



# EXTRAORDINARY

Meeting of the

# Tower Hamlets Council

## Agenda

**Wednesday, 20 March 2024 at 3.00 p.m.**

### **VENUE**

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

### **Meeting Webcast**

The meeting is being webcast for viewing through the Council's webcast system.  
<http://towerhamlets.public-i.tv/core/portal/home>. The press and public are encouraged to watch the meeting on line.

### **Democratic Services Contact:**

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## Chief Executive's Office

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### To the Mayor and Councillors of the London Borough of Tower Hamlets

You are summoned to attend a meeting of the Council of the London Borough of Tower Hamlets to be held in **COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL** at **3.00 p.m.** on **WEDNESDAY, 20 MARCH 2024**

Stephen Halsey  
Chief Executive



**Tower Hamlets Council**  
Tower Hamlets Town Hall  
160 Whitechapel Road  
London E1 1BJ

## Public Information

### Viewing Council Meetings

Except where any exempt/restricted documents are being discussed, the public are welcome to view this meeting through the Council's webcast system.

### Meeting Webcast and Public attendance

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**Please note:** It is also possible to attend meetings in person. Places in the public gallery are allocated on a first come, first served basis from the reception at the Town Hall on the day of the meeting.

### Electronic agendas reports and minutes.

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users

## **Public Information**

The meeting is being held at the Council's Town Hall.

Full Council is made up of the Mayor and the 45 Councillors. It's responsibilities include: deciding the Council's overall policies and setting the budget for the year. It also appoints the Council's Committees at the Annual Meeting. In addition, the Council provides opportunities to discuss local issues and is a means by which the Mayor and Cabinet can be held to account in public

This Extraordinary meeting of Council has been convened to consider specific decision reports as set out on the agenda. No other business will be considered at this meeting.

### **How can I watch the meeting?**

Except when an exempt item is under discussion, the meeting will be broadcast live for public viewing via our Webcasting portal <https://towerhamlets.public-i.tv/core/portal/home>. Details of the broadcasting arrangements will be published on the agenda front sheet.

### **Public Attendance and Conduct at Meetings**

The public may also watch the Council meeting in the public gallery. To attend please collect a ticket from reception at the town hall. We request that you show courtesy to all present and do not interrupt the meeting. The intention is not to specifically webcast members of the public, however, it is possible that you may be filmed in the background. By attending the meeting you are agreeing to this condition.

Please also switch off mobile phones or turn them on silent.

If you are scheduled to present a petition in person at the meeting, please sit in the reserved seating in the front row. You will be called to address the meeting at the appropriate time

If the fire alarm rings please follow the instructions of the Facilities Staff who will direct you to the exits.

### **Procedure at the meeting.**

Just before the start of the meeting, the macebearer will ask everyone to be upstanding for the Speaker. The Speaker of the Council is the Chair of the meeting and is in charge of the debate. Their role is to control the meeting, including the order of speakers, and to ensure that the business is carried out properly. The Speaker will confirm the expected meeting etiquette for Council meeting, including the following:

- The Speaker will determine the order of speakers - usually from a list of speakers.
- That any online participants must mute their microphones when not speaking.
- Such participants should also switch off their cameras when not speaking.
- All Members may contribute to the discussions, but only the Members physically present in the chamber may vote on items requiring a decision.

### **Order of business**

The Speaker may agree to change the order of business at the meeting. In addition, the Speaker may adjourn the meeting for a period of time or agree an extension to the time



limit for the meeting (by up to half hour beyond the three-hour limit). To change the order of business, a Member will need to formally move a motion seeking approval for the requested change. Any such motions will be put to the vote.

### **Voting**

The items requiring a decision will normally be determined by a show of hands or an electronic vote (by Members present in the meeting room). If there are an equal number of votes for and against an item of business, the Speaker will have a second or casting vote.

### **Decisions and Minutes**

The decisions will be published on the website 2 days after the meeting. The draft minutes will be published around 10 working days after the meeting.

### **Publication of Agenda papers.**

Electronic copies of the Council agenda will be published on the Council's Website on the relevant Committee pages at least five clear working days before the meeting.

To view meeting papers and to be alerted when agendas have been published visit: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) .Council documents are also available on 'Mod.Gov' iPad, Android and Windows tablet apps downloadable for free from their respective app stores.

### **Publication of tabled papers**

Any additional documents will normally be published on the Council meeting website either shortly before or during the meeting.



# London Borough of Tower Hamlets

## Council

Wednesday, 20 March 2024

3.00 p.m.

### PAGE NUMBER

#### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

#### 2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

9 - 10

Members are reminded to consider the categories of interest, identified 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, see the attached note from the Monitoring Officer.

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

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

#### 3. REPORTS FROM COMMITTEES

##### 3.1 Pay Policy Statement 2024/25

11 - 30

To consider the report of the Corporate Director, Resources proposing a pay policy statement for 2024-25.

##### 3.2 Statutory Officer Disciplinary Procedure

31 - 54

To consider the report of Pat Chen, Acting Director of Workforce, OD and Business Support on constitution changes required following agreed revisions to the Statutory Officer Disciplinary Process.



**3 .3 Health and Wellbeing Board Terms of Reference 55 - 80**

To consider the report of the Interim Director of Legal and Monitoring Officer on an updated Terms of Reference for the Health and Wellbeing Board.

**4. OTHER REPORTS**

**4 .1 Agreeing Early Retirement / Voluntary Redundancy Exit Payments To Follow**

Report of the Corporate Director, Resources to follow.

**4 .2 Members' Allowances Scheme 2023-24 and 2024-25 81 - 122**

To consider the report of the Interim Director of Legal and Monitoring Officer on the Members' Allowances Scheme for 2023-24 and 2024-25.

**4 .3 Committee Calendar 2024-25 123 - 132**

To consider the report of the Interim Director of Legal and Monitoring Officer setting out a proposed calendar of Council and Committee meetings for 2024-25.



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# Agenda Item 2

## **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: Linda Walker, Interim Director of Legal and Monitoring Officer,  
Tel: 0207 364 4348.

## **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.

Decision Report Cover Sheet:  <b>Council</b>  20 March 2024	 <b>TOWER HAMLETS</b>
<b>Report of:</b> (Cover report of Matthew Mannion, Head of Democratic Services)  Main Report of Julie Lorraine, Corporate Director, Resources	<b>Classification:</b> Unrestricted
<b>Cover report of: Pay Policy 2024-25</b>	

<b>Wards affected</b>	All Wards
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## 1. EXECUTIVE SUMMARY

- 1.1 At its meeting on 7 March 2024, the Human Resources Committee considered the report on the Council’s proposed Pay Policy for 2024-25.
- 1.2 The Committee agreed the report but requested that two amendments be made. These amendments are that any references to the job title of Director of Workforce, OD and Business Support are followed by the words 'or equivalent' as the job title is likely to change in a restructure but the post and its responsibilities will need to continue regardless of the job title; and secondly that any disciplinary process invoked against the Officer under this policy involve consultation with the Mayor on that process.
- 1.3 The policy has therefore been updated since the Human Resources Committee and is attached as an Appendix to the attached report.

### **Recommendations:**

The Council is recommended to:

- 1. Review the Pay Policy 2024-25 set out at Appendix 1 to the attached report to the Human Resources Committee.
- 2. Agree the Pay Policy for 2024-25.

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Non-Executive Report of the:  <b>Human Resources Committee</b>  <b>7 March 2024</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Julie Lorraine, Corporate Director Resources	<b>Classification:</b> Part Exempt (Appendix 2)
<b>Localism Act 2011 – Pay Policy Statement 2024/25</b>	

<b>Originating Officer(s)</b>	Pat Chen, Acting Director of Workforce, OD and Business Support
<b>Wards affected</b>	All Wards

### **Special Circumstances Justifying Urgent Consideration**

This report was not available at the time of publication because it took longer to prepare than anticipated. The report cannot wait for the next scheduled Committee meeting because it is a requirement to take it to Council on 20th March for agreement and this is therefore the last available date for the Committee to consider its contents.

### **Executive Summary**

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

A statement for 2024/25 (draft attached as Appendix 1) should be approved and adopted by 31 March 2024 to enable it to be published as soon as is practical in the new financial year.

The [Local Government Transparency Code 2015](#) includes guidance on the calculation of the pay multiple, which forms part of the pay policy statement. On 12 May 2022, the Secretary of State issued new statutory guidance on the making and disclosure of Special Severance Payments (SSP) by local authorities. Amendments were made to the pay policy statement for 2022/23 to reflect this new guidance. No further supplementary guidance has been published in relation to the 2024/25 pay policy statement.

Should guidance or an updated Code be published after the 2024/25 pay policy has been considered by the Human Resources (HR) Committee and/or Full Council, which requires minor amendments, it is proposed that HR Committee delegate the authority to make minor amendments to the Chief Executive following consultation with the Director of Workforce, OD and Business Support, Chair of the Human Resources Committee and Monitoring Officer. Should any fundamental changes be required, the pay policy statement will be sent back to the HR Committee for further consideration.

The 2024/25 proposed pay policy statement should be approved and adopted by 31 March 2024 to enable it to be published as soon as is practical in the new financial year.

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

### **Recommendations:**

The HR Committee is recommended to:

1. Consider the draft 2024/25 pay policy statement, proposing any changes and, subject to such changes, recommend policy for adoption by Full Council on 20 March 2024.
2. Delegate to the Chief Executive, in consultation with the Director of Workforce, OD and Business Support, Chair of the HR Committee and Monitoring Officer, any minor changes to the 2024/25 pay policy statement.

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

- 1.1 The Localism Act 2011 received Royal Assent on 15 November 2011. Additionally, the 'Code of Recommended Practice for Local Authorities on Data Transparency' was published in September 2011, under Section 2 of the Local Government, Planning and Land Act 1980. The Act's intention is to bring together the strands of increasing accountability, transparency and fairness, with regards to pay. The Code sets out key principles for local authorities in creating greater transparency through the publication of data. Supplementary guidance, 'Openness and Accountability in Local Pay: Guidance under Section 40 of the Localism Act', was published on 20 February 2013. Further statutory guidance 'Statutory guidance on the making and disclosure of Special Severance Payments by local authorities in England' was published on 12 May 2022.
- 1.2 The provisions of the legislation required Local Authorities to adopt and publish a pay policy statement for 2011/12 and then for each subsequent financial year. Statements must be approved by Full Council and have regard to the guidance published by the Secretary of State. Authorities will be constrained by their policy statement when making determination on senior officer pay, although the statement may be amended at any time by further resolution of Full Council.

### **2. ALTERNATIVE OPTIONS**

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

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

- 3.1 The pay policy statement must set out the authority's policies for the financial year relating to remuneration of its officers. It must include:
- A policy on the level and elements of remuneration for each Chief Officer
  - A policy on the remuneration of lowest paid employees (together with a definition of 'lowest paid employees' and reasons for adopting that definition)
  - A policy on the relationship between the remuneration of chief officers and the remainder of the workforce
  - A policy on other specific aspects of chief officers' remuneration (remuneration on recruitment, increases and additions to remuneration, use of PRP and bonuses, and the approach to termination payments).
- 3.2 Additionally, the council must have regard to other statutory guidance or recommendations, e.g., relating to pay multiples, it should be noted that, the statutory guidance emphasises that each LA has the autonomy to take its own decisions on pay and pay policies.
- 3.3 The draft 2024/25 pay policy statement considers Local Government Association (LGA)/Association of Local Authority Chief Executives (ALACE) guidance issued to local authority Chief Executives 'Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives'. The statement details the council's current arrangements; using the definitions contained in the Act and associated guidance. The pay policy statement should also set out the council's position in relation to appointments to posts with salary packages over £100,000 and redundancy packages over the same amount.
- 3.4 The Localism Act requires pay policy statements to give information regarding the pay of 'Chief Officers' and 'Deputy Chief Officers'. For Tower Hamlets' purposes 'Chief Officers' are the Chief Executive, Corporate Directors and the Monitoring Officer and S151 Officer. 'Deputy Chief Officers' are anyone reporting directly to a 'Chief Officer'; Directors fall into this category. The statutory definitions exclude anyone who may fall into these categories who undertake a predominantly administrative or PA support type role to 'Chief Officers' and 'Deputy Chief Officers'.
- 3.5 The draft 2024/25 pay policy statement refers to information already published by the council in relation to senior salary data, to meet with the requirements of the Government's transparency agenda. In addition, the Local Government Transparency Code 2015, also covers the way in which the pay multiple included in the pay policy should be calculated.

#### **Pay multiple**

- 3.6 There is a requirement to publish a ratio or pay multiple. There are a variety of ways to approach this and the Hutton Review of Fair Pay in the Public Sector (2011) supported the publication of the ratio of the council's highest paid

employee (the Chief Executive) to that of its median earner (i.e., the midpoint between the highest and lowest salaries). The Local Government Transparency Code 2015, states that the pay multiple is defined as the ratio between the highest paid taxable earnings for the given year (including base salary, variable pay, bonuses, allowances and the cash value of any benefits-in-kind) and the median earnings figure of the whole of the authority's workforce. This multiple is quoted in the draft 2024/25 pay policy statement. The ratio last year was 1:5.58 and this year has reduced to 1:4.77, showing in general terms a more equitable distribution of pay across the organisation.

- 3.7 Since the 2014/15 pay policy statement, an additional ratio demonstrating the relationship between the council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is included. This allows greater comparison with other boroughs that provide this ratio. This ratio last year was 1:10.47 and, again, has reduced to 1:8.67 this year, which supports the conclusion that pay distribution is becoming more equitable in Tower Hamlets.
- 3.8 For clarity, apprentices and schools' staff are not included in the pay multiple calculations, though posts that are designated as apprenticeships are. Apprentices are excluded due to the fact the multiples apply to employees only. Schools must publish their own pay policy, which is different to the Council's policy, and therefore their staff would be covered by these. The Pay Policy is clear that the pay multiples only apply to the non-schools workforce.

### **London Living Wage**

- 3.9 The council is an accredited Living Wage Employer. This means that we adhere to the Living Wage Foundations accreditation statement, which states that "Employees based in London Boroughs (shall be paid) not less than the London Living Wage; and increase the amount which it pays to affected employees by the same amount as any increase to the London Living Wage, within 6 months of the date on which any increase in the London Living Wage is officially announced."
- 3.10 The London Living Wage (LLW) increases annually; the latest rise was announced in November 2023 and will be implemented in April 2024. The LLW rate increased from £11.95 per hour to £13.15 per hour.
- 3.11 The lowest paid staff in the council are currently paid on spinal column point 2, which equates to £27,306 per annum or £14.96 per hour, which is already above the new LLW rate of £13.15 per hour. The national NJC annual pay award for 2024//24 is still pending.

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

- 3.12 The changes to the Pay Policy 2024/25 are in section 3 (revisions to the evaluation of senior officer pay) and section 13 (updated pay ratios)



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

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

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

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

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

- 5.2 This report sets out the council's pay policy for 2024/25, which is required by law. It ensures that employees receive an appropriate salary for the work they undertake and that the council's approach to pay is set out clearly.

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

- 6.1 The costs of meeting the Council's Pay Policy will need to be contained within the assumed total staffing budget agreed through the Annual Budget and MTFS process. The annual Employees budget for General Fund areas is circa £286m.

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

- 7.1 The main legal considerations regarding the pay policy requirements are set out in the body of the report.

- 7.2 The statements attached to this report are compliant with the relevant provisions (S.38 and 39) of the Localism act 2011.
-

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

### **Linked Report**

- None

### **Appendices**

- Appendix 1 – Draft Pay Policy Statement 2023/24
- Appendix 2 - Redundancy/severance packages over £100,000 – exempt from publication.

Appendix 2 is restricted through Paragraphs 1 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as it contains information relating to an individual and the financial affairs of that individual.

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

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

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

- Localism Act 2011 LGA / ALACE - ‘Localism Act: Pay Policy Statement Guidance for Local Authority Chief Executives’
- DCLG - Openness and Accountability in Local Pay: guidance under section 40 of the Localism Act
- DCLG - ‘Openness and accountability in local pay: Guidance under section 40 of the Localism Act 2011’ Supplementary Guidance
- Communities and Local Government - The Code of Recommended Practice for Local Authorities on Data Transparency
- DLUHC - Statutory guidance on the making and disclosure of Special Severance Payments by Local Authorities

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

Pat Chen, Acting Director of Workforce, OD and Business Support

# London Borough of Tower Hamlets

## Pay Policy Statement 2024-2025

Policy Name:	Pay Policy Statement 2023-2024
Policy Owner:	Workforce and Organisational Development
Implementation:	2015
Latest review:	2024
Next review:	2025



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## 1. Introduction

- 1.1 Sections 38 to 43 of the Localism Act 2011 require the Council to produce a policy statement that covers a number of matters concerning the pay of the Authority's staff, principally its Chief Officers and the Authority's lowest paid employees. This pay policy statement meets the requirements of the Localism Act 2011 and takes account of the guidance issued by the Secretary of State for Communities and Local Government in February 2012 and the supplementary guidance issued in February 2013 both entitled "Openness and accountability in local pay: Guidance under section 40 of the Localism Act" together with the Local Government Transparency Code 2015 where applicable. It also takes into account guidance for local authorities on the 'Use of severance agreements and 'off payroll' arrangements' published by the Department for Communities and Local Government (DCLG) in March 2015.
- 1.2 This pay policy statement does not apply to employees of schools maintained by the Council and is not required to do so. This pay policy statement is required to be approved by a resolution of the Full Council before it comes into force. Once approved by Full Council, this policy statement will come into immediate effect, superseding the 2023/2024 pay policy statement.

## 2. Definitions

- 2.1 All the posts in this section (2.1) are collectively referred to as Chief Officer in accordance with the Localism Act 2011 and the Local Government and Housing Act 1989.
- **Head of the Paid Service**, which is the post of Chief Executive
  - **Statutory Chief Officers**, which are:
    - Corporate Director, Resources – Chief Finance Officer under section 151 Local Government and Housing Act 1989 (the Director of Finance is the Deputy section 151 officer)
    - Director of Legal who is the Authority's Monitoring Officer under section 5 Local Government and Housing Act 1989
    - Corporate Director, Children's Services – designated Director of Children's Services
    - Corporate Director, Health and Adult Social Care – designated Director of Adults Social Services
    - Director of Public Health
  - **Non-statutory Chief Officers and Deputy Chief Officers**, which are:-
    - Corporate Director, Housing and Regeneration
    - Corporate Director, Communities
    - Directors that report to a Chief Officer.
- 2.2 The Lowest Paid Employees are defined as employees paid on Spinal Column Point 2 of the National Joint Council (NJC) for Local Government Services pay scales. This definition has been adopted as it is the lowest level of remuneration attached to a post in this Authority (see section 6 below).

### 3. Pay and grading structure

- 3.1 The majority of employees' pay and conditions of service are agreed nationally either via the National Joint Council (NJC) for Local Government Services, or the Joint National Council (JNC) for Chief Officers, with regional or local variations.
- 3.2 The rest of the workforce are employed on Soulbury conditions of service, some on conditions determined by the Joint National Council for Youth and Community Workers, some staff covered by the School Teachers Pay and Conditions Document and some staff on locally agreed terms and conditions for Lecturers and Tutors.
- 3.3 There are also a number of staff who are protected by the provisions of TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006) following transfers into the organisation and have retained their existing terms and conditions.
- 3.4 It is the practice of the Council to seek the views of local trade unions on pay related matters, recognising that elements are settled within a national framework.
- 3.5 For staff on NJC terms and conditions, the Council uses the national pay spine to determine its pay scale, which is now made up of lettered grades.
- 3.6 All roles are evaluated as follows:
  - i) Up to Grade O under the Greater London Provincial Council (GLPC) job evaluation scheme;
  - ii) Grade P under a local variation to the GLPC job evaluation scheme;
  - iii) Above Grade P using independent benchmarking data for comparator organisations.
- 3.7 The Council signed a Single Status agreement in April 2008 with trade unions. This brought former manual grades into the GLPC job evaluation scheme and replaced spot points with narrow grade bands. This has been implemented by the Council. One of the key aims of the agreement was to eliminate potential pay inequality from previous pay structures and ensure that new pay structures are free from discrimination.
- 3.8 New and changed jobs are evaluated using the relevant job evaluation scheme, with the appropriate grade being determined using a range of factors.
- 3.9 The scale point on which an individual is appointed to the post is normally the lowest of the grade but will depend on skills and experience. There may be exceptional circumstances where an individual may be appointed higher (e.g. to match a current salary) which would require the relevant evidence and appropriate approval.

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

- 4.1 The Chief Executive receives fee payments pursuant to his appointment as Returning Officer at elections.
- 4.2 Directors; other non-statutory Chief Officers and Deputy Chief Officers receive basic pay (defined by a locally agreed grade).
- 4.3 Chief Officer salary data is published on the Council's website as part of the Government's transparency agenda. For details, please see [here](#).

## **5. Salary packages**

- 5.1 All salary packages for posts at Chief Officer level are in line with locally agreed pay scales.
- 5.2 All salary packages for posts at Chief Officer level of £100,000 or more will be subject to the Human Resources Committee approving the structure and grade for posts at Chief Officer level – and noting by Full Council.

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

- 6.1 The Council's lowest paid London based employees are those who are paid on the lowest scale point, which is above the level of London Living Wage.
- 6.2 The Council's lowest paid non-London based employees are those who are paid on the lowest scale point, which is above the level of National Living Wage.
- 6.3 The Council's Apprentices are paid at least the London Living Wage rate.
- 6.4 The Council will implement the increase to the London Living Wage on 1 April 2024 and as the London Living Wage rises in future years the council will continue to increase pay levels for the lowest paid staff to ensure that they are paid the nearest scale point above the London Living Wage.

## **7. National pay bargaining**

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

- The sector's ability to pay
- Movement in market rates
- Inflation levels
- Other pay awards
- The Government's policy position regarding public sector pay

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

- 8.1 Starting salaries for staff shall be based on the lowest spinal column point of the grade, unless the individual is already earning more than this, in which case we will match their salary where this is available to match. Staff will only be placed on a higher spinal column point in exceptional circumstances. Directors can authorise appointment to one spinal column point higher. Appointment to a spinal column point above this is subject to evidence and a business case agreed before an offer is made to a candidate and in line with budget affordability. This must be pre-agreed by the relevant Head of HR/Senior HR Business Partner, on behalf of the Director of Workforce, OD and Business Support, ahead of offers being made. The exception to this provides the Chief Executive authority to agree and set pay for Corporate Directors and Directors in conjunction with the Director of Workforce, OD and Business Support.
- 8.2 There should be no increase in spinal points for staff directly matched to a post as part of internal restructuring. If staff are directly matched at the same grade, they should be on the same salary point. If staff are directly matched at a higher grade, it should be at the bottom spinal point of the new grade. If there is a cross over in spinal point between the old and new grade the individual stays at the same spinal point in the new grade.
- 8.3 For staff below Chief Officer level, incremental progression is on an annual basis for those staff who are not at the top of their grade. In exceptional circumstances an increment may be withheld due to poor performance. Chief Officers have to demonstrate satisfactory performance through a formal annual appraisal before being awarded incremental progression.

## **9. Additional payments and allowances**

- 9.1 A range of allowances and payments are paid as appropriate to the nature and requirement of specific posts, groups of posts and working patterns. These include car and travel allowances, overtime, standby, weekend and night work, shift and call-out payments.
- 9.2 Staff undertaking additional duties to a more senior grade will receive payment reflective of the additional duties required to meet business need as agreed by the relevant Corporate Director or CEO, in consultation with the Director of Workforce HR and OD
- 9.3 The Council has a staff relocation package, available to new entrants to the Council's employment, and subject to tight eligibility criteria, for which



appropriate agreement from the Corporate Director must be obtained by the recruiting manager following consultation with Human Resources prior to any offer of employment.

- 9.4 The authority to agree the payment of market supplements and other payments for recruitment and retention purposes (in accordance with the Council's Market Supplement Policy and Recruitment and Retention Policy) rests with Corporate Directors and/or the CEO, advised by the Council's Director of Workforce, OD and Business Support.
- 9.5 The Council does not currently operate a performance related pay scheme or bonus scheme.
- 9.6 Where a negotiated settlement is appropriate in circumstances which do not amount to a dismissal, it will be approved in accordance with section 12.2 below with input from the Director of Workforce, OD and Business Support.

## 10. Pensions

- 10.1 All employees (with the exceptions set out below) of the Council up to 75 years of age and who have a contract of more than 3 months' duration are entitled to join the Local Government Pension Scheme (LGPS). Decisions on delegated provisions are agreed by the Pensions Committee. The LGPS is a contributory scheme, whereby the employee contributes from their salary. The level of contribution is determined by whole time salary and contribution levels are set by Government who then advise the employer.
- 10.2 All employees of the Council from 18 to 75 years of age and who are employed on Teacher, Youth Work or Tutor/Lecturer terms and conditions are entitled to join the Teachers' Pension Scheme. The Teachers' Pension Scheme is a contributory scheme, whereby the employee contributes from their salary and contribution levels are set by Government.

## 11. Non-permanent workforce resources

- 11.1 To ensure flexibility in delivering services, the Council supplements its employee workforce with workers who are not Council employees or on the Council payroll. This non-permanent resource includes consultants and interims, procured through approved third-party providers or the Council's agency contract.
- 11.2 In managing its non-permanent workforce resource, the Council seeks to ensure that: the Council and the wider public sector achieve value for money; tax and national insurance liabilities are managed appropriately; and contractual relationships between the Council, workers and third parties are properly reflected. In this regard, it is the Council's policy not to engage directly with self-employed individuals, or wholly owned one-person limited companies unless a contract for service agreement is the most economically advantageous way to deliver off payroll (outside IR35) services. Where such arrangements are used, the Council will ensure compliance with HMRC (IR35) arrangements..

11.3 Where it is necessary to engage a temporary worker through our managed servicer provider, it will usually be on a rate that is comparable with the grade for the post, where there is a clear comparator. Where the organisation considers it necessary to pay a rate higher than the comparable grade for the post the rationale for this shall be subject to review and recommendation by HR and the decision to appoint on a higher rate made by the relevant Corporate Director or CEO.

## 12. Compensation for loss of office

### 12.1 Financial terms for redundancy

The Council has guidance linked to its policy for Handling Organisational Change which sets out the terms for redundancy and early termination of staff (subject to qualifying criteria), which apply to all staff. In certain circumstances, individuals may also qualify for early release of their pension. The Handling Organisational Change policy does not apply to Chief Officers.

### 12.2 Redundancy/special severance payments

A severance package for any member of staff of £100,000 or more (including an employee's right to contractual redundancy/severance and any enhanced pension strain costs) will be subject to a vote of full council for approval.

Severance packages of £20,000 or more, but below £100,000 will be personally approved by the Head of Paid Service, with a clear record of the Mayor's approval. The S.151 Officer and the Monitoring Officer will also record their approval of the payment.

### 12.3 Ill health

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

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

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

## 13. Pay multiples/comparisons

- 13.1 The Council's pay and grading structures reflect a wide range of job requirements and levels of responsibility across the organisation, with pay and grading being determined by the Council's job evaluation schemes.
- 13.2 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the median (mid-point between the highest and lowest) salary position of the non-schools workforce is 1:4.77.
- 13.3 The pay ratio demonstrating the relationship between the Council's highest paid employee (total salary package) and the lowest salary of the non-schools workforce is 1:8.67.
- 13.4 The Council will have regard to its pay ratios and keep them under review, seeking to balance the following:
- Ensuring appropriate reward mechanisms which value knowledge, skills and experience at a senior level, and ensure that the Council can recruit and retain the best talent.
  - Addressing its commitment to matching the London Living Wage for our lowest paid staff and encouraging the developmental progression for staff in the lowest graded roles.

## 14. Equality issues

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

## 15. Review

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


## Appendix 1 – Version Control

Policy Name:	Pay Policy 2024-2025
Policy Owner:	London Borough of Tower Hamlets
Implementation:	2015
Latest review:	2024
Next review:	2025
V-1.0 – 2015	Implementation of the policy after (board/committee) approval
V-2.0 – 2016 - 2023	Revisions for the year.
V.3.0 – 2024	Revision to evaluation of Chief Officer pay. Update to pay ratios

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

Document is Restricted

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Decision Report Cover Sheet:  <b>Council</b>  20 March 2024	 <b>TOWER HAMLETS</b>
<b>Report of:</b> (Cover report of Matthew Mannion, Head of Democratic Services)  Main Report of Pat Chen, Acting Director of Workforce, OD and Business Support	<b>Classification:</b> Unrestricted
<b>Cover report of: Statutory Officer Disciplinary Process – consequent Constitution Changes</b>	

<b>Wards affected</b>	All Wards
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## 1. EXECUTIVE SUMMARY


- 1.1 At its meeting on 7 March 2024, the Human Resources Committee considered a report proposing revisions to the Council’s Disciplinary Process for Statutory Officers to bring it into line with updated regulations.
- 1.2 The Committee agreed the report but requested two amendments the first to cover for potential changes to the Director of Workforce, OD and Business Support job title and the second to include the Mayor in consultation processes around disciplinary process.
- 1.3 Those changes will be added to the process document.
- 1.4 It was noted at the Committee meeting that the newly agreed process would also require some consequent changes to the Officer Employment Procedure Rules (Part C, Section 38 of the Constitution). The Committee determined that it was important that these were agreed by Council at the earliest opportunity.
- 1.5 The Constitution change is therefore presented to Council at this meeting for agreement.
- 1.6 It should be noted that the Constitution Working Party will have an opportunity to review these changes in more detail at a later date should they wish.
- 1.7 For information Council is also presented with the report to the Human Resources Committee and the new Statutory Officer Disciplinary Process.

**Recommendations:**

The Council is recommended to:

1. Note the new Statutory Officer Disciplinary Process document presented to the Human Resources Committee attached as Appendix 1 to this cover report.
2. Agree the consequent changes to the Officer Employment Procedure Rules of the Constitution attached as Appendix 2 to this cover report.



Non-Executive Report of the:  <b>Human Resources Committee</b>  <b>7 March 2024</b>	 <b>TOWER HAMLETS</b>
<b>Report of Pat Chen, Acting Director of Workforce, OD and Business Support</b>	<b>Classification:</b> Unrestricted
<b>Disciplinary Procedure for Statutory Officers</b>	

<b>Originating Officer(s)</b>	Pat Chen
<b>Wards affected</b>	All Wards

### **Special Circumstances Justifying Urgent Consideration**

This report was not available for publication alongside the rest of the agenda due to the length of time required to consult with relevant stakeholders. The report should be considered at this meeting because it is important to make sure that Council procedures are up to date. There are also no alternatives to consider as the Council needs to ensure procedures match up with agreed national arrangements.

### **Executive Summary**

This report sets out the new procedures that need to be followed in relation to the disciplinary procedure for the Council's three Statutory Officers following the introduction of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and the Model Disciplinary Procedure for Chief Executives agreed by the JNC for Chief Executives of Local Authorities as updated in September 2022.

### **Recommendations**

The Human Resources Committee is recommended to:

1. Agree the new procedures as set out in Appendix 1 to this report.
2. Delegate to the Director of Workforce, OD and Business Support in consultation with the Chair of the Investigation and Disciplinary Sub Committee the power to suspend a Relevant Officer in cases of urgency.
3. Agree that a report be presented to Council setting out consequent amendments to the Constitution to address the changes agreed in Recommendations 1 and 2.
4. Agree that the Director of Workforce, OD and Business Support is delegated authority to make minor non-material changes to the procedures set out in Appendix 1, following consultation with the Chair of the Human Resources Committee before the final version is presented to Council for agreement.

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

- 1.1 The current procedures are out of date and do not reflect the statutory provisions and the JNC Model Disciplinary Procedures

## **2. ALTERNATIVE OPTIONS**

- 2.1 There are no alternative options as this is a statutory requirement.

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

### **3.1 Background**

3.1.1 Every Council is required to appoint a Head of Paid Service, a Monitoring Officer, and a Chief Finance (Section 151) Officer. (Relevant Officers). Each of these posts carries specific statutory responsibilities. As these post holders operate in a sensitive environment, Councils have been required to follow special procedures to investigate disciplinary matters regarding officers holding these positions.

3.1.2 Prior to the 2015 Regulations, procedures were governed by statutory Designated Independent Person (DIP) provisions. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 replaced the statutory DIP provisions with an Independent Panel process.

3.1.3 The Chief Executives' Conditions of Service Handbook (the Handbook) was updated to reflect the changes made to the regulations in which a revised (disciplinary) model procedure was set out. The Chief Officers' handbook was originally, published in August 2017, and was further updated in September 2022 to reflect the changes made by the regulations, and refers officers to the model set out in the Chief Executive's handbook as a reference guide for the dismissal process.

### **3.2 Main Changes**

The 2015 Regulations amended the dismissal process for the Relevant Officers by removing the requirements for a Council to appoint a Designated Independent Person and act in accordance with any recommendations made by them. The new regulations provide that a Council must appoint an Independent Panel (the Panel) made up of a minimum of two independent persons (IPs) appointed under section 28 of the Localism Act 2011 (in relation to standards complaints against members), whose advice, views and recommendations should be considered before any decision by the Council to dismiss a Relevant Officer can be made.

### **3.3 Disciplinary Procedure for Relevant Officers**

After consideration of the model set out in the Chief Executives' Handbook, we have adapted the model to be applied to all Relevant Officers of the Council. The resulting procedure clarifies which Committees and Officers would be responsible at the various stages and are set out in Appendix 1.

Human Resources Committee is recommended to approve the draft procedure attached at Appendix 1. The key Committees/Panels are:

3.3.1 The Investigating and Disciplinary Committee

The Investigating and Disciplinary Committee of the Council will be a sub-committee of the Human Resources Committee established to deal with formal disciplinary matters in respect of the Relevant Officers. The Investigating and Disciplinary Sub Committee (IDSC) will be a standing Committee of the Council.

3.3.2 Disciplinary Appeal Sub Committee

The Sub Committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The Sub Committee's duties relate to hearing appeals against decisions by the IDSC in relation to the Relevant Officer

3.3.3 The Independent Panel

The Independent Panel must be appointed at least 20 days before the Council meeting at which dismissal is considered.

3.3.4 Delegation of Powers to Suspend

Ordinarily the Investigating and Disciplinary Sub-Committee (IDSC) of the Human Resources Committee will consider whether it is appropriate to suspend a Relevant Officer. The Chief Executive's Handbook however recommends that an officer should hold the delegated power to suspend a Relevant Officer in an emergency. It is recommended that the Director, Workforce, OD and Business Support be given that delegated authority in consultation with the Chair of the IDSC.

3.4 **Constitution**

Should the above proposed changes be agreed, these will require amendments to be made to the Constitution. The General Purposes Committee is often asked to agree consequent Constitutional changes but given that these changes relate to the three Statutory Officers it is proposed that a report is instead presented to Council to agree those changes.

4. **EQUALITIES IMPLICATIONS**

4.1 All relevant Officers must be treated fairly under these procedures irrespective of any protected characteristics.

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 the statutory implications listed above. The Council must maintain up-to-date and effective procedures in relation to Statutory Officer Employment Arrangements.

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

6.1 There are no financial implications from this specific report.

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

7.1 There are no direct legal implications arising from this report which proposes the required statutory changes to the disciplinary process except for a failure to agree the new procedure may have contractual implications for any affected chief officer if action is taken against them using the obsolete, non-statutory process currently in place which could leave the Council at risk of a claim for breach of contract.

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

### **Linked Report**

- None

### **Appendices**

- Appendix 1 – Disciplinary Procedure for Statutory Officers - Head of Paid Service (Chief Executive), Monitoring Officer (Head of Legal Services) and the Section 151 Officer (Chief Finance Officer).

### **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.

- JNC for Chief Executives Model Disciplinary Procedure

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

Pat Chen, Acting Director of Workforce, OD and Business Support

# London Borough of Tower Hamlets

## Disciplinary Procedure for Statutory Officers

- **Head of Paid Service (Chief Executive)**
- **Monitoring Officer (Director of Legal Services)**
- **Section 151 Officer (Chief Finance Officer)**

Policy Name:	Disciplinary Procedure for Statutory Officers
Policy Owner:	Workforce and Organisational Development
Implementation:	2024
Latest review:	2024
Next review:	As required



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## 1. Background

The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 made changes to the matters relating to the dismissal of the three statutory officers, the Head of Paid Service, Monitoring Officer and Section 151 Officer. This disciplinary procedure is based on that set out in the Joint Negotiating Committee for Local Authority Chief Executives National Salary Framework and Conditions of Service Handbook (the JNC Handbook) as updated in September 2022. It applies to Tower Hamlets' (the Council) Chief Executive, Monitoring Officer and Chief Finance Officer (the Relevant Officers).

## 2. Informal Resolution

In accordance with the procedure in the JNC Handbook the Council and the Relevant Officer will seek an informal resolution before formal disciplinary proceedings are commenced. The Director of Workforce, OD and Business Support will be responsible for seeking an informal resolution with the Relevant Officer. If informal resolution is not possible, the complaint/allegation will be referred to an Investigating and Disciplinary Sub-Committee (IDSC). All the posts in this section (2.1) are collectively referred to as Chief Officer in accordance with the Localism Act 2011 and the Local Government and Housing Act 1989.

## 3. The Investigating and Disciplinary Sub-Committee

The Investigating and Disciplinary Sub-Committee of the Council will be a sub-committee of the Human Resources Committee established to deal with formal disciplinary matters in respect of the Relevant Officers.

### 3.1 Composition

The Investigating and Disciplinary Sub Committee shall comprise of five members of the Council as follows:

- Chair of the Human Resources Committee
- One Member of the Executive (nominated by the Mayor but who is not the Mayor)
- Three other Members appointed by the Leaders of the Political Groups on the Council from all Councillors within their Groups such that the overall composition of the Sub-Committee shall be politically balanced.

All members will have appropriate training before they can be part of the IDSC.

### 3.2 Quorum

The quorum of the IDSC shall be three members.

### 3.3 Terms of Reference

3.3.1 To consider any allegations made against the Relevant Officer.

3.3.2 To consider the responses from the Relevant Officer in relation to the allegations and determine the following outcomes:

- that no further action is required;
- that there is some minor fault or error on behalf of the Relevant Officer, but the matter can be resolved with an informal un-recorded warning;
- that there are grounds for an independent disciplinary investigation to be conducted.

3.3.3 If the IDSC determines that an independent disciplinary investigation should be conducted it will:

- 3.3.3.1 appoint an Independent Investigator from the list provided by the Joint Secretaries of the Joint Negotiating Committee for Chief Executives of Local Authorities;
  - 3.3.3.2 determine the scope of, and set out the terms of reference for the investigation to be conducted by the Independent Investigator;
  - 3.3.3.3 determine whether the Relevant Officer should be suspended, subject to cases of urgency where the Director of Workforce, OD and Business Support following consultation with the Chair of the IDSC will have the power to suspend;
  - 3.3.3.4 review the continuance of the suspension of the Relevant Officer should it exceed 2 months;
  - 3.3.3.5 receive the report and consider any recommendations of the Independent Investigator;
  - 3.3.3.6 convene a hearing at which the report and any recommendations of the Independent Investigator are considered in accordance with the ACAS Code of Practice;
  - 3.3.3.7 ensure that the Independent Investigator and the Relevant Officer are able to attend the meeting and are provided with an opportunity to submit evidence, call and question witnesses and summarise their case;
- 3.3.4 Following consideration of the Independent Investigator's report, representations from the Independent Investigator, the Relevant Officer, relevant witnesses the IDSC will determine either:
- that there is no case to answer
  - that disciplinary action short of dismissal should be taken against the statutory post holder by the IDSC
  - a recommendation to dismiss the Relevant Officer
- 3.3.5 If the IDSC proposes to recommend dismissal it will:
- 3.3.5.1 notify the Mayor and the Executive that it is proposing to dismiss the Relevant Officer and ask if there are any objections to the proposal.



- 3.3.5.2 consider any objections and satisfy itself as to whether any of the objections are both material and well founded. If they are, the IDSC will consider the impact of the executive objections and commission further investigation and reports by the Independent Investigator if these are required.
- 3.3.5.3 notify the Relevant Officer if there are no material or well-founded objections to the proposal to dismiss and that the recommendation will be considered by an Independent Panel along with the Independent Investigator's report and any oral or written representation from the Relevant Officer.
- 3.3.5.4 consider subsequent advice, views and/or recommendations given by the Independent Panel
- 3.3.5.5 make a recommendation to full Council that the Relevant Officer be dismissed, which takes into consideration and includes the views of the Independent Panel, the conclusions of the investigation and any representations from the Relevant Officer
- 3.3.6 Where the IDSC has made a recommendation to Council to dismiss, a meeting of Full Council will review all available evidence and all views/recommendations expressed and consider oral and/or written submissions by the IDSC before reaching a final decision. The representations made by the Relevant Officer to Council constitute the appeal process.
- 3.3.7 Where the IDSC has made a recommendation for disciplinary action short of dismissal, the Relevant Officer may appeal to the Disciplinary Appeals Sub Committee.

## 4. Disciplinary Appeals Sub Committee

The Sub Committee is a requirement of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015). The Sub Committee's duties relate to hearing appeals against decisions by the IDSC in relation to the Relevant Officer.

### 4.1 Composition

- 4.1.1 The Disciplinary Appeal Sub Committee shall comprise of five members, as follows:
- Vice-Chair of the Human Resources Committee (Chair)
  - One Member of the Executive (nominated by the Mayor but who is not the Mayor)
  - Three other Members appointed by the Leaders of the Political Groups on the Council from within their Groups such that the overall composition of the Sub-Committee shall be politically balanced.
- 4.1.2 Members of the Disciplinary Appeal Sub Committee may not be members of the IDSC.

## 4.2 Quorum

The quorum of the DASC shall be three members.

## 4.3 Terms of Reference

4.3.1 To receive and consider appeals made by the Relevant Officer following a decision by the IDSC to recommend that disciplinary action other than dismissal is taken against the Relevant Officer.

4.3.2 The Appeals Sub Committee will:

4.3.2.1 consider the report of the Independent Investigator and any other relevant information considered by the IDSC;

4.3.2.2 conduct any further investigation the Sub Committee considers necessary to reach a decision;

4.3.2.3 permit the Relevant Officer to appear at the meeting and state their case;

4.3.2.4 consider newly available relevant information and the outcome of any further investigation, noting that there is no further appeal stage beyond the considerations of this Sub Committee;

4.3.2.5 determine if the appeal should be upheld or dismissed;

4.3.2.6 inform the Relevant Officer, if an appeal is dismissed, that there is no further appeal, that the decision of the IDSC stands and the matter is regarded as being concluded;

4.3.2.7 report back to the IDSC when an appeal is upheld, advising of the reasons for this decision.

## 5. The Independent Panel

The Independent Panel should comprise of independent persons (at least two in number) who have been appointed by the council, or by another council, for the purposes of the council members' conduct regime under section 28(7) of the Localism Act 2011.

The Independent Panel must be appointed at least 20 days before the Council meeting at which dismissal is considered.

### 5.1 Terms of Reference

5.1.1 Where the IDSC is recommending dismissal, this recommendation will be considered by the Independent Panel.

5.1.2 This is not a full re-hearing of the case and will not involve the calling of witnesses.

5.1.3 Both parties should be present or represented (the IDSC might be represented by the Chair or other nominated person) at the Panel meeting. The Panel should hear the reasons for the IDSC's recommendation and also receive any

oral representations from the Relevant Officer. It may ask questions of either party.

- 5.1.4 The Independent Panel should review the IDSC's recommendation for dismissal and prepare a report for Council. This report should contain a clear rationale if the Panel disagrees with the recommendation to dismiss.

## **6. Full Council**

- 6.1 Where there is a proposal to dismiss the Relevant Officer, the council must approve the dismissal before notice of dismissal is issued. The Council must therefore consider the proposal from the IDSC and reach a decision before the Relevant Officer can be dismissed.
- 6.2 The Council will consider the recommendation that the Relevant Officer should be dismissed, and must take into account:
- Any advice, views or recommendations of the Independent Panel
  - The conclusions of the investigations into the proposed dismissal
  - Any representations from the Relevant Officer
- 6.3 Where the Independent Panel does not endorse the recommendation of the IDSC, the Chair of the Independent Panel should be invited to attend and present the report of the Panel and to answer questions.
- 6.4 The Relevant Officer will have the opportunity to appear before the council and put their case to the council before a decision is taken.

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## 38 Officer Employment Procedure Rules

### CONTENTS

Rule	Subject
1	General
2	Recruitment and Appointment
3	Recruitment of Head of Paid Service and Chief Officers
4	Appointment of Head of Paid Service
5	Appointment of Chief Officers and Deputy Chief Officers
6	Procedure for the Appointment of Chief Officers and Deputy Chief Officers
7	Other Appointments
8	Disciplinary Action
9	Dismissal
10	Appeals
11	Designation as Statutory Officer

#### 1. GENERAL

- 1.1 Subject to Rule 1.2 and Rule 10 below, the function of appointment and dismissal of, and taking disciplinary action against, a Member of staff of the authority must be discharged, on behalf of the authority by the Head of the Paid Service or by an officer nominated by her/him.
- 1.2 Rule 1.1 shall not apply to the appointment or dismissal of, or disciplinary action against:
- (a) The Head of the Paid Service;
  - (b) A statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989;
  - (c) A non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989;
  - (d) A deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989 (subject to Rule 5.6 below);
  - (e) A political assistant appointed in pursuance of section 9 of the Local Government and Housing Act 1989; or
  - (f) A Mayor's assistant appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the Local Government Act 2000.

## **2. RECRUITMENT AND APPOINTMENT**

### **2.1 Declarations**

- (a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of the Mayor or an existing Councillor or officer of the Council; or of the partner of such persons.
- (b) No candidate so related to the Mayor or a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by her/him.

### **2.2 Seeking support for Appointment**

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of the Mayor or any Councillor for any appointment with the Council. The content of this Rule will be included in any recruitment information.
- (b) Neither the Mayor nor any Councillor will seek support for any person for any appointment with the Council.
- (c) Neither the Mayor nor any Councillor shall give a reference (oral or written) for a candidate for employment by the Council.

## **3. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS**

### **3.1** Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
  - (i) the duties of the officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed.
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in Rule 3.1(a) to be sent to any person on request.

## **4. APPOINTMENT OF HEAD OF PAID SERVICE**

- 4.1 Where a Committee, Sub-Committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.
- 4.2 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Sub-Committee established in accordance with Rule 5.1 below. That Sub-Committee must include at least one Member of the Executive.
- 4.3 The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Executive.

## **5. APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

- 5.1 The Chief Executive will establish Appointments Sub-Committees upon criteria approved by the Human Resources Committee comprising relevant Members to make appointment to Chief Officer and Deputy Chief Officer posts. Any Appointments Sub-Committee established in accordance with this rule must include at least one (1) Member of the Executive.
- 5.2 Engagement of Chief Officers, to permanent positions or interim positions of over six (6) months, will be through the normal recruitment process overseen by the Human Resources Committee. The Chief Executive may make appointments to interim positions of up to six (6) months.
- 5.3 Where an interim appointment, approved by the Chief Executive, extends beyond six months it must be approved at the next available Human Resources Committee and in any case not later than two months after the end of the extension.
- 5.4 An offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any Member of the Executive has been received. Subject to Rule 5.6 below, in these Rules, chief officers are defined as:
  - (a) the Chief Executive (as Head of Paid Service)
  - (b) the statutory Chief Officers, (including the Chief Financial Officer, Corporate Director, Children's Services, Corporate Director, Adults' Services, and the Monitoring Officer)
  - (c) the non-statutory chief officers which are:
    - (i) Officers for whom the Chief Executive is responsible (other directors);
    - (ii) Officers who report to or who are directly accountable to the Chief Executive by virtue of the nature of their duties; and

- (iii) Officers who report to or who are directly accountable to the Council itself or any committee of the Council by virtue of the nature of their duties.

**5.5** Subject to Rule 5.6 below, in these Rules, deputy chief officers are defined as officers in departments who, by virtue of the nature of their duties, either report to or are directly accountable to the statutory or non-statutory chief officer responsible for that department.

**5.6** Rules 5.4 and 5.5 do not apply to:

- (a) officers whose duties are solely secretarial and clerical or are in the nature of support services; or
- (b) Head Teacher and Deputy Head Teacher posts in schools with delegated budgets.

**5.7** A permanent appointment to either the Chief Finance Officer or Monitoring Officer positions proposed by the Appointment Sub-Committee must be confirmed by a meeting of Council.

## **6. PROCEDURE FOR THE APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

**6.1 Appointments Sub-Committee Membership.** The Chief Executive, will set up an Appointments Sub Committee upon criteria approved by the Human Resources Committee comprising relevant Members to make appointments to chief officer and deputy chief officer posts.

**6.2 Appointment Process.** The following process will apply after an Appointments Sub Committee has interviewed all shortlisted candidates:

- (a) If the Sub Committee agree on a candidate suitable for the post, they will indicate their 'provisional intention to make an offer' to the Chief Executive.
- (b) The Sub Committee will inform the Chief Executive of the name of the candidate to whom they wish to make an offer together with any other particulars which the Sub Committee considers relevant in making the appointment.
- (c) The Chief Executive will notify the Mayor and each other Member of the Executive within twenty-four (24) hours of:
  - (i) The name of the person the Sub-Committee wish to make an offer to.
  - (ii) Any other particulars relevant to the appointment notified by the Sub-Committee.



- (iii) The period within which any objection to the making of the offer is to be made by the Mayor on behalf of the Executive to the Chief Executive.
- (iv) The period of objection will normally be two (2) working days. If the period of objection is to be shortened, then notification will be by telephone and e-mail.
- (v) If:
  - (1) The Mayor, within the period of objection, notifies the Sub-Committee that neither they or any other Member of the Executive has any objection to the making of the offer; or
  - (2) The Chief Executive notifies the Sub-Committee that no objection has been received by him/her within the objection period from the Mayor,

the 'provisional intention to make an offer' will become a firm offer and the offer of appointment may be made without the need for the Sub-Committee to re-convene.
- (vi) If an objection is received within the objection period from the Mayor on behalf of the Executive, the Sub-Committee will reconvene to consider the objection. If the Sub-Committee is satisfied that any objection received from the Mayor is not material or is not well founded, they may confirm their decision and a formal offer will be made.

## **7. OTHER APPOINTMENTS**

- 7.1** Officers below Deputy Chief Officer. Appointment of officers below deputy chief officer (other than any assistants to the political groups and any Mayor's assistant as defined at (e) and (f) respectively of Rule 1.2 above) is the responsibility of the Head of Paid Service or her/his nominee, and may not be made by the Mayor or Councillors.
- 7.2** Assistants to Political Groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.
- 7.3** Mayor's Assistant. Appointment of a Mayor's Assistant shall be made in accordance with the wishes of the Mayor.

## **8. DISCIPLINARY ACTION**

### **8.1** In this Rule 8:

- "the 2011 Act" means the Localism Act 2011;
- "independent person" means a person appointed under section 28(7) of the 2011 Act;

- “local government elector” means a person registered as a local government elector in the council’s area
- “The Panel” means a committee appointed by the Council for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Financial Officer;
- “relevant meeting” means a meeting of the Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Financial Officer

**8.2 Suspension.** The Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and may last no longer than two (2) months.

**8.3** The Head of Paid Service, Monitoring Officer or Chief Finance Officer may not be dismissed for disciplinary or misconduct reasons unless the procedure set out in the following Rule 8.3 (a) to (g) is complied with:

(a) An Investigating and Disciplinary Sub-Committee (IDSC) must be established to deal with formal disciplinary matters of the Relevant Officers.

(b) Where the IDSC proposes dismissal it must ask the Executive if there are objections to the proposal. If there are material, well-founded objections the IDSC must consider those.

(c) Where there is a recommendation to dismiss, the Council must then appoint an Independent Panel of at least two independent persons to consider the recommendation for dismissal.

(d) The reports of the IDSC and the Independent Panel must be considered by a meeting of Council which must consider and approve the proposal to dismiss before the notice of dismissal is issued.

(e) The Relevant Officer will have the opportunity to appear before the council meeting to put their case before a decision is taken.

~~(a) The Council must invite relevant Independent Persons to be considered for appointment to the Panel, with a view to appointing at least two (2) such persons to the Panel.~~

~~(b) In paragraph (a) above “relevant Independent Persons” means any Independent Person who has been appointed by the Council, or where there are fewer than two such persons, such Independent Persons as have been appointed by another authority or authorities as the Council considers appropriate~~

~~(c) Subject to paragraph (d), the Council must appoint to the Panel such relevant Independent Persons who have accepted an invitation issued in~~

~~accordance with paragraph (a) in accordance with the following priority order—~~

- ~~(d) a relevant Independent Person who has been appointed by the Council and is a local government elector;~~
- ~~(e) any other relevant Independent Person who has been appointed by the Council;~~
- ~~(f) a relevant Independent Person who has been appointed by another authority or authorities~~
- ~~(g) the Council is not required to appoint more than two (2) relevant Independent Persons in accordance with paragraph (c) but may do so~~
- ~~(h) the Council must appoint any Panel at least twenty (20) working days before the relevant meeting~~
- ~~(i) before the taking of the vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular—~~
- ~~(j) any advice, views or recommendations of the Panel;~~
- ~~(k) the conclusions of any investigation into the proposed dismissal; and~~
- ~~(l) any representations of the officer whose dismissal is being considered at the meeting~~
- ~~(m) any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person's role as Independent Person under the 2011 Act.~~

**8.4 Involvement of Members in Disciplinary Action.** Neither the Mayor nor any Member of the Council will be involved in disciplinary action against any officer below deputy chief officer except where set out in Paragraph 10.

**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.

**9.2** Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's Chief Finance Officer, or as the

authority's Monitoring Officer, the authority must approve that dismissal before notice is given to that person.

**9.3** Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the dismissal of any officer referred to at (a) to (d) of Rule 1.2 above, at least one member of the Executive must be a member of that committee or sub-committee.

**9.4** Where the authority or a Committee, Sub-Committee or officer ("the dismissor") proposes to dismiss:

The Head of the Paid Service;

A statutory chief officer;

A non-statutory chief officer; or

A deputy chief officer,

notice of dismissal must not be given until the dismissor has notified the Head of the Paid Service (or where the officer to be dismissed is the Head of the Paid Service, the Monitoring Officer) of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal; and

(a) The Head of the Paid Service, or as the case may be, the Monitoring Officer, has notified the Mayor and every other member of the Executive of:

(i) The name of the person whom the dismissor wishes to dismiss;

(ii) Any other particulars relevant to the dismissal which the dismissor has notified; and

(iii) The period within which any objection to the dismissal is to be made by the Mayor on behalf of the Executive to the Head of the Paid Service/ Monitoring Officer; and

(b) Either:

(i) The Mayor has, within the period specified in the notice under 9.4(b) above, notified the dismissor that neither they nor any other Member of the Executive has any objection to the dismissal; or

(ii) The Head of the Paid Service/Monitoring Officer has notified the dismissor that no objection was received by her/him within that period from the Mayor; or

(iii) The dismissor is satisfied that any objection received from the Mayor within that period is not material or is not well founded.

**9.5** If a valid objection is made by the Mayor to a dismissal proposed by a Committee or Sub Committee that body shall re-convene to consider the


objection. If the Committee or Sub Committee is satisfied that the objection is not well founded they will confirm their decision.

## **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;
- (b) a member of staff of the authority against any decision relating to the dismissal of that member of staff.

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Decision Report Cover Sheet:  <b>Council</b>  20 March 2024	
<b>Report of:</b> (Cover report of Matthew Mannion, Head of Democratic Services)  Main Report of Linda Walker, Acting Director of Legal Services and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Cover report of: Update to the Health and Wellbeing Board Terms of Reference</b>	

<b>Wards affected</b>	All Wards
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## 1. EXECUTIVE SUMMARY

- 1.1 At its meeting on 5 December 2023, the Health and Wellbeing Board agreed a new Terms of Reference and procedure document for the operation of the Board.
- 1.2 The purpose of the review was to better reflect changes to the Integrated Care System covering the borough, the draft guidance on Health and Wellbeing Boards, to clarify voting rights and quorum, and also to better reflect the Board’s purpose and function.
- 1.3 The Board agreed the updated Terms of Reference.
- 1.4 Constitutional changes are required to the relevant formal Terms of Reference set out in Part B, Section 19 Terms of Reference – Council and Committees.
- 1.5 These were noted by the General Purposes Committee. Due to the nature of the Board the changes are presented to Council for agreement (small changes to Terms of Reference usually are agreed by General Purposes Committee).


### Recommendations:

The Council is recommended to:

- 1. Note the new Statutory Officer Disciplinary Process document presented to the Human Resources Committee attached as Appendix 1 to this cover report.
- 2. Agree the consequent changes to the Officer Employment Procedure Rules of the Constitution attached as Appendix 2 to this cover report.

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Non-Executive Report of the:  <b>Tower Hamlets Health and Wellbeing Board</b>  <b>Tuesday, 5 December 2023</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Review of the Terms of Reference of the Tower Hamlets Health and Wellbeing Board</b>	

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

### **Executive Summary**

The Terms of Reference of the Health and Wellbeing Board were last reviewed in November 2021. This report presents the proposed changes to the Terms of Reference to reflect the changes to the Integrated Care System covering the borough, the draft guidance on Health and Wellbeing Boards, to clarify voting rights and quorum, and also to better reflect the Board’s purpose and function.

### **Recommendations:**

The Health and Wellbeing Board is recommended to:

1. Recommend the proposed revised Terms of Reference as set out in Appendix 2 to this report to the Mayor for approval.

## **1 REASONS FOR THE DECISIONS**

- 1.1 The Department of Health and Social Care released draft guidance for Health and Wellbeing Boards on 29th July 2022 for consultation. The draft guidance does not propose any change to the statutory role of Health and Wellbeing Boards but adjusts the core membership slightly to include representation from the Integrated Care Board for the area.
- 1.2 Therefore, it is proposed that some minor changes are made to the Terms of Reference of the Board. These changes mainly focus on updating the health sector membership. It is also proposed to request other minor changes such as: updating titles; refreshing the Board’s purpose and function statement; references to voting rights and quorum.

## **2 ALTERNATIVE OPTIONS**

- 2.1 The Board could ask the Mayor to approve additional members of the Board or could suggest alternative terms of reference, as long as the statutory requirements set out in the report were satisfied.

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

#### **Changes to Board membership**

- 3.1 The Terms of Reference of Tower Hamlets Health and Wellbeing Board were last reviewed in November 2021. There have been a number of changes to the health landscape since, most notably the introduction of the NHS North-East London Integrated Care Board.
- 3.2 The Department of Health and Social Care released draft guidance for Health and Wellbeing Boards on 29th July 2022. The draft guidance does not propose any change to the statutory role of Health and Wellbeing Boards but adjusts the core membership slightly to include reference to the Integrated Care Board (ICB) for the area, which must have representation on the Board. The core statutory membership of Health and Wellbeing Boards is otherwise unchanged. This is:
- At least one elected representative, nominated by the Mayor;
  - a representative from each Integrated Care Board (previously CCG) whose area falls within or coincides with, the local authority area;
  - the local authority directors of adult social services, children's services, and public health; and
  - a representative from the local Healthwatch organisation.
- 3.3 It is for the Mayor to determine the precise number of elected representatives on the Board.
- 3.4 The Guidance confirms that Health and Wellbeing Boards can continue, at their discretion, to invite other organisations to join including, for example voluntary, community and social enterprise, business sectors and healthcare providers. The proposed revised terms of reference include a broader list of non-voting members who will be invited to attend or otherwise contribute to Board meetings.

#### **Functions and purpose**

- 3.5 A new statement is proposed covering the functions and purpose of the Health and Wellbeing Board as set out in the Appendix 2. Also included is a new section to highlight and strengthen roles and responsibilities of Board members. This section explains how the Council's Code of Conduct for members applies to Board members.

#### **Quorum and voting rights**

- 3.6 The proposed new terms of reference aims to clarify voting rights of Board members and, in particular, distinguish between core (voting) members and partner (non-voting) members. They also clarify that the quorum of the Board is based on core voting members only.

## **4 EQUALITIES IMPLICATIONS**

4.1 None.

## **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 No other statutory implications have been identified.

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

6.1 There are no direct financial implications of this report.

## **7 COMMENTS OF LEGAL SERVICES**

7.1 Section 194 of the Health and Social Care Act 2012 requires local authorities to establish Health and Wellbeing Boards for their area. The same section sets out the requirements for the membership of the Board.

7.2 The Health and Care Act 2022 introduced Integrated Care Boards and Integrated Care Partnerships as part of the structure of the National Health Service. The Health and Social Care Act 2012 has been amended to reflect this change. The change is also set out in the revised non-statutory guidance on Health and Wellbeing Boards published in November 2022.

7.3 Section 111 of the Local Government Act 1972 permits local authorities to do anything which is calculated to facilitate the discharge of their functions.

7.4 The matters set out in this report comply with the above legislation and guidance.

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

### **Linked Report**

- None.

## **Appendices**

- Appendix 1 – Current Terms of Reference of the Board
- Appendix 2 – Proposed revised Terms of Reference of the Board

### **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.

[Health and wellbeing boards – guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/health-and-wellbeing-boards)

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

Joel West, Democratic Services Team Leader (Committees)

# Health & Wellbeing Board

## Terms of Reference

November 2023

## Purpose & Background

The Health and Social Care Act 2012 created a statutory Health and Wellbeing Board (HWBB) in every Upper-Tier Local Authority in England, effective from April 2013. The HWBB is a formal committee of the local authority charged with promoting greater integration and partnership between bodies from the NHS, public health and local government.

The intention of the HWBB is to steer, advise and lead approaches that improve the health and wellbeing of the population of Tower Hamlets. It will seek to do this by encouraging joint work across different services and organisations in the Borough, and by promoting greater integration of health and social care system, as well as services that can help to address the wider determinants of health. In addition, the Board provides democratic oversight and accountability of the local Health & Care Partnership and Tower Hamlets Together (THT).

The HWBB sets out its plans for improving the health of local population through a statutory Health & Wellbeing Strategy. In the current strategy (2021-2025), the HWBB sets out its key improvement principles for the local system as well as its ambitions for local residents:

### Improvement principles:

- Better targeting
- Stronger networks
- Equalities and anti-racism
- Better communications
- Communities first
- Making the best of assets

### Followed by HWBB's Healthy Borough Ambitions:

- Safe, social spaces
- Children happy, healthy and confident
- Young adults opportunities, connection and support for wellbeing
- Middle aged and older people healthy and well
- Joined up system focussed on what matters

## Functions of the Health of Wellbeing Board

The purpose of the Health and Wellbeing Board as set out in the relevant statutory guidance is as follows:

- To lead the improvement of health and wellbeing in Tower Hamlets, undertaking duties required by the Health and Social Care Act 2012.

- To encourage integrated working between organisations who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.
- To identify health and wellbeing needs and priorities across Tower Hamlets and publish and refresh a Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions are evidence-based.
- To prepare and oversee the development and implementation of a Joint Health and Wellbeing Strategy to reduce health inequalities in Tower Hamlets, ensuring that integrated care strategies prepared by the Integrated Care Board (ICB) are taken into account in this process.
- To provide advice, assistance, or other support to encourage partnership arrangements under Section 75 of the NHS Act 2006.
- To promote integration and partnership working between health and the council, including social care and public health by providing oversight and accountability of the Tower Hamlets Together partnership.
- To review, endorse and oversee the successful implementation of the Better Care Fund (BCF)
- Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy. It will ensure that both are updated at regular intervals and that integrated care strategies that are prepared by the Integrated Care Board.
- To encourage those who arrange for the provision of any health-related services in Tower Hamlets (e.g., services related to wider determinants of health, such as housing) to work closely with the HWB.
- To develop, prepare, update, and publish the local Pharmaceutical Needs assessments.
- To be involved in the development of any NHS local strategy delivery plans and commissioning plans that applies to Tower Hamlets and to give its opinion to the NHS North-East London and the Integrated Care Board on any such proposed plan.
- To communicate and engage with local people on how they could achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. This will involve working with Local HealthWatch to make sure there's a continuous dialogue with the public to ensure services are meeting need.
- Ensure decisions, service developments and programmes impacting on health and wellbeing in the borough are driven by community needs and have coproduction and co-design at its core
- Seek assurance of partner plans to responding to a health related emergency, e.g. pandemics.
- To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus on integration across

outcomes spanning health care, social care and public health. Areas of focus to be agreed from time to time by members of the Board as part of work planning for the Board.

- Such other functions delegated to the Board by the Local Authority.
- Such other functions as are conferred on Health and Wellbeing Boards by enactment.

## Membership

The Health and Wellbeing Board brings together political, professional and community leaders from across the health and care system in the borough. The membership consists of a mixture of mandatory members, who are required under statute to be members of the Health and Wellbeing Board, and some additional members who have been invited to join the Board. The membership is as follows:

### Voting members of the Board

Chair: Cabinet Member with responsibility for health, wellbeing and social care (LBTH)\*

Vice Chair: Tower Hamlets Place Lead, NHS North-East London

### Elected Representatives of LBTH

- Cabinet Member with responsibility for education and children's services (LBTH)
- Cabinet Member with responsibility for resources (LBTH)
- Cabinet Member with responsibility for housing and regeneration (LBTH)

### Local Authority Officers - LBTH

- Director of Public Health\*
- Corporate Director of Children Services\*
- Corporate Director of Health & Adults Social Care\*

Representative from Tower Hamlets Healthwatch

### Partner members of the Board (non-voting)

- Representative from Barts Health NHS Trust
- Representative from East London Foundation Trust
- Representative from North-East London NHS Integrated Care Board
- Representative from the London Metropolitan Police
- Representative from the THCVS
- Representative from the Tower Hamlets Housing Forum
- Independent Scrutineer of Tower Hamlets Safeguarding Children Partnership
- Independent Chair of Tower Hamlets Safeguarding Adults Board
- Chair of Tower Hamlets Together Board
- The Young Mayor or nominated Deputy Young Mayor (LBTH)
- Chair of the Health Scrutiny Sub-Committee (LBTH)
- Councillor nominated by Council from the largest opposition group

*\*Indicate statutory member - the regulations require 1 local Councillor but this does not have to be the Lead Member*

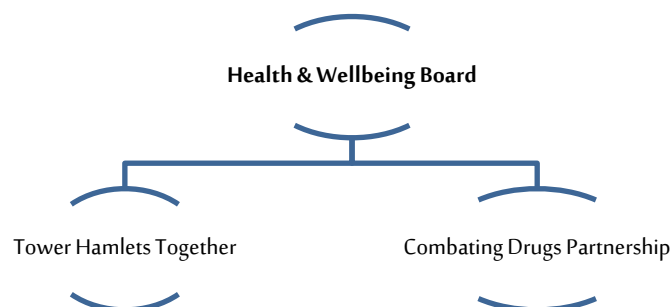


All members of the Board, as a statutory committee of the Council, must take into account the Council’s code of conduct for members and to follow any rules set out by their own organisations and act appropriately.

- Board members are expected to attend all board meetings whenever possible and fully and constructively contribute to discussions, reading and digesting any documents and information provided prior to meetings.
- Where Board members cannot attend, they should endeavour to send a deputy to represent their organisation at Board meetings. This is to ensure unfettered engagement of all partner organisations in achieving the Board’s vision.
- The membership of the Board is constructed to provide a broad range of perspectives on the development of strategy and tackling health inequalities in the borough.
- Member of the Board are expected to fully and effectively communicate outcomes and key decisions of the Board to their own organisations, acting as ambassadors for the work of the Board, and participating where appropriate in communications/marketing and stakeholder engagement activity to support the objectives of the Board.
- Contributing to the ongoing development of the Board, including ensuring that appropriate items are brought to the Board’s attention and added to the Board’s forward plan, where relevant.
- Contribute to the development and delivery of the Joint Health and Wellbeing Strategy; holding the system to account, highlighting and celebrating our achievements and challenging performance against the strategy where necessary.
- Seek and consider diverse opinions as a process for driving innovation, maximising assets and making best use of available resources.
- Act in a respectful, inclusive and open manner with all colleagues to encourage constructive debate and challenge.

### Subgroups & Accountability


The Board will have the subgroups who will be expected to bring a minimum of one report per year to a Health and Wellbeing Board, to update the Board on progress made at their partnership. The following sub-groups that report to the Board:



The Health & Wellbeing Board will operate according to the Council's Constitution and according to these Terms of Reference. A meeting of the Health & Wellbeing Board shall not be quorate unless at least a quarter of the voting members, rounded up, are present. There are currently 9 voting members, so the quorum, rounded up, is 3 voting members.

As a committee of the Council, except where it is set out in these Terms of Reference the convening and conduct of meetings will be in accordance with the Council Procedure Rules approved by the Council.

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Non-Executive Report of the:  <b>General Purposes Committee</b>  <b>Tuesday, 27 February 2024</b>	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Constitution Updates</b>	

<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 Constitution on 17 May 2023, day-to-day oversight of the document returns to the General Purposes Committee.

This report asks the Committee to agree some Terms of Reference changes for a number of Committees as well as providing a brief update on the work of the Constitution Working Group.

### Recommendations:

The General Purposes Committee is recommended to:

1. Agree the updates to the Constitution set out in Appendices 1 – 2 to the report and in Paragraph 9 of the report.
2. Note that the changes listed in Appendix 1 come into force for the new municipal year.
3. To note the remaining contents of the report including the Terms of Reference of the Health and Wellbeing Board set out at Appendix 3.

### 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 Committee are welcome to request a review of any parts of the Constitution as it so wishes.

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

- 3.1 The General Purposes Committee receives regular reports on agreed and proposed changes to the Constitution as part of its role overseeing the effectiveness of the Constitution.
- 3.2 This report sets out some Terms of Reference changes for agreement and also provides a brief update on the work of the Constitution Working Group.

#### **Terms of Reference**

##### Audit Committee

- 3.3 At its meeting on 22 January 2024, the Audit Committee considered guidance on the operation of Local Authority Audit Committees issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). Following discussion of the report, the Committee agreed a number of changes which will impact on the Terms of Reference of that Committee. These include restrictions on Cabinet Members being on the Committee and a reduction in the overall size of the Committee.
- 3.4 The updated Terms of Reference are set out in Appendix 1. The Audit Committee determined that these changes should only come into force from the Annual Meeting of Council onwards.
- 3.5 General Purposes Committee are therefore asked to agree to the proposed amendment to the Constitution with them being implemented following the Annual Meeting on 15 May 2024 (where Council will be presented with an updated version of the Constitution to agree which will include this update).

##### General Purposes Committee

- 3.6 A minor amendment has been identified for correction following the transfer of responsibility for Employee Appeals to the Human Resources Committee. In general, the Terms of Reference were amended to reflect that change at the time but one paragraph remained that will now be removed.
- 3.7 The opportunity is therefore also taken to highlight wording added to address a previous concern of this Committee that where it set out the Monitoring Officer's powers to appoint Members to Committees it didn't confirm that these were from nominations received from Members/Groups.

##### Health and Wellbeing Board

- 3.8 The Board has recently agreed an updated Terms of Reference. This is going to be presented to a future meeting of Council for final approval so is just presented here for information. The Terms of Reference have received a general make over which will be set out in the Council report but in relation to the Constitution the relevant sections are included in Appendix 3 to this report.

## Licensing Committee

- 3.9 Finally, one change is proposed for the Licensing Committee. The constitution requirement is that the quorum should be a quarter of voting Members (rounded up where necessary). The quorum on the Licensing Committee is currently incorrectly stated as three so this will be amended to four (one quarter of the 15 Members rounded up).

## **Constitution Working Group Update**

- 3.10 Since the first meeting of the Group in the autumn, officers have commissioned the Association of Democratic Services Officers (ADSO) to undertake a review of the Constitution, firstly to look for any significant governance issues (for example legislation having been updated which wasn't reflected in the Constitution) and then secondly looking at comparisons with other similar authorities to see if there were lessons we could learn from their Constitutions.
- 3.11 Both reports have now been submitted and officers are reviewing their contents. The next meeting of the Constitution Working Group is planned to take place within the next couple of months where officers will provide them with an update and proposals for next steps.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 None specific to this report, although a well functioning Constitution is important in ensuring that the Council is able to fulfil all its equalities responsibilities.

## **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 although a well functioning Constitution is important in ensuring that the Council is able to fulfil all its statutory responsibilities.

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

6.1 There are no financial implications of this report.

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

7.1 Section 9P of the Local Government Act 2000 requires local authorities to prepare a constitution and to keep it up to date.

7.2 Part A of the Constitution sets out the responsibilities for amending different parts of the Constitution, and different types of amendments.

7.3 The matters set out in this report comply with the above legislation and with the Constitution.

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

### **Linked Report**

- Approval of the Council's Constitution at the Annual Meeting of Council on 17 May 2023.

### **Appendices**

- Appendices 1-2 – Updated Terms of Reference (for agreement)
- Appendix 3 – Updated Terms of Reference (for noting)

### **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

## Updated Audit Committee Terms of Reference

### 4. Audit Committee

#### Summary Description:

1. The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

**Membership:** 79 Councillors. **There can only be a maximum of one** Member of the Executive **on the Committee (who must not be the Cabinet Member for Resources) and** they must not be the Chair.

#### Independent Person:

The Audit Committee may choose to appoint an Independent Person (IP) to advise and support the Committee. The IP will not be a member of the Audit Committee but would be entitled to attend all the meetings and associated training of the Committee. The IP can receive and comment on any reports submitted to the Committee, including restricted agenda items.

Functions	Delegation of Functions
<u>Governance, Risk and Control</u>	None
1. To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.	None
2. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.	None
3. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.	None
4. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.	None

5. To monitor the effective development and operation of risk management in the Council.	None
6. To monitor progress in addressing risk-related issues reported to the committee.	None
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.	None
8. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	None
9. To monitor the counter-fraud strategy, actions and resources.	None
10. To review the governance and assurance arrangements for significant partnerships or collaborations.	None
<u>Internal audit</u>	None
11. To approve the internal audit charter.	None
12. To review proposals made in relation to the appointment of external providers of internal audit services.	None
13. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	None
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.	None
15. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.	None
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.	None
17. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include: <ul style="list-style-type: none"> <li>a. Updates on the work of internal audit including key findings, issues of concern and management actions as a result of internal audit work.</li> <li>b. Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP).</li> <li>c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and the associated Local Government Application Note (LGAN) published by the Chartered Institute of Public Finance and Accountancy (CIPFA) considering whether the non-conformance is significant enough that it must be included in the AGS.</li> </ul>	None



18. To consider the Head of Internal Audit's annual report, including:  a. The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement.  b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.	None
19. To consider summaries of specific internal audit reports as requested.	None
20. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.	None
21. To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.	None
22. To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.	None
23. To provide free and unfettered access to the Audit Committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.	None
24. To commission work from internal audit.	None
25. To consider the Council's RIPA policy under the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.	None
26. To consider the Council's use of surveillance in accordance with the Regulation of Investigators Powers Act 2000 and the Investigatory Powers Act 2016.	None
<u>External audit</u> 27. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.	None
28. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	None
29. To consider specific reports as agreed with the external auditor.	None
30. To comment on the scope and depth of external audit work and to ensure it gives value for money.	None

31. To commission work from external audit.	None
32. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	None
<u>Financial reporting</u> 33. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	None
34. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	None
<u>Accountability arrangements</u> 35. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.	None
36. To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.	None
37. To publish an annual report on the work of the committee.	None

**Quorum:** 3 Members of the Committee

## Updated General Purposes Committee Terms of Reference

## 9. 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 <b>(from the nominations received from Members/Groups as required)</b>
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 <b>(from the nominations received from Members/Groups as required)</b>
6. To consider and make changes to the Council's Constitution upon the recommendation of the Monitoring Officer	
7. 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: <b>(a)</b> Education awards appeals; <b>(b)</b> Appeals by governing bodies;	None
8. Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval	None
9. To establish Appeals Sub-Committees as appropriate to be convened by the Monitoring Officer or Director of Workforce, OD and Business Support as appropriate for determination of the above appeals referred to in paragraph 742 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	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution. <b>(from the nominations received from Members/Groups as required)</b>  <del>The Director of Workforce, OD and Business Support is authorised to appoint Members to Employee Appeals Sub-Committees in</del>

	<del>line with the Resources Directorate Scheme of Delegation as set out in Part D of the Constitution</del>
<b>10.</b> 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.	None
<b>11.</b> 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	None

**Quorum:** 3 Members of the Committee

## Updated Health and Wellbeing Board Terms of Reference

### 19. Tower Hamlets Health and Wellbeing Board

**Summary Description:** The Health and Social Care Act 2012 created a statutory Health and Wellbeing Board (HWBB) in every Upper-Tier Local Authority in England, effective from April 2013. The HWBB is a formal committee of the local authority charged with promoting greater integration and partnership between bodies from the NHS, public health and local government.

**Membership:** The Membership of the Board is as follows:

#### Voting members of the Board

Chair: To be determined by the Board

Vice Chair: Tower Hamlets Place Lead, NHS North-East London\*

At least one Councillor nominated by the Mayor of London Borough of Tower Hamlets\*

Local Authority Officers - LBTH

- Director of Public Health\*
- Corporate Director of Children Services\*
- Corporate Director of Health & Adults Social Care\*

Representative from Tower Hamlets Healthwatch\*

#### Partner members of the Board (non-voting)

- Representative from Barts Health NHS Trust
- Representative from East London Foundation Trust
- Representative from North-East London NHS Integrated Care Board
- Representative from the London Metropolitan Police
- Representative from the THCVS
- Representative from the Tower Hamlets Housing Forum
- Independent Scrutineer of Tower Hamlets Safeguarding Children Partnership
- Independent Chair of Tower Hamlets Safeguarding Adults Board
- Chair of Tower Hamlets Together Board
- The Young Mayor or nominated Deputy Young Mayor (LBTH)
- Chair of the Health Scrutiny Sub-Committee (LBTH)
- Councillor nominated by Council from the largest opposition group


*\*Indicate statutory member*

<b>Functions</b>	<b>Delegation of Functions</b>
To lead the improvement of health and wellbeing in Tower Hamlets, undertaking duties required by the Health and Social Care Act 2012.	<b>None</b>
To encourage integrated working between organisations who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.	<b>None</b>
To identify health and wellbeing needs and priorities across Tower Hamlets and publish and refresh a Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions are evidence-based.	<b>None</b>
To prepare and oversee the development and implementation of a Joint Health and Wellbeing Strategy to reduce health inequalities in Tower Hamlets, ensuring that integrated care strategies prepared by the Integrated Care Board (ICB) are taken into account in this process.	<b>None</b>
To provide advice, assistance, or other support to encourage partnership arrangements under Section 75 of the NHS Act 2006.	<b>None</b>
To promote integration and partnership working between health and the council, including social care and public health by providing oversight and accountability of the Tower Hamlets Together partnership.	<b>None</b>
To review, endorse and oversee the successful implementation of the Better Care Fund (BCF).	<b>None</b>
Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy. It will ensure that both are updated at regular intervals and that integrated care strategies that are prepared by the Integrated Care Board.	<b>None</b>
To encourage those who arrange for the provision of any health-related services in Tower Hamlets (e.g., services related to wider determinants of health, such as housing) to work closely with the HWB.	<b>None</b>
To develop, prepare, update, and publish the local Pharmaceutical Needs assessments.	<b>None</b>
To be involved in the development of any NHS local strategy delivery plans and commissioning plans that applies to Tower Hamlets and to give its opinion to the	<b>None</b>

NHS North-East London and the Integrated Care Board on any such proposed plan.	
To communicate and engage with local people on how they could achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. This will involve working with Local HealthWatch to make sure there's a continuous dialogue with the public to ensure services are meeting need.	<b>None</b>
Ensure decisions, service developments and programmes impacting on health and wellbeing in the borough are driven by community needs and have coproduction and co-design at its core.	<b>None</b>
Seek assurance of partner plans to responding to a health related emergency, e.g. pandemics.	<b>None</b>
To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus on integration across outcomes spanning health care, social care and public health. Areas of focus to be agreed from time to time by members of the Board as part of work planning for the Board.	<b>None</b>
Such other functions delegated to the Board by the Local Authority.	<b>None</b>
Such other functions as are conferred on Health and Wellbeing Boards by enactment.	<b>None</b>

**Quorum:** 3 Voting Members of the Committee



Non-Executive Report of the:  <b>Council</b>  Wednesday, 20 March 2024	
<b>Report of:</b> Linda Walker, Interim Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Members' Allowances Scheme 2023-24 and 2024-25</b>	

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

### Executive Summary

Part C, Section 39 of the Council’s Constitution sets out the Scheme of Members’ Allowances. This provides for a Mayor’s Allowance to be paid to the Mayor; a Basic Allowance to all Councillors; Special Responsibility Allowances for specified member roles; Dependents’ Carers’ and Travel/Subsistence Allowances; and an attendance allowance for co-opted members of the Standards Advisory Committee and the Overview and Scrutiny Committees.

The Council also operates a Maternity, Paternity, Adoption and Sickness Pay policy for Members.

This report presents a number of matters for consideration by Council.

Firstly, it asks Council to consider the uplift for the current year’s Member Allowances Scheme which would usually be implemented following the local government pay settlement agreed late in 2023.

Secondly, the London Councils Independent Remuneration Panel (IRP) has reported on an in-depth study they have undertaken on appropriate Member Allowances in London including comparators with other parts of the United Kingdom. Council is required to consider the views of the IRP when setting its Member Allowances levels.

Finally, and taking all of the above into consideration, the report proposes a Members Allowances Scheme for 2024-25.

## **Recommendations:**

The Council is recommended to:

1. Review and consider the report of the London Independent Remuneration Panel.
2. Determine whether there should be an annual uplift for the Member Allowances Scheme for 2023/24 and if so, the level.
3. Subject to any amendments following Council review of the London Councils Independent Remuneration Panel's report, agree to adopt the London Borough of Tower Hamlets Members' Allowances Scheme for 2024/25 as set out at Appendix 2 to the report.
4. Should it be required from the above recommendations, agree that the Member Allowances Budget be adjusted as necessary to cover the costs following any agreed increases.
5. To agree that the General Purposes Committee lead on any requested engagement with the London Independent Remuneration Panel, report back to Council as required.

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

- 1.1 The Council is required to agree a Scheme of Members' Allowances annually.

### **2. ALTERNATIVE OPTIONS**

- 2.1 The Council must agree a Scheme of Members' Allowances but it is free to amend the scheme, for example using any of the options set out in the report.

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

- 3.1 In accordance with Statutory Instrument (SI 1021/2003) the Council is required to agree a Scheme of Members' Allowances on an annual basis. The Scheme may include an annual index-linked adjustment of allowances, but it must be subject to a full review at least every four years, considering the recommendations of an Independent Remuneration Panel.
- 3.2 The London Councils Independent Remuneration Panel (IRP) previously issued a report in January 2022 and that was considered when the Members' Allowances Scheme 2022/23 was agreed.

- 3.3 It was noted at the time that the IRP recommends levels of basic and special responsibility allowances and that in general, allowances at Tower Hamlets are at levels below or equal to the recommendations from the IRP.
- 3.4 Beyond allowances themselves the IRP report also recommended that Councils should provide:
- An effective member learning and development programme.
  - Appropriate administrative support.
  - IT equipment.
  - Dependent carer payments.
  - A sickness/maternity/paternity policy.
  - Travel and subsistence allowances for travel outside of the borough.
- 3.5 All of the above are provided by the Council.
- 3.6 Finally, the IRP recommend that the allowances scheme is updated every year in line with any local government pay settlement. This is also an agreed arrangement with the Council's Member Allowances Scheme. The scheme as it stands will therefore be updated in line with any agreed staff agreement for 2024/25.

#### **Annual Uplift 2023/24**

- 3.7 In 2022/23 the annual local government pay settlement provided staff with set lump sum uplift regardless of grade (with a percentage increase for certain allowances). As the Members' Allowances Scheme was silent on what action to take in those circumstances, Council considered a report and determined that allowances should remain frozen for that year.
- 3.8 In 2023/24 the annual local government pay settlement again in the main provided a lump sum uplift of £2,352. This was for all spinal column points up to SCP50 (top of Grade M) with a 3.88% increase for those above (and for allowances).
- 3.9 Given that lack of clarity, Members are again asked to determine what, if anything, should be the uplift for the Basic Allowance, Special Responsibility Allowances and the Co-optee Allowance.
- 3.10 The Members' Allowances Scheme sets out that the Dependent Carers Allowance should be, as a minimum, the level of the London Living Wage (LLW) and so it is proposed to increase that to £13.15 in line with the LLW.
- 3.11 No other changes are proposed to the general arrangements/structure of the Allowances Scheme.
- 3.12 The Member Allowances Scheme (without any annual uplift but with the Dependent Carers Allowance change) is set out at Appendix 2 to this report. This will be adjusted should any allowance increases/uplifts be agreed.

## London Councils Independent Remuneration Panel on Members' Remuneration – Review Report

- 3.13 The IRP last published a report on member allowances in early 2022. In that report the Panel did not recommend substantial changes to Member allowances. However, it did note that the challenges facing councils and councillors appeared to be increasing and becoming more complex and it therefore reported that it intended to undertake a more detailed review in 2023.
- 3.14 That research report has now been published and is attached to this report as Appendix 1.
- 3.15 Members can read the full report as attached but in summary the report concluded that allowances in London were significantly below those paid in Scotland, Wales and Northern Ireland and also in comparison to people carrying out comparative work (even allowing for a 'public service discount'). The Panel also considered that the high cost of living in the capital should be considered.
- 3.16 The review highlighted that Members play a crucial role and are at the heart of local communities supporting residents of all ages. It expressed concern that low allowances levels were making it increasingly difficult for Members who were then required to hold down full-time jobs even whilst taking on senior responsibilities within councils and that this could be deterring potential candidates.
- 3.17 In summary the Review has recommended the following levels for the basic and special responsibility allowances (note that SRAs are in addition to the basic allowance):

Allowance Type	Examples	Value	Current Tower Hamlets Scheme
Basic Allowance	For all Councillors	£15,960	£11,898
Elected Mayor	For the elected Mayor	£93,575	£80,579
Band One SRA	<ul style="list-style-type: none"> <li>• Leader of smaller opposition groups</li> <li>• Chairs of Sub-Committees</li> </ul>	£3,105 to £9,314	Around £5,439
Band Two SRA	<ul style="list-style-type: none"> <li>• Scrutiny Lead</li> <li>• Leader of the Opposition</li> <li>• Chairs of Regulatory Committees</li> </ul>	£15,523 - £31,046	Around £8,702 - £12,291
Band Three SRA	<ul style="list-style-type: none"> <li>• Cabinet Member</li> <li>• Chair of main Overview and Scrutiny Committee</li> <li>• Deputy Leader of the Council</li> </ul>	£37,255 - £46,569	Around £11,965 - £32,631

## Job Profile

- 3.18 The Panel also updated its template 'Job Profile' for Members. Council are asked to note that the Council is developing Role Profiles for Members in conjunction with the Member Learning and Development Steering Group and these will be published once they are finalised.

## Allowance Options

- 3.19 It is important to remember that the Council must take account of the IRP report but it is free to consider local factors and to agree its own Allowances Scheme. Indeed, as the report notes, many Councils do not follow the IRP recommendations and set Schemes with lower allowances.
- 3.20 Councillors may consider that local cost of living factors for residents and the financial impact of significant changes mitigate against making large changes. For example, the cost of uprating the Basic Member Allowance from £11,898 to £15,960 would be just over £180k.
- 3.21 If Council were to agree to Special Responsibility Allowance changes along the lines of those proposed these are likely to add costs around £300k (about 30% increase) to the overall Members' Allowance Scheme. Changes could though be implemented slowly over a number of years.
- 3.22 On the other hand, the Council is about to undertake a campaign to encourage more people to stand for election (with a particular focus on encouraging women) and it could be thought that higher allowances would encourage more residents to step forward.
- 3.23 Council can decide to increase none, all or some allowances for 2023/24 and/or for 2024/25. It should also consider the Co-opted Members allowance and whether this should be increased even if other allowances are frozen.
- 3.24 There are many options Members could choose, some are set out below:
- a) Freeze allowances for 2023/24 and 2024/25.
    - a. Allowances for Co-opted Members could be increased in line with staff allowances for 2023/24 (3.88%) if Council so wish.
  - b) Freeze allowances for 2023/24 and revert to the standard rules for future years.
  - c) Increase allowances by 3.88% for 2023/24 (in line with staff allowances increase) and revert to standard rules for future years.
  - d) Increase the basic allowance to the level proposed by the Independent Remuneration Panel.
- 3.25 In addition to the above, Council could ask officers to review:
- a) All allowances to propose new values taking into account the Independent Remuneration Panel recommendations.

- b) Use the IRP report to review whether there should be any changes to the positions allocated a Special Responsibility Allowance.
- c) Changing the wording of the Member Allowances Scheme to cover circumstances where the Council's staff annual uplift is a lump sum instead of a percentage increase to automatically uplift the Members Allowances Scheme by the percentage increase in staff allowances.

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

- 4.1 The payment of Members' Allowances helps to ensure that people from all parts of the community within the borough are able to serve as elected members. This promotes effective community leadership and accountability, to the benefit of the whole borough and all its communities.

#### **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 statutory implications to be considered.

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

- 6.1 The current budget for members' allowances is £1m. Based on the staff pay award of 3.88% the uplift would be c£40k.
- 6.2 As outlined in the report, if the higher level of allowances were agreed this would increase allowances by £480k (including SRAs) which would create a budget pressure of c£440k.

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

- 7.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations') require the Council to on or before 31st March in each year make a scheme in accordance with the Regulations. The Scheme must make provision for payment of the basic allowance specifying the amount and also make provision for the following allowances if it intends to make such payments in respect of a year-

- (a) special responsibility allowance;
- (b) dependants' carers' allowance;

- (c) travelling and subsistence allowance; and
- (d) co-optees' allowance.

- 7.2 The proposed Member Allowances Scheme 2024/25 provides for Maternity, Paternity, Adoption and Sickness Pay which is established practice in a number of other London boroughs. Whilst there is nothing in the Regulations that provides that the Scheme is to include reference to such, the inclusion of Maternity, Paternity, Adoption and Sickness Pay are supported by the Council's general power of competence. Section 1 of the Localism Act 2011 gives the Council a general power of competence to do anything that individuals generally may do, subject to specified restrictions and limitations imposed by other statutes. The inclusion of Maternity pay is also consistent with the Council's obligations under the Equalities Act 2010.
- 7.3 Regulation 16 of the Regulations places a duty on the Council to publish as soon as reasonably practicable after making any amendments to the current Members' Allowance Scheme a notice in one or more newspapers circulating in its area. The Council must also ensure that copies of the Scheme are available for inspection by members of the public at the principal office of the Authority, at all reasonable hours.

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

### **Linked Report**

- None.

### **Appendices**

- Appendix 1 – London Councils Independent Remuneration Panel report on their review of Member Allowances
- Appendix 2 – Members' Allowances Scheme 2024/25

### **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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# The Remuneration of Councillors in London 2023

Report of the Independent Panel

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# Remuneration of councillors in London 2023

## 1. Introduction

- 1.1 The Independent Panel on Members' Remuneration last published a report on member allowances in early 2022. In that report the Panel did not recommend substantial changes to Member allowances, it noted that the challenges facing councils and councillors appeared to be increasing and becoming more complex. Therefore, the Panel also recommended that it undertake a more detailed review in 2023.
- 1.2 For the 2023 review, the Panel has undertaken a detailed review of member allowances with the aim of providing up to date advice on appropriate levels of reward for the work of elected members in London over the next four years. The intention was to seek a wider consultation than previously, using qualitative and quantitative research to underpin its findings and recommendations. The Panel canvassed members and officers in all London boroughs through surveys, focus groups and interviews, in order to consider whether and how the role of councillors has changed in recent years and what the main issues that may have an effect on the recruitment and retention of councillors are currently. It also carried out a considerable benchmarking exercise of allowances paid in other parts of England as well as in Scotland, Wales and Northern Ireland, and undertook an in-depth review of the methodology used by Independent Remuneration Panels across the UK.
- 1.3 The research showed that basic allowances per annum in London are significantly lower than those paid in Scotland, Wales and Northern Ireland. The assessment of members' allowances in the home nations is carried out by independent bodies whereas in England, the level of allowances is determined by the local authority members themselves. It has also become clear that allowances in many boroughs are considerably lower than remuneration received by workers in London with comparative levels of responsibilities and skills. This comparative contrast in remuneration is juxtaposed against increased workloads, time pressures, accountability, and financial pressures that councillors are presently having to manage. The Panel takes the view that it is important that there is a system of support in place that recognises the vital role that elected representatives play in local government and the full scale of their responsibilities. This support includes appropriate remuneration levels.

## 2.0 Background

- 2.1 Local authorities are required by the Local Authorities (Members' Allowances) (England) Regulations 2003<sup>1</sup> to establish and maintain an independent remuneration panel to make recommendations on the level of the basic and special responsibility allowances. In London the regulations authorise the establishment of an independent panel (the Panel) by the Association of London Government (now London Councils)

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<sup>1</sup> [The Local Authorities \(Members' Allowances\) \(England\) Regulations 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2003/1040)

panel to make recommendations in respect of the members' allowances payable by London boroughs. The Regulations require a review of the scheme every four years as a minimum. Whilst the Panel makes recommendations, each council determines its own remuneration scheme for its own councillors, having regard to the Panel's recommendations.

- 2.2 The Independent Panel for London Councils currently comprises Mike Cooke (Chair), Sir Rodney Brooke CBE DL and Anne Watts CBE. It reported in 2022 and at that time recommended very few changes on the basis that more time was needed for a more detailed review during 2023, given that the Panel had received feedback that the work of councillors and the demands upon them had increased significantly.

### **3.0 Research**

- 3.1 This review has provided the Panel with an opportunity to consider the roles undertaken by councillors in London, and to examine more deeply how the demands, responsibilities and scope of duties of councillors have evolved in recent years. This review also provided the Panel with an opportunity to review the methodology used by other Independent Remuneration Panels and to carry out benchmarking with other local authorities across England, Scotland, Wales and Northern Ireland.
- 3.2 The Panel has expanded on the approaches used in previous reviews. In addition to carrying out a survey of London borough Leaders to gauge their views on the operation of the existing remuneration scheme, the Panel has held a series of feedback meetings with groups of elected councillors, conducted a survey of the London branch of the Association of Democratic Services Officers (ADSO), and held meetings with officers from the London Borough Legal Alliance (LBLA), and the South London Legal Partnership (SLLP), in order to get a more complete picture of the challenges facing London's councillors today. The Panel also commissioned Ipsos to carry out a small number of focus groups to gauge the public perception of councillors' roles, responsibilities and levels of allowances.
- 3.3 The member engagement focus groups consisted of a range of participants from the three major political parties – Labour, Conservative, and Liberal Democrat, and included a range of members from inner and outer boroughs, and with different levels of responsibility (e.g. newly elected backbench councillors, Cabinet Members and borough Leaders).
- 3.4 The Panel is grateful both to everyone who participated in the consultation process and thank them for their contributions as well and to London Councils for its support to the review.

#### 4.0 The crucial role of elected councillors

***The role of the councillor has fundamentally changed in recent times. There is now more reliance from the public on their local council due to challenges such as the cost of living crisis, the effects of the pandemic and the resettlement of refugees. (Borough Leader)***

- 4.1 Councillors in London oversee multi-million pound budgets and employ thousands of people; all are responsible for the delivery of a wide range of crucial services. The health and wellbeing of residents and communities are at the heart of the work of London boroughs who also at one end of the age spectrum are endeavoring to give children the best start in life, whilst at the other are helping to support older people to live as independently as possible. Local councils are at the heart of developing their boroughs and working with businesses to bring local economic benefits. The building of new homes and the improvement in the standards of existing houses are crucial to their work as is their local leadership on climate change.
- 4.2 A key aspect of the responsibility of councillors is managing the complex financial pressures involved in addressing increases in the demand for services with reductions in budgets. The scale of a London council's annual expenditure budget and other financial activities are in many instances comparable with those of large publicly quoted companies.

***"The budgets that borough Leaders are managing are huge, as is their level of responsibility when something goes wrong. A borough Leader's role is now similar to that of a non-executive director of a large company" (Borough Leader)***

- 4.3 At the same time Councillors are integral to the effectiveness of the local democratic process. As well as representing them, they stand ready to be approached by their residents to take up matters on their behalf where appropriate. The voice of democratically elected councillors in the development of the policies and strategies of their councils is absolutely essential. Councillors also play an important role in the oversight and scrutiny of services.
- 4.4 Some Councillors have additional and burdensome responsibilities, including Leaders of Councils, Elected Mayors and council portfolio holders. Some roles have specific statutory responsibilities (e.g. in the case of elected Mayors/statutory children's and adults cabinet members).
- 4.5 The needs of Londoners and of London's communities are becoming arguably more complex, given the seismic national and international changes ranging from the

global energy crisis, climate change, patterns of migration and housing shortages. The national economic challenges directly affect households and communities as well as businesses and councils themselves.

## **5.0 The role of Member Allowances**

- 5.1 It is important to reflect on the purpose of the allowances, payments and related arrangements for councillors.
- 5.2 The Panel draws the reader's attention to the report of the 2007 Independent Commission on the Role of Local Councillors, chaired by Dame Jane Roberts which was commissioned to consider the incentives and barriers for encouraging people who are able, qualified and representative to be candidates to serve as councillors; retaining and developing them once they are elected and enabling them to secure public interest and recognition for the work they carry out for their communities.
- 5.3 The Roberts commission considered a wide range of issues but at its heart were the key questions of: 1) how best to ensure that people from a wide range of backgrounds and with a wide range of skills are encouraged to serve as local councillors; and 2) how to ensure those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage.
- 5.4 Within these broad considerations there can be no doubt that financial compensation or a system of allowances plays a crucial part in making it financially possible for local people to put themselves forward to take on the onerous responsibilities involved in being a councillor and indeed to continue to serve as one.
- 5.5 For this reason it is crucial that allowances for councillors across London are pitched at an appropriate level such that they make a major contribution in ensuring diverse and effective local representation. This 2023 review of Member allowances has aimed to take a step back and ensure that the recommended allowances are pitched such that they serve this crucial purpose.
- 5.6 We are clear that the Panel can only make recommendations and that each council must determine its own system and rates of allowances. However each council must have regard to our recommendations. We are concerned that a wide variation in the level of allowances between councils across London has evolved over the years. **Given that this year's Panel review has been a significant stocktake and that we have made clear recommendations, with a clear rationale and for the important purpose described in this section, we strongly recommend that the findings of our review and the Panel's position are adopted across London. This is at the heart of ensuring a healthy, vibrant and representative local government in the capital.**

## **6.0 Time commitment and demands on councillors**

6.1 Fulfilling the responsibilities of councillors in the many and various roles within a council has, arguably, always been demanding. In 2022 the Panel received anecdotal feedback that the workload and the time involved had increased significantly and so in this review we wanted to explore this in more detail.

6.2 The feedback from elected members and officers was that in the view of almost all the people we spoke to workloads, demands and pressures had increased. There appear to be a number of contributory factors:

- A wide range of recent events had added additional work; some examples given were: the demands of the pandemic years and the post-pandemic recovery work; sometimes given was the level of work in the resettlement of refugees; and the work to support residents through the very significant economic challenges of recent years, including during the energy crisis but also linked to the impact of food inflation and increased risks of homelessness.
- There has been a noticeable increase in the expectation that leading councillors work in closer partnership with other public services. The Health and Care Act 2022 in particular brings an expectation that councils will work in formal partnership with NHS organisations including NHS providers and Integrated Health Boards.
- The feedback confirmed the views we were given in 2002 that public expectations of councillors has increased especially linked to the societal changes that social media has brought about. Although most of the councillors we spoke to welcomed the flexibility that now exists for increased levels of remote meetings, the downside appears to be that there are more meetings. The representations which have been made to the Panel also suggest a picture of councillors being expected to be almost instantly available, with heavy constituency case loads and often with ever more complex responsibilities for the running of the council and overseeing its services.

***“ One resident submitted a formal complaint because they had messaged me on Friday evening and I hadn’t replied to them until the following Monday morning.”  
(Backbench councillor)***

As well as these issues adding complexity, they make additional time demands.

***“There are now many more meetings than pre-Covid. There are also numerous social media groups councillors are expected to be involved in, case work, and other commitments. I have worked out that on average I work 54 hours a week” (Cabinet Member)***

- 6.3 Members have told the Panel that it is increasingly difficult to maintain a full-time job alongside their role as councillors, and this is particularly true for Cabinet Members and Leaders. The implication of this would be that it is more likely that people who are already financially secure who can carry out these roles, which may prevent younger candidates, people with lower incomes or those with young families, from standing or taking on special responsibilities. Taking up a role in local government could also hinder councillors’ career progression in their day job, and in most cases the special responsibility allowances do not compensate for the reduced salary people receive as a result of not being able to dedicate themselves fully to their day job. The time pressures involved in the role, particularly councillors with special responsibilities can make it difficult to combine the role with a job and caring responsibilities.
- 6.4 One borough Leader told the Panel that at the 2022 election, there were so few candidates that in some wards residents did not have a choice of councillors to vote for.
- 6.5 Councillors also expressed concern that appointments to positions carrying special responsibilities could be uncertain and not in most cases for a set term. Consequently, councillors have significant concerns about giving up full-time work to undertake more senior roles in their councils.

## **7.0 The Basic Allowance**

- 7.1 As a result of the economic climate over the last decade and ongoing financial challenges, our recent reports have made no recommendations for increasing the levels of members’ allowances other than continuing provision for annual adjustments in accordance with the annual local government pay settlement for staff agreed by the National Joint Council for Local Government Staff.
- 7.2 As part of the research for this 2023 review, the Panel carried out benchmarking of recommendations on allowances and those paid by local authorities within the UK to see how current London allowances compare.
- 7.3 From the Panel’s benchmarking research, it is evident that the previous Panel’s recommendations for the basic allowance in London, lags behind Scotland, Wales and Northern Ireland. This issue was identified in the last two Panel reports, however, the Panel reluctantly decided at the time that given the financial climate it would have been inappropriate to recommend a general increase in member allowances.



- 7.4 In our last report the Panel recommended that there should be a Basic Allowance paid to every councillor of £12,014. Updated for the local government staff pay awards since then, the figure is now £12,499.
- 7.5 This allowance continues to be substantially lower than the allowance paid by all local authorities in Scotland which is presently £20,099<sup>2</sup> and similarly in Wales<sup>3</sup> where the government-appointed commission has set the basic allowance at £17,600 for members of local authorities with populations which are generally substantially lower than those of London boroughs. Furthermore, the basic allowance in Northern Ireland from 1 April 2023 is £16,394<sup>4</sup> per annum. The Panel's research has established that there are some parts of England that have similar basic allowances to those currently recommended for London boroughs. However, there are other English local authorities, where the roles and responsibilities of councillors are broadly the same to those of councillors serving in London boroughs, that pay significantly more. For example, in Birmingham<sup>5</sup>, in 2022-23 the basic allowance was £18,876, and in Manchester<sup>6</sup> it was £18,841.
- 7.6 The Panel is of the view that when taking everything into account that the rate of the basic allowance should now be addressed.
- 7.7 As part of the 2023 review, the Panel has reviewed the methodologies used by other Panels and has identified that Independent Panels across the UK use a variety of approaches for determining how to set the member allowances. The Panel has also re-examined the methodology used in calculating allowances in the original London panel report and updated it to reflect current circumstances. The original calculation in the Panel's first report in 2001 was based on a proportion of the average 'white collar worker' wage in London.
- 7.8 Although making the comparisons with Scotland, Wales, NI and other UK cities was useful in terms of gaining a comparative perspective, the Panel has reached the view that it needed to both determine a method for London and recommend a level of allowance that was achievable, bearing in mind the historic challenges for some councils in agreeing to previous recommended allowances.
- 7.9 Having looked at various options, the Panel has concluded that the most appropriate approach is to determine the basic allowance as a proportion to the remuneration of the people councillors represent and has used the Annual Survey of Hours and Earnings (ASHE) data, published by the Office for National Statistics as a basis of its calculation. The Panel has used the median wage for all London workers for this purpose. In 2022-23, this is £38,936.73 per annum. Based on a 37 hour week, and taking into account a 30% public service discount, (as has been the custom and practice) **the Panel has determined that the recommended basic allowance should be £15,960.**

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<sup>2</sup> [The Local Governance \(Scotland\) Act 2004 \(Remuneration\) Amendment Regulations 2023 \(legislation.gov.uk\)](#)

<sup>3</sup> [Independent Remuneration Panel for Wales: annual report 2022 to 2023 \[HTML\] | GOV.WALES](#)

<sup>4</sup> <https://www.communities-ni.gov.uk/publications/circular-ig-0323-consolidated-councillor-allowances>

<sup>5</sup> [Independent Remuneration Panel Reports | Birmingham City Council](#)

<sup>6</sup> [Microsoft Word - MCC IRP Final Report \(manchester.gov.uk\)](#)

- 7.10 The Panel considers that this allowance better reflects the high cost of living in London, than the previous recommendations.
- 7.11 It is the Panel's view that it is pressing that boroughs should implement these changes in 2024, as part of the contribution to recruiting and retaining a diverse range of good quality candidates to stand for office in London.

## **8.0 Special Responsibility Allowances**

8.1 The reasons for payment of special responsibility allowances, additional to the basic allowance, should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

8.2 Categories of special allowances:

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating "executive arrangements"
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority
- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

8.3 The Panel's research shows that the categories of SRAs recommended by the London Panel are comparable with those recommended by Independent Panels in other cities in the UK and in Scotland and Wales.

8.4 However, the Panel's previous recommendations have not consistently been adopted within London, and the resulting situation is that whilst there is some convergence

across London boroughs on the basic allowance, there remain substantial differences in the amounts of SRAs for similar roles in boroughs.

- 8.5 Given the extent of the responsibilities of Leaders of London boroughs, the Panel's first report in 2001 recommended that their remuneration should equate to that of a Member of Parliament. Our recommendations for other special responsibility allowances were historically determined as a sliding scale (pro-rata) proportion of the remuneration package for a council Leader. Since then, the increase in the remuneration of Members of Parliament has substantially exceeded the annual local government pay increase which was tied to the special responsibility allowance for the leader of a London borough, and the current MP salary is now £86,584
- 8.6 The Panel has taken the opportunity to review this historic link, and following feedback, we sense strong support for our own view that an MP's salary is no longer an appropriate comparator to set the Leader's allowance, as the roles are substantially different and indeed almost impossible to compare.
- 8.7 We received feedback that some members believe that the Leaders of London boroughs warrant a higher remuneration than an MP, because they have greater financial responsibility and legal burdens, and especially given the differential pension arrangements. Indeed, some respondent authorities suggested that the direct responsibilities of a Leader should command the salary of a junior minister.

***"An MP does not undertake an executive role (strategic leadership, management & accountability of a complex public service operationally managed by highly paid officials) and so not a comparator to a Leader or elected Mayor"***

***(Borough Leader)***

## **9.0 Leader's SRA**

- 9.1 This is often a full-time role, involving a high level of responsibility. It is right that it should be remunerated on a basis which compares with roles with similar levels of responsibility, while still retaining a reflection of the voluntary character of public service.
- 9.2 For the Leader's SRA, the Panel has decided that a more appropriate comparator would be the Annual Survey of Hours and Earnings (ASHE) data for Corporate Managers and Directors as the level of responsibilities most closely align to those of a borough Leader. For 2022-23, the average gross annual salary for full time workers in London within this category was £108,242. After applying a 30% public service discount (as has been the custom and practice) this would provide for a Leader's total

package of £75,773. The 2022 Panel report recommended that the Leader's SRA should be £62,090. Taking into account this figure, when combined with the new recommended basic allowance, the total package for a Leader would be £78,050. As this figure is greater than that based on the ASHE calculation, the Panel is not recommending any changes to the existing Leader's SRA at this time.

## **10.0 Other SRAs**

10.1 The Panel has previously determined that all other SRAs are calculated as a proportion of the Leader's SRA. Since its inception, the Panel has recommended using bands rather than fixed amounts, in order to allow flexibility and recognise local variations on how the roles are performed. The Panel has decided to continue using this methodology. However, as part of the review, the Panel has benchmarked the sliding scale recommended by other Panels and used by local authorities and has adjusted the percentages historically used in order to more closely align with the average used by other local authorities outside of London. **The recommended bands and levels of allowance are attached as Annex A.**

## **11.0 Bridging the Gap and public perception**

11.1 When considering a members' allowances scheme, boroughs are obliged to have to a report by an independent panel, but it is a matter for boroughs themselves to decide whether to adopt its recommendations.

11.2 However, in view of the evidence obtained over the past 18 months, the Panel strongly recommends that all authorities implement the recommendations in their boroughs in the next year. On average, the total annual budget for members allowances in a London Borough is between 0.4-0.5% of the council's general fund net budget. Notwithstanding this, the Panel acknowledges the challenges that increasing allowances may present to boroughs, both financially and reputationally; however, the Panel is concerned that if member allowances do not keep up with its recommendations, there is a risk that they will fall significantly further behind their comparators and that councils will consequently face even greater challenges in recruiting and retaining a good calibre of councillors in the future.

11.3 The Panel perceived that there was some concern from councillors about the public acceptability of increasing allowances. As a result the Panel sought to test the public view and therefore commissioned Ipsos to undertake qualitative research, through a number of focus groups, on the public's perception on councillors remuneration. The Ipsos research was small scale but provides indicative evidence of public views.

11.4 Ipsos held three discussion groups with a representative sample of the general public in June 2023 using a deliberative approach to enable participants to reach an informed perspective. The stimulus material included pen portraits of councillors based on information received from London Councils' members on their working hours and

levels of responsibility. The information given to participants also included typical allowances received in London, in Essex, and in Wales for councillors receiving a basic allowance and average SRAs paid to Cabinet Members, and council Leaders.

- 11.5 The research found that the Londoners in focus groups felt that allowances in London needed to increase to provide a more accurate reflection of councillors' responsibilities and hours.

***"I thought at least [the Council Leader's remuneration] would be about a £100,000 plus for the amount of work that she does because she's taken on casework as well... and that's time-consuming."***

When exposed to allowance comparisons in different parts of the country, participants thought the current allowances did not reflect the fact that the cost of living in London was higher than elsewhere in the country.

***"Councillors' pay should take into account that living in London is more expensive, so they should immediately just be paid more in general."***

In addition, they recognised that the level of allowances can have a detrimental effect on the diversity of councillors and would deter those from a lower income background from becoming councillors.

***"It feels like [we're] paying them so little, it feels like there are some people who can't afford to be a councillor. And that has consequences on the democratic process"***

- 11.6 Participants also suggested changes to remuneration for councillors: raising the basic allowance and increasing allowances to better reflect responsibilities and hours; and additional allowances provided to support councillors with childcare costs and saving for a pension.
- 11.7 Participants expressed surprise at the range of allowances paid across London, particularly at the cabinet member and council leader level and supported greater consistency in such remuneration levels across councils in London.
- 11.8 Although the sample of Londoners was only small, it indicates that with due briefing and deliberation there is likely to be support for the increase in allowances.
- 11.9 During the consultation process, a significant number of councillors told the Panel that they do not think that councillors should be responsible for setting their own allowances, and that this is perhaps one of the reasons why the basic allowance in London lags behind Scotland and Wales, where allowances are set by outside bodies and it is mandatory for local authorities to adopt the recommendations. The Panel is supportive of this view, but recognizes that this would need a change in legislation. The Panel intends to raise this issue with the Secretary of State.

## **12.0 Training and support**

- 12.1 The responsibilities of councillors are substantial, extensive and complex, particularly since the Pandemic and its aftermath, which has seen a rapid increase of using digital technology, and flexible ways of working. The training and development of councillors is beyond the remit of this Panel. However, the feedback we received was that councillors require the logistical and clerical support and appropriate IT equipment which will help them carry out their roles efficiently. The Panel supports this view and recommends that boroughs undertake their own stock takes to ensure appropriate support is in place to enable members to fulfil their responsibilities.
- 12.2 Furthermore, we have heard from boroughs that councillors are experiencing increased levels of abuse on social media, and so we recommend that training in navigating the increasingly challenging world of social media is also provided.

## **13.0 Care Costs**

- 13.1 It is important that obstacles to becoming a councillor should be removed wherever possible. Care costs could be a significant deterrent to service as a councillor. Our strong view is that in appropriate cases when they undertake their council duties, councillors should be entitled to claim an allowance for care of dependents. The dependents' carers' allowance should at least be set at the London living wage but payment should be made at a higher rate when specialist nursing skills are required or to reflect higher costs during non-standard working hours. We have had representation that the carers allowance should be payable to family members on the basis that it is preferable for family members to look after a dependent, especially in the evening but that the frequency is often such that it is unreasonable for this to be expected to be with no financial allowance.

***The level of dependent carers allowance does not recognise the fact that babysitters tend to charge more for evening and weekend work. In addition, the carers allowance should be able to be claimed even if a family member was looking after the councillors' dependents" (Newly-elected Backbench Councillor)***

- 13.2 The Panel recognises that allowance payments for family carers who are not members of a councillor's household would need to be designed with some careful consideration but is very sympathetic to this need and recommend that councils review their schemes to make this possible.
- 13.3 It's view is also that members' allowances schemes should allow the continuance of Special Responsibility Allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies). To this end, London boroughs are recommended to adopt a related parental leave and sickness policy as an appendix to their allowances scheme.

13.4 The Panel has received feedback that there is a need to reform the legislation governing membership of the Cabinet/Executive and how this impacts Councillors who wish to take parental leave. Councils have a strict statutory limit of ten members of the cabinet/executive – including the Leader. Should one of those members wish to take parental leave for any significant period during their tenure as a cabinet member, and there is already a full complement of cabinet and leader up to the statutory limit they are faced with what is an entirely unfair dilemma. They either resign from the post so another councillor can be appointed or they leave their colleagues with an additional workload for their period of absence. While some Councils have sought to appoint deputy cabinet members or the like these are not proper answers to this issue as they are not cabinet members with the appropriate legal and constitutional authority. It is very easy to compare this to the position of an employee where a replacement can be appointed for the duration without prejudice to the individuals' rights to return. While self-evidently Councillors are not employees there should not be any additional hurdles to participation for any section of the population.

13.5 The Panel support the view that the legislation needs reviewing.

#### **14.0 Travel and Subsistence allowances**

14.1 The Basic Allowance should cover basic out-of-pocket expenses incurred by councillors, including intra-borough travel costs and expenses. The members' allowances scheme should, however, provide for special circumstances, such as travel after late meetings or travel by councillors with disabilities. The scheme should enable councillors to claim travel expenses when their duties take them out of their home borough, including a bicycle allowance.

#### **15.0 Allowances for Civic Mayor or Civic Head**

15.1 Many councils include the allowances for the mayor (or civic head) and deputy in their members' allowance scheme. However, these allowances do serve a rather different purpose from the 'ordinary' members' allowances, since they are intended to enable the civic heads to perform a ceremonial role. There are separate statutory provisions (ss 3 and 5 of the Local Government Act 1972) for such allowances and councils may find it convenient to use those provisions rather than to include the allowances in the members' allowance scheme.

#### **16.0 Allowances that fall outside this scheme**

16.1 Within the context of this review, the Panel has not looked at remuneration that councillors may receive for their roles on outside bodies, wholly owned companies or joint venture partnerships. However, in the interests of transparency, the Panel requests that councils consider how information on all members remuneration within their borough is made easily available to the public in the same place. The Panel recommends that where local authorities have set up companies which remunerate councillors who act as directors these allowance should be set out in the members allowances scheme.

## **17.0 Local discretion**

- 17.1 It is for each borough to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. The Panel believes these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.
- 17.2 The scheme should be able to be applied to different types of governance arrangements and interpreted flexibly. The Panel has received legal advice that suggests that in boroughs which operate through the Committee System, where a Committee Chair has identified responsibilities in a role profile for particular services, then in practice the duties and responsibilities of a Committee Chair are equivalent to the role of a Cabinet Member and that a similar system of allowances should be used. For example, in some boroughs which use a committee system, the Statutory Lead Member for Children's Services is the Chair of the Children and Community Services Committee. In this case, it would be reasonable to suggest that this Committee Chair should receive the SRA equivalent to that of a Cabinet Member. The Panel must emphasise that these decisions are dependent on the arrangements adopted by the authority in question and should be decided on a case by case basis.

## **18.0 Pensions**

- 18.1 There is a widespread view amongst the councillors we spoke to in 2022 and this year that a disincentive to the recruitment and retention of councillors has been the Government's decision in 2014 to remove the right of councillors to join the local government pension scheme. This was keenly felt by those councillors the Panel heard from. The Panel notes that the rationale behind that decision was unclear and that councillors in Scotland, Wales and Northern Ireland continue to be entitled to a local government pension. The Panel is of the view that this inconsistency should be addressed. Although this issue is beyond the remit of the Panel, the Panel will nevertheless write a letter to the Secretary of State asking the government to look again at this important issue,

## **19.0 Annual uplifts**

- 19.1 The Panel continues to recommend that all allowances should be updated annually in line with the percentage pay award agreed by the National Joint Council (NJC) for Local Government Services staff.
- 19.2 In some years the NJC national pay award is agreed as being in the form of a lump sum for all or the majority of staff or the rate of increase is different at different levels on the NJC pay spine. In such situations a method of deriving an appropriate increase in the Members' basic allowance (so it keeps in line with the staff pay award) is required. To achieve this the panel will have regard to any NJC guidance such as guidance on what any lump sum equates to as an average percentage pay increase, and guidance on the percentage increase to any staff allowances. The Panel will also consider the average (mean) percentage increase to the spinal column points,



but excluding any exceptional increases such as measures to rectify a low pay problem at the lowest level of the pay spine. For illustrative purposes, for April 2023 the figure was 3.88%“

**20. Review of implementation**

20.1 The Panel proposes to convene in the final quarter of 2024 to review how its recommendations have been implemented by boroughs across London and at the same time consider the most recently published ASHE data on median salaries of those working in the Greater London area, as well as any agreed NJC national pay award.

**Mike Cooke**

**Sir Rodney Brooke CBE DL**

**Anne Watts CBE**

**December 2023**

## Appendix A

### THE RECOMMENDED MEMBER ALLOWANCE SCHEME FOR LONDON

**The Basic allowance: £15,960**

#### **Special responsibilities – beyond the basic allowance**

##### **Calculation of special allowances**

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below.

##### **BAND ONE**

The posts that the Panel envisages falling within band one, include:

- Vice chair of a service, regulatory or scrutiny committee
- Chair of sub-committee
- Leader of second or smaller opposition group
- Service spokesperson for first opposition group
- First opposition group whip (in respect of council business)
- Vice chair of council business
- Chairs, vice chairs, area committees and forums
- Cabinet assistant
- Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods
- Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods
- Leadership of a specific major project.

##### **Remuneration**

The Panel proposes that band one special responsibility allowances should be on a sliding scale of between 5-15% per cent of the Leader's SRA.

This would be made up as follows:

Basic allowance: £15,960

Band One allowance: £3,105 - £9,314

**Total: £19,065 - £25,274**

## **BAND TWO**

The Panel considers that the types of office being within band two are:

- Lead member in scrutiny arrangements, such as chair of a scrutiny panel
- Representative on key outside body
- Chair of major regulatory committee e.g. planning
- Chair of council business (civic mayor)
- Leader of principal opposition group
- Majority party chief whip (in respect of council business).

### **Remuneration**

The Panel proposes that band two allowances should be on a sliding scale between 25-50 per cent, pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance £15,960

Band two allowances: £15,523 - £31,046

**Total: £31,483 - £47,006**

### **BAND THREE**

The Panel sees this band as appropriate to the following posts:

- Cabinet member
- Chair of the Health and Wellbeing Board
- Chair of the main overview or scrutiny committee
- Deputy leader of the council

#### **Remuneration:**

The Panel proposes that band three allowances should be between 60-75 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance: £15,960

Band three allowance: £37,255 - £46,569

**Total: £53,215 - £62,529**

### **BAND FOUR**

Leader of the Council

This is often a full-time role, involving a high level of responsibility. It is right that it should be remunerated on a basis which compares with roles with similar levels of responsibility, while still retaining a reflection of the voluntary character of public service.

#### **Remuneration:**

**The Panel proposes that the remuneration package for a council leader under band four of our scheme should be £78,052.**

This is made up as follows:

Basic allowance: £15,960

Band four allowance: £62,092

**Total: £78,052**

## **BAND FIVE**

### Directly elected mayor

A directly elected mayor has a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. However, the Panel believes that this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. The Panel believes that the distinction is paramount and this should be reflected in the salary level.

### **Remuneration:**

The Panel proposes that a directly elected mayor should receive a remuneration of **£93,575**.

## **Appendix B**

### **A Job Profile for councillors**

In its previous reports, the Panel reflected on the importance of the role of elected members. The 'job profile' for councillors originally included in the Panel's 2010 report is repeated in as the Panel still considers it to be accurate and up to date.

### **On behalf of the community – a job profile for councillors**

#### **Purposes:**

1. To participate constructively in the good governance of the area.
2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
3. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
4. To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

#### **Key Tasks:**

1. To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (for example, setting budgets, overall priorities, strategy).
2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
3. To participate in the activities of an outside body to which the councillor is appointed, providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.

6. To represent the authority to the community, and the community to the authority, through the various forums available.
7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
8. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
9. To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations including, where required, acting as a liaison between the constituent and the local authority and where appropriate other public service providers.
10. To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
11. To participate in the activities of any political group of which the councillor is a member.
12. To undertake necessary training and development programmes as agreed by the authority.
13. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

## Appendix C

The independent panel members

### **Mike Cooke**

Mike Cooke was the Chief Executive of the London Borough of Camden for seven years, where he had also been Director of Housing and Adult Social Care and HR Director. He has extensive experience of partnership working across London including as the Chief Executive Leadership Committee lead on children and chairing the London Safeguarding Children Board. Mike also has worked for seven years in financial services where he developed an expertise in remuneration.

Until November 2020 Mike had been a Non-Executive Director of the Central and North West London NHS Foundation Trust where he was chair of the HR Committee. Mike's current role is the Chair of the North Central London Integrated Health and Care System.

### **Sir Rodney Brooke CBE, DL**

Sir Rodney Brooke has a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities.

He was knighted in 2007 for his contribution to public service.

### **Dr Anne Watts CBE**

Anne Watts has an extensive career in governance, diversity and inclusion spanning commercial, public and voluntary sectors. She has held executive roles for HSBC and Business in the Community and was chair of the Appointments Commission. She has carried out reviews of Government departments and the Army. In addition she has been a member of Government Pay review bodies and Deputy Chair, University of Surrey where she chaired the Remuneration Committee and the new Vet School.

She is a non-exec of Newable (previously Greater London Enterprise) where she chairs the Environmental, Social and Corporate Governance Committee and is a non-exec of Newflex subsidiary. In addition she continues to sit on the Race and Gender Equality Leadership teams for Business in the Community.





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## **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 2024 and it shall come into effect on 1 April 2024. 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 £11,898 shall be payable with effect from 1 April 2024.

### **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 2024.
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 £13.15 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 2024. The Dependants' 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” 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 2023 is hereby revoked and replaced with the Tower Hamlets Members’ Allowances Scheme 2024.

## 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 2024</b>
Mayor	£80,579
Deputy Mayor (Maximum of one allowance)	£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
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 the Human Resources Committee	£6,526
Chair of Audit Committee	£6,526
Chair of Pensions Committee	£6,526
Speaker of Council	£10,877
Deputy Speaker of Council	£5,439




## 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.

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Non-Executive Report of the:  <b>Council</b>  20 March 2024	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Linda Walker, Interim Director of Legal and Monitoring Officer	<b>Classification:</b> Unrestricted
<b>Committee Calendar 2024-25</b>	

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

**Executive Summary**

This report proposes a calendar of Council, Committee and other meetings for the forthcoming municipal year 2024/25. A period of consultation has taken place with Members and officers and Council are now asked to confirm the proposed meeting dates. The calendar of meetings is presented in Appendix 1 to this report.

**Recommendations:**

The Council is recommended to:

1. Approve the proposed calendar of meetings for the municipal year 2024/25 as set out in Appendix 1.
2. To delegate to the Monitoring Officer the authority to agree meeting dates for any new Committees or Panels that are set up subsequent to this report being presented to Council, subject to appropriate consultation with Members.

**1. REASONS FOR THE DECISIONS**

- 1.1 Approval of the annual calendar of meetings is a Council function. Therefore, each year Elected Members are asked to consider and approve a schedule of meetings that will enable them to deliver the business of the Council.
- 1.2 To enable the Council to be flexible and reactive to new situations and new demands, the Councils' procedure rules provide that the Monitoring Officer may call additional meetings or cancel scheduled meetings. The Monitoring Officer is also able to agree meeting dates for any new Committees or Panels that are set up subsequent to this report being presented to Council, subject to appropriate consultation with Members.

## **2. ALTERNATIVE OPTIONS**

- 2.1 None are presented although it would be within the powers of Council to vary the proposed Committee meeting dates, times and frequencies as well as to change the overarching Committee structure.

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

- 3.1 The draft calendar is presented at Appendix 1 to the report. In general it follows the same pattern of meetings set in previous years in terms of frequency of meetings with the Annual Meeting in May 2024 and all meetings following on from that.
- 3.2 Cabinet and other Executive meetings will continue to take place on Wednesdays. The Overview and Scrutiny Committee (OSC) will normally meet on the Tuesday of the same week as Cabinet (see paragraph 3.6 also). This supports the role of OSC in providing Pre-Scrutiny of Executive decisions by giving OSC Members time to review the Cabinet papers before their own meeting takes place.
- 3.3 Mirroring the arrangements in recent years, an additional Cabinet meeting is scheduled for the beginning of January 2025 to consider the draft budget proposals before submission to the special budget OSC meeting later that month.
- 3.4 As in previous years, efforts have been made to avoid holding meetings during school holidays, with particular reference to August. However, it may be necessary for some meetings to be held especially in relation to regulatory matters. Wherever possible we have also sought to minimise the impact of meetings on Members where these clash with certain religious holidays and party conferences.
- 3.5 During Ramadan, officers will work with Committee Chair's to identify a suitable start time for the meeting taking into account the breaking of the fast. It may be necessary in some cases to organise adjournments during meetings to accommodate this. In particular for 2024/25, the Council meeting that would normally be scheduled in March 2025 has been moved to April.

### **Member Training Programme**

- 3.6 The committee calendar has been developed in conjunction with the Member Training Programme to try and minimise any clashes between committee meetings and induction seminars.

### **Changes to OSC meeting schedule**

- 3.7 As summarised in paragraph 3.2, at the request of the Chair of the Committee, Overview and Scrutiny Committee will meet on the Tuesday before Cabinet in 2024/25 (a day closer to the Cabinet meeting than in 2023/24).

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

- 4.1 The calendar has taken into account religious observances and will consultant committees on earlier start times for meetings during Ramadan.

#### **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 statutory implications of the specific proposed committee calendar, although a failure to agree a committee calendar at all would impact on the Council's ability to meet all the above implications.

#### **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 There are no specific legal implications arising from this report.

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

#### **Linked Report**

- None.

#### **Appendices**

- Appendix 1 – Proposed Calendar of Meeting Dates 2024-25

#### **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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## CALENDAR OF MEETINGS FOR THE 2024/25 MUNICIPAL YEAR

	USUAL DAY/TIME/	MAY 24	JUN 24	JUL 24	AUG 24	SEP 24	OCT 24	NOV 24	DEC 24	JAN 25	FEB 25	MAR 25	APR 25	MAY 25	JUN 25	
<b>COMMITTEES AND PANELS</b>																
Development Committee (monthly)	6.30 pm Thurs	30	20	4	8	5	3 31	28		9	6	27*	24	22^	19^	
Strategic Development Committee (every 5/6 weeks)	6.30 pm Weds	14#		10	28			9	13	15		12*	23		11^	
Licensing Committee (quarterly)	6.30 pm Tues/Thurs		6				19 (SEV)			16			3			
Licensing Sub Committee (fortnightly)	6.30 pm Tues/Thurs	23	11 25	2 18	6 20	12 24	8 29	12 19	3 12	7 21	11 25	15* 20*	10	1 27^	10^ 26^	
Audit Committee	6.30 pm Thurs	23		18				10		9			24		12^	
General Purposes Committee (4 meetings per year)	6.30 pm		4					1	2			17*			9^	
Human Resources Committee	6.30 pm	16					23		12		5			5		
Appointments Sub- Committee	Ad-hoc if required															
Standards Advisory Committee (quarterly)	6.00 pm		20				18			16			3			
Pensions Board (quarterly)	10.00am Mon		24				16	4				10*			16^	
Pensions Committee (quarterly)	6.30pm Mon			1		30		11				3				



## CALENDAR OF MEETINGS FOR THE 2024/25 MUNICIPAL YEAR

	USUAL DAY/TIME/	MAY 24	JUN 24	JUL 24	AUG 24	SEP 24	OCT 24	NOV 24	DEC 24	JAN 25	FEB 25	MAR 25	APR 25	MAY 25	JUN 25	
King George's Field Charity Board (quarterly)	5.30 pm Wednesday		12				2				4		3			
<b>Partnerships</b>																
Health and Wellbeing Board (every 2 months)	5.00pm	20		9		17			10		25		22		22^	
<b>Other Meetings</b>																
Freedom of the Borough	Ad hoc if required															T B A
Transformation Advisory Board (TAB) (every two months)	2- 4.30pm		17			16		11		20		24		19		
Schools Forum TBC	8.30am															
Training & Development		7 E 9 A	5 (all member)	8 E 10 A		2 E 4 A		12 E 14 A		27 E 30 A		11 E 13 A		19 E^ 23 A^		

### KEY TO SYMBOLS

\* - Takes place during Ramadan Meeting start time may be amended

^ - Provisional date

# - Previously agreed as part of 23-24 calendar

B - Budget meeting

(RB) - Reserve budget meeting

E – Evening Training/development Slot

A – Afternoon Training/development Slot

# CALENDAR OF MEETINGS FOR THE 2024/25 MUNICIPAL YEAR

## NOTES:

### 1. RELIGIOUS HOLIDAYS 2024/25:

- **SHAVOUT 2024** – 11 (eve) to 13 June 2024
- **HAJJ 2024** – 14 (eve) to 19 June 2024
- **EID-UL-ADHA 2024** – 16 (eve) to 17 June 2024
- **ASHURA 2024** – 16 (eve) to 17 July 2024
- **ROSH HASHNAH 2024** – 2 (eve) to 4 October 2024
- **YOM KIPPUR 2024** – 21 (eve) to 22 October 2024
- **SUKKOT 2024** – 16 October (eve) to 23 October 2024
- **DIWALI 2024** – 1 November 2024
- **CHANUKAH 2024** – 25 December 2024 (eve) to 2 January 2025
- **RAMADAN 2025** – 28 February 2025 (eve) – 30 March 2025 (subject to confirmation)
- **EID-AL- FITR 2025** – 30 (eve) to 31 March 2025 (subject to confirmation)
- **PASSOVER 2025** – 12 (eve) to 20 April 2025 (subject to confirmation)
- **EASTER 2025**: - Good Friday 18 April 2025, Easter Sunday 20 April 2025
- **SHAVOUT 2025** – 2 (eve) to 3 June 2025 (subject to confirmation)
- **EID-UL-ADHA 2025** - 6 (eve) to 7 June 2025

### 2. BANK HOLIDAYS:

- **MAY 2024** – 6, 27
- **AUGUST 2024** - 26
- **DECEMBER 2024** – 25, 26
- **JANUARY/NEW YEAR 2025** – 1
- **APRIL 2025** – 18, 21
- **MAY 2025** – 5, 26

### 3. POLITICAL GROUPS:

- Conservative Party Conference – 29 September - 2 October 2024
- Labour Party Conference – 22 – 25 September 2024

# CALENDAR OF MEETINGS FOR THE 2024/25 MUNICIPAL YEAR

## 4. SCHOOL HOLIDAYS:

### Autumn Term 2024

Period	Dates
Term 1	Monday 2 September 2024 to Friday 25 October 2024 (40 Days)
Half term	Monday 28 October 2024 to Friday 1 November 2024
Term 2	Monday 4 November 2024 to Friday 20 December 2024 (35 Days)
Christmas break	Monday 23 December 2024 to Friday 3 January 2025

### Spring term 2025

Period	Dates
Term 3	Monday 6 January 2025 - Friday 14 February 2025 (30 Days)
Half term	Monday 17 February 2025 to Friday 21 February 2025
Term 4	Monday 24 February 2025 - Friday 4 April 2025 (30 Days)
Easter break	Monday 7 April 2025 to Monday 21 April 2025

### Summer Term 2025

Period	Dates
Term 5	Tuesday 22 April 2025 - Friday 23 May 2025 (23 Days)
Half term	Tuesday 27 May 2025 to Friday 30 May 2025
Term 6	Monday 2 June 2025 to Thursday 24 July 2025 (39 Days)

## 5. MEMBERS TRAINING AND DEVELOPMENT:

- a. Alternative Months with Afternoon and Evening Sessions

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