with recruitment have been mitigated by the engagement of specialised recruitment adviser(s).
- 4.4 There are no other specific implications arising from this report.

5. COMMENTS OF THE CHIEF FINANCE OFFICER

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

6. COMMENTS OF LEGAL SERVICES

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

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Background papers

- None

Officer contact details for documents:

Catrina Hunt 0207 364 4522

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