

General Purposes Committee

Agenda

Wednesday, 25 May 2022 at 7.30 p.m. or at the rise of the Annual Council meeting, whichever is the later.

**Council Chamber - Town Hall, Mulberry Place,
5 Clove Crescent, London, E14 2BG**

Members: To be confirmed at the Annual Council Meeting held on 25 May 2022.

Chair: To be confirmed at the Annual Council Meeting held on 25 May 2022.

Substitutes: To be confirmed at the Annual Council Meeting held on 25 May 2022.

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

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020 7364 4120

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. Members of the public are advised to watch the meeting online as public attendance will be managed for the Council meeting and therefore there will be no additional attendance available for the meeting.

Meeting Webcast

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

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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

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

Wednesday, 25 May 2022

7.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTERESTS (PAGES 5 - 6)

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

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

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

2. REPORTS FOR CONSIDERATION

2.1 General Purposes Committee, Terms of Reference 2022/23 (Pages 7 - 18)

2.2 Establishment of Appointments Sub-Committee (Pages 19 - 26)

3. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

Next Meeting of the General Purposes Committee

Tuesday, 21 June 2022 at 6.30 p.m. to be held in Committee Room One - Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG



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.

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Tuesday, 21 June 2022</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director Legal and Monitoring Officer</p>	<p>Classification: Open</p>
<p>General Purposes Committee, Terms of Reference 2022/23</p>	

Originating Officer(s)	Simmi Yesmin, Democratic Services
Wards affected	(All Wards);

Executive Summary

All Committees of Council receive a terms of reference report annually asking them to consider and note their terms of reference and delegated powers.

Recommendations:

The General Purposes Committee is recommended to:

1. Note its terms of reference, quorum, membership and dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

1. REASONS FOR THE DECISIONS

- 1.1 This report is for the information of the Committee and no specific decisions are required.

2. ALTERNATIVE OPTIONS

- 2.1 No alternative practice in respect of this report occurs in the Authority.

3. DETAILS OF THE REPORT

- 3.1 At the Annual Meeting of the Full Council to be held on 25 May 2022, Council is anticipated to re-establish the General Purposes Committee, appoint its membership and to delegate to it a range of duties and responsibilities in accordance with the Constitution.

- 3.2 Following the Annual Meeting of the Council, the various committees established will note their Terms of Reference, quorum and membership for the forthcoming Municipal Year. These are set out in the appendices to the report.

The Committee's meeting dates for the remainder of the year will also be agreed at the Annual Meeting of the Council. The dates of General Purposes Committee meetings in 2022/23 are attached at Appendix 3.

- 3.3 In accordance with the calendar, meetings are scheduled to take place at 6.30pm.
- 3.4 Should the Annual Council Meeting agree any changes to the information presented in the appendices to this report, officers will advise the Committee verbally at the meeting.

4. EQUALITIES IMPLICATIONS

- 4.1 When the calendar of meetings was set up consideration was given to avoiding school holidays and known religious holidays and other important dates where at all possible.

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 specific statutory implications arising from this noting report.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

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

7. COMMENTS OF LEGAL SERVICES

7.1 The terms of reference for the General Purposes Committee are as set out in the Council's Constitution agreed by Council.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Committee Terms of Reference
- Appendix 2 – Membership of the Committee in 2022/23
- Appendix 3 – Dates of scheduled meetings of the Committee in 2022/23

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.

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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
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>1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including:</p> <p>(a) the provision of assistance at European Parliamentary elections;</p> <p>(b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and</p> <p>(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).</p>	None
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	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution
3. To recommend to Council the introduction, amendment or revocation of byelaws	None
4. Appointment and revocation of local authority school governors	None
5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules	The Monitoring Officer is authorised to make or amend 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	
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	
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; (b) Appeals by governing bodies;	

13. Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval	
14. 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	
15. 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.	
16. 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	

Quorum: 3 Members of the Committee

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APPENDIX 1

GENERAL PURPOSES COMMITTEE (Nine members of the Council)		
<i>Aspire Group (5)</i>	<i>Labour Group (4)</i>	<i>Ungrouped (0)</i>
<p>Membership to be appointed at Full Council on 25 May 2022</p> <p>Substitutes:-</p> <p>N/A</p>	<p>Membership to be appointed at Full Council on 25 May 2022</p> <p>Substitutes:-</p> <p>N/A</p>	<p>N/A</p>

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APPENDIX 3

GENERAL PURPOSES COMMITTEE

SCHEDULE OF MEETINGS 2022/23

1. 21 June 2022 at 6.30pm
2. 13 October 2022 at 6.30pm
3. 15 December 2022 at 6.30pm
4. 23 February 2023 at 6.30pm

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<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Tuesday, 21 June 2022</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director of Legal & Monitoring Officer</p>	<p>Classification: Open</p>
<p>Establishment of Appointments Sub-Committee</p>	

Originating Officer(s)	Simmi Yesmin, Democratic Services
Wards affected	(All Wards);

Executive Summary

The terms of reference of the General Purposes Committee include the determination of criteria for the Appointments Sub-Committees established from time to time to consider the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers.

This report recommends the establishment of the Appointments Sub-Committee for the current municipal year and the process for Chief Officer/Deputy Chief Officer appointments and proposes criteria for membership of the Sub-Committee in accordance with the Constitution and agreed procedures.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree the terms of reference for Appointments Sub-Committees for the remainder of the municipal year 2022/23 as set out at paragraph 4.1 of this report;
2. Agree that the arrangements for nominating Councillors to serve on an Appointments Sub-Committee be as set out at paragraph 4.2 of this report and the Director, Workforce, OD & Business Support (or their respective nominee) be authorised to agree the dates of Appointments Sub-Committee meetings and the membership of the Sub-Committee for each appointment that is required in accordance with nominations from the opposition group leader and the Mayor; and
3. Note the process for appointment to Chief Officer and Deputy Chief Officer

posts as set out at section 5 below.

1. REASONS FOR THE DECISIONS

- 1.1 The Constitution requires that the General Purposes Committee sets up Appointment Sub-Committees to determine senior officer appointments.

2. ALTERNATIVE OPTIONS

- 2.1 There are no alternative options, if the Appointment Sub-Committees are not set up then the Council will not be able to proceed with appointments to senior officer posts.

3. DETAILS OF THE REPORT

- 3.1 Under the Officer Employment Procedure Rules at Part 4.9 of the Council's Constitution, the Appointments Sub-Committee will be established on criteria approved by the General Purposes Committee comprising relevant Councillors to make appointments to Chief Officer and Deputy Chief Officer posts.
- 3.2 The criteria and an appointment process designed to meet the requirements of the Constitution, to be clear and transparent for Councillors and officers, and to follow recruitment best practice resulting in a successful and fair appointments process have previously been agreed.
- 3.3 This report sets out the process for Chief Officers and Deputy Chief Officers. The process for the appointment of a Chief Executive is agreed separately.

4. APPOINTMENTS SUB-COMMITTEE

Terms of reference

- 4.1 It is proposed that in accordance with the Council's Constitution, the Committee establish an Appointments Sub-Committee with the following terms of reference:- "To make appointments to Chief Officer and Deputy Chief Officer posts in accordance with the Council's Constitution and the agreed Recruitment and Selection Procedures."

Membership

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

- a) For a **Chief Officer** (Corporate Director level) and **Deputy Chief Officer** (Director level) appointment, the Appointments Sub-Committee shall comprise of **five Councillors** as follows:-
 - Three members nominated by the leader of the majority group, at least one of whom must either be the Mayor or a member of the Executive; and
 - Two Councillors nominated by the leader of the largest opposition Group.
- b) The Director, Workforce, OD & Business Support (or their respective nominee) to liaise with the Mayor and Group Leaders to receive their nominations, in accordance with the above allocation of places, and to agree the date of the first Sub Committee in each Chief Officer/ Deputy CO appointment cycle.
- c) The Mayor and political groups are expected to assist in achieving a Sub-Committee whose overall composition is diverse in terms of gender and ethnicity wherever possible. In the event that the initial nominations do not produce such a Sub-Committee, the Monitoring Officer or the Head of Democratic Services (or their respective nominee) after consultation with the Director, Workforce, OD & Business Support will discuss with the respective group leaders and the Mayor options for amending one or more of those nominations as necessary to achieve sufficient diversity.
- d) Members can only sit on an Appointments Sub-Committee if they have received training at this Council on recruitment and selection.
- e) The quorum for the Appointments Sub-Committee shall be at least three members.

5. PROCESS FOR APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

- 5.1 The rules governing the appointment of Chief Officers/Deputy Chief Officers are set out in the Council's Officer Employment Procedure Rules (Section 38 of the Constitution), which are in turn substantially derived from statutory provisions (primarily the Local Authorities (Standing Orders) (England) Regulations 2001). In practical terms the following is an outline of the process. This may be abbreviated or some elements of the process may not be required in the case of an internal-only recruitment or interim appointment.

Advertisement and longlisting

- 5.2 The Council may use recruitment consultants to assist with senior appointments. The Director, Workforce, OD & Business Support will work with the recruitment consultants and the Head of Paid Service or the relevant Corporate Director to establish a timeline for the recruitment process and agree any advertisements in accordance with Council policy.

- 5.3 Following advertisement, the Director, Workforce, OD & Business Support, the recruitment consultants and the Head of Paid Service or relevant Corporate Director will agree a long-list of candidates and details of the process to follow this may include information visits, the use of assessment tools such as in-tray and other testing. Long-listed candidates will then undergo an assessment process.

Shortlisting and interviews

- 5.4 If necessary, the Appointments Sub-Committee may then meet to consider the results of the long-list process and the recruitment consultants' and officers' recommendations; and agree a shortlist of candidates for interview.
- 5.5 The Appointments Sub-Committee will then meet again to interview the shortlisted candidates. The officers will table suggestions for questions at the start of the meeting. References for candidates will be available for consideration but will only be considered once the ASC has decided who to appoint.

Appointment

- 5.6 If the Appointments Sub-Committee agrees on a candidate suitable for the post of Chief Officer/Deputy Chief Officer, it must inform the Mayor and each member of the Executive of its 'provisional intention to make an offer' to the preferred candidate. The Mayor and Executive members then have a two day period in which they may notify any objection to the making of the appointment. If no such objection is received within that period, a firm offer will be made. Should an objection be received the Appointments Sub-Committee would be required to reconvene to consider any objection and make a determination.

Note: Sub-Committee membership throughout the appointment process must remain the same

- 5.7 The Committee has previously agreed that the membership of the Sub-Committee must remain the same throughout the process for an appointment and there can be no substitutions once the process has commenced for a particular appointment. A member of the Sub-Committee who ceases his/her participation after the Sub-Committee has started to meet may not be replaced. Rather the Sub-Committee would continue with a reduced number of members, subject to remaining quorate. Equally, a member of the Sub-Committee who does not participate in a stage of the process (e.g. shortlisting) may not then take part in a subsequent stage (e.g. interviews).
- 5.8 These provisions represent good recruitment practice. However, there may be occasions when their strict application could work against other aspects of best practice - for example by reducing the diversity of the Sub-Committee in terms of gender or ethnicity. In such exceptional circumstances the Director, Workforce, OD & Business Support may waive the requirement at 5.7 above

in order to ensure a sufficiently diverse membership of the Sub-Committee, provided that consistency is maintained within each distinct stage of the appointment process.

6. EQUALITIES IMPLICATIONS

- 6.1 The recruitment process will follow equalities best practice to ensure a diverse range of potential candidates. Members of the Appointments Sub-Committee will be trained on appointments and on equalities practices.

7. OTHER STATUTORY IMPLICATIONS

- 7.1 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.

Best value

- 7.2 Agreeing appropriate procedures for the appointment of senior officers is important in ensuring the Council recruits the best leadership team available to support the Best Value obligations.

Risk Management,

- 7.4 There is a risk that the Council will not be successful in securing the best staff and its reputation will suffer if the recruitment and selection process for senior staff does not operate smoothly and effectively. The recommendations detailed above will ensure the Council complies with the statutory requirements for the appointment of Chief Officers and Deputy Chief Officers.

8. COMMENTS OF THE CHIEF FINANCE OFFICER

- 8.1 The costs of senior officer recruitment and the associated administering of the Appointments Sub-Committee will be contained within existing budget allocations for Human Resources and Workforce Development and related functions.

9. COMMENTS OF LEGAL SERVICES

- 9.1 Under the Council's Constitution it is for the General Purposes Committee to determine criteria for the appointment of statutory and non-statutory Chief Officers and Deputy Chief Officers for Appointments Sub-Committees, which may be established from time to time to consider such appointments.
- 9.2 The Local Authorities (Standing Orders) (England) Regulations 2001 require that an Appointments Sub-Committee include at least one member of the Executive. The regulations also set out a statutory 'objection' procedure under which an appointment may only be confirmed if there is no well-founded objection to the proposed appointment by the Mayor or a member of the Executive.
- 9.3 When considering the criteria for Appointments Sub Committees, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). There is information in section 6 above relevant to these considerations.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1 – Terms of Reference of the Appointment Sub Committee.

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

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

- NONE.

Appointments Sub-Committee

Summary Description: Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine senior officer appointments.

Membership: Membership will be selected afresh for each appointment process and will consist of (i) Three Members selected by the Leader of the Majority Group, at least one of whom must be the Mayor or member of the Executive and (ii) Two Members selected by the Leader of the largest Opposition Group.

Functions	Delegation of Functions
1. To determine Chief Officer and Deputy Chief Officer appointments. <input type="checkbox"/>	None

Quorum: Any three Members of the Sub-Committee

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