

Meeting of the

GENERAL PURPOSES COMMITTEE

Wednesday, 14 June 2006 at 7.30 p.m.

A G E N D A

VENUE

Committee Room C1,1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Marc Francis Vice-Chair:	
Councillor M. Shahid Ali Councillor Peter Golds Councillor Clair Hawkins Councillor Rajib Ahmed Councillor Fozol Miah Councillor Motin Uz-Zaman	Councillor Philip Briscoe, (Designated Deputy representing Councillor Peter Golds) Councillor Stephanie Eaton, (Designated Deputy representing Councillor Rajib Ahmed) Councillor Shafiqul Haque, (Designated Deputy representing Councillors Marc Francis, M. Shahid Ali, Clair Hawkins and Motin Uz Zaman) Councillor Waiseul Islam, (Designated Deputy representing Councillor Fozol Miah)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Tim Hogan, Democratic Services, Tel: 020 7364 4850, E-mail: tim.hogan@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

GENERAL PURPOSES COMMITTEE

Wednesday, 14 June 2006

7.30 p.m.

1. ELECTION OF VICE-CHAIR

Note from Chief Executive: At the Annual Council meeting held on 24th May 2006, Councillor Marc Francis was appointed Chair of the General Purposes Committee for the remainder of the Municipal Year. Accordingly, it is necessary to elect a Vice-Chair of the Committee for that period.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 175 to 188 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

	PAGE NUMBERS	WARD(S) AFFECTED
4. MINUTES	1 - 4	All Wards
<p>To confirm as a correct record of the proceedings the unrestricted minutes of the minutes of the General Purposes Committee held on 15th February, 2006. (Attached)</p>		
5. REPORTS FOR CONSIDERATION		
5 .1 General Purposes Committee - Terms of Reference, Membership and Dates of Meetings	5 - 8	All Wards
5 .2 Appointments to External Bodies	9 - 38	All Wards
5 .3 Amendments to the Constitution	39 - 48	All Wards
5 .4 Proposed Drinking Control Zones - Bethnal Green and Whitechapel	49 - 64	Bethnal Green North; Bethnal Green South; Whitechapel
5 .5 Filling of Casual Vacancies on Committees/Panels	65 - 66	; All Wards
6. ANY OTHER SECTION BUSINESS ONE THAT THE CHAIR CONSIDERS URGENT		

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LONDON BOROUGH OF TOWER HAMLETS

GENERAL PURPOSES COMMITTEE

WEDNESDAY 15TH FEBRUARY, 2006

Minutes of a meeting of the GENERAL PURPOSES COMMITTEE held at the TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON E14 2BG on WEDNESDAY 15TH FEBRUARY, 2006 at 6.30 P.M.

SECTION ONE

PRESENT

Councillor Ashton McGregor (Chair)
Councillor Rofique Uddin Ahmed
Councillor James Sanderson
Councillor Marian Williams

OFFICERS PRESENT:

Suki Binjal	-	Legal Services
Pat Parker	-	Interim Head of Electoral Services
Frank Solarz	-	Head of Governor Services
Tim Hogan	-	Democratic Services
Guy Butterworth	-	Democratic Services

COUNCILLOR ASHTON MCGREGOR - IN THE CHAIR

1. CHAIR'S OPENING REMARKS

The Chair welcomed everyone to the General Purposes Committee meeting. At the request of the Chair all present introduced themselves.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Helal Abbas and it was:-

RESOLVED

That the apologies for absence be noted.

3. **ELECTION OF VICE-CHAIR**

The Chair **MOVED** and it was:-

RESOLVED

That consideration of the election of a Vice-Chair be deferred.

4. **DECLARATIONS OF INTEREST**

Councillor Williams declared a personal interest in agenda item 6.1 The declaration was made on the basis that she was a Governor of a school in the Borough.

5. **MINUTES**

The Chair **MOVED** and it was:-

RESOLVED

That the Section One Minutes of the meeting of the General Purposes Committee held on 30th November, 2005 be confirmed as a correct record of the proceedings and the Chair be authorised to sign them accordingly.

6. **REPORTS FOR CONSIDERATION**

6.1 **DELEGATION OF RESPONSIBILITY FOR THE APPOINTMENT AND REVOCATION OF LOCAL AUTHORITY GOVERNORS TO THE CORPORATE DIRECTOR (CHILDREN'S SERVICES)**

The report was introduced by Mr Hogan, who went on to inform the Committee that due to typographical errors in the original report, a revised report had been forwarded to Members. The Committee noted that the former Licensing and General Purposes Committee had previously delegated authority to the then Director of Education to appoint Local Authority Governors. The Terms of Reference of the Licensing Committee agreed in May 2005 by full Council had omitted this function and the report sought to address this issue. In response to a question from the Chair, Mr Solarz agreed to provide him with details of methods by which School Governors were appointed. Mr Solarz also agreed to investigate the possibility of putting a notice in East End Life advertising the need for Governors of schools within the Borough. Following further questions from Members of the Committee, the Chair **MOVED** and it was:-

RESOLVED

- (1) That the Corporate Director (Children's Services) be delegated authority to appoint and revoke the appointment of Local Authority Governors, except where there is a dispute about an appointment or where there is more than one applicant for a post.
- (2) That the appointment of the Local Authority Governors listed in the schedule attached at Annex A to the report be approved.

6.2 REVIEW OF POLLING PLACES

Ms Parker, Interim Head of Electoral Services, introduced the report and responded to a series of questions put by Members of the Committee. Ms Parker noted that the local Boundaries had been reconfigured in 2002 and that the Borough's population had substantially risen since then. Ms Parker agreed to contact the Electoral Commission to discuss the need for a possible further review of the Ward Boundaries as part of review and re-alignment of the polling district boundaries. The Chair **MOVED** and it was:-

RESOLVED

- (1) That the proposals to provide polling facilities at St Katherine's Foundation, Butcher Row as an alternative to the Ogilvie Community Club, Shadwell Ward (SH4), two compartment portacabins with disabled access be provided at Bow East (BE1) and Stepney Library to be used if appropriately cleaned and if necessary portacabins to be provided in the library car park and Council be recommended accordingly.
- (2) That a complete review of the Ward polling district boundaries be undertaken over the course of the next year, prior to the 2008 London Mayoral and Assembly elections, so as to ensure adequate and suitable voting facilities have been identified to deal with the increasing electorate in certain parts of the Borough.

CLOSE OF MEETING

The meeting ended at 6:55 p.m.

Councillor Ashton McGregor
Chair, General Purposes Committee

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Agenda Item 5.1

Committee General Purposes Committee	Date 14 th June, 2006	Classification Unrestricted	Report No. GP001/06/07	Agenda Item No.
Report of: Interim Head of Democratic Renewal and Engagement Originating Officer(s): Tim Hogan		Title: General Purposes Committee – Terms of Reference, Membership and Schedule of Dates Ward(s) affected: ALL		

1. SUMMARY

- 1.1 This report sets out for members' information details of the Committee's Terms of Reference, Membership and Schedule of Dates.

2. RECOMMENDATION

- 2.1 That the report be noted.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97) LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

Name and telephone number of holder
and address where open to inspection

Tim Hogan
020 7364 4850

LONDON BOROUGH OF TOWER HAMLETS

GENERAL PURPOSES COMMITTEE

REPORT OF THE INTERIM HEAD OF DEMOCRATIC RENEWAL AND ENGAGEMENT

14TH JUNE, 2006

TERMS OF REFERENCE, MEMBERSHIP AND SCHEDULE OF DATES

3. BACKGROUND

3.1 This report sets out for members' information details of the Committee's Terms of Reference, the Schedule of Dates for future meetings together with details of the membership of the Committee.

4. TERMS OF REFERENCE

4.1 The Committee's Terms of Reference as set out in the Council's Constitution are detailed below:-

- (i) Elections: To exercise powers in relation to the holding of elections and the maintenance of the electoral register including:-
 - the provision of assistance at European Parliamentary elections;
 - power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries;
 - 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 LGA 2000).
- (ii) Appointments of officers or Members to external bodies.
- (iii) To recommend to Council the introduction, amendment or revocation of by-laws.
- (iv) Responsibility for the appointment and revocation of local authority governors.
- (v) To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules.
- (vi) Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Cabinet and which are not delegated elsewhere under this Constitution.

- (vii) To make non-material changes to the Constitution upon the recommendation of the Monitoring Officer.

Quorum

3 Members of the Committee

5. MEMBERSHIP

5.1 Council at its Annual General Meeting held on Wednesday 24th May, 2006 appointed the following Councillors to membership of the Committee for the remainder of the current Municipal Year:-

- Councillor Marc Francis
- Councillor M. Shahab Ali
- Councillor Clair Hawkins
- Councillor Motin Uz-Zaman
- Councillor Fozol Miah (Deputy Councillor Waiseul Islam)
- Councillor Peter Golds (Deputy Councillor Philip Briscoe)
- Councillor Rajib Ahmed (Deputy Councillor Stephanie Eaton)

5.2 Councillor Francis was appointed Chair of the Committee by Council on 24th May, 2006.

5.3 The quorum of the Committee is three voting Members.

6. DATES OF MEETINGS

6.1 Cabinet and subsequently Council at its meeting held on Wednesday 1st March, 2006 considered a schedule of dates for principal meetings of the Council. Two further meetings of the General Purposes Committee have been scheduled in the current municipal year:-

- Wednesday 15th November, 2006
- Wednesday 14th December, 2006

It may be necessary to convene additional meetings of the Committee. Officers will keep the position under review.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

7.1 There are no significant financial implications arising from the recommendations in this report.

8. CONCURRENCE OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

8.1 There are no immediate legal implications arising from this report.

9. ANTI-POVERTY IMPLICATIONS

9.1 There are no immediate anti-poverty implications arising from this report.

10. EQUAL OPPORTUNITIES IMPLICATIONS

10.1 There are no immediate equal opportunity implications arising from this report.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

11.1 There are no immediate SAGE implications arising from this report.

12. RISK MANAGEMENT IMPLICATIONS

12.1 There are no immediate risk management implications arising from this report.

13. RECOMMENDATION

13.1 That the report be noted.

Agenda Item 5.2

Committee General Purposes Committee	Date 14th June, 2006	Classification Unrestricted	Report No. GPC002/067	Agenda Item No. 4.2
Report of: Interim Head of Democratic Renewal and Engagement Originating Officer(s): Tim Revell / Tim Hogan		Title APPOINTMENTS TO EXTERNAL BODIES Ward(s) affected: All		

SUMMARY

1. The Committee is requested to consider nominations to the external bodies received from the political groups on the Council. Attached at Appendix A, is the schedule of appointments to be made, which has been revised to show the appointments made in 2005/2006, those required in 2006/2007, together with officer and organisation details, where appropriate.
2. It should be noted that appointments to the Association of London Government (ALG) were Council by considered by Council on 24th May, 2006 because the ALG required nominations by 1st June, 2006.

RECOMMENDATIONS

3. (i) That appointments be made to the external bodies for the Municipal Year 2006/2007 as listed in Appendix A to the report;
- (ii) That the guidance for members on external bodies at Appendix B be noted;
- (iii) That the Committee consider adopting a reporting framework for members on external bodies.

LOCAL GOVERNMENT ACT, 2000 (SECTION 97)

LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT

Brief description of "background paper"

Name and telephone number of holder
and address where open to inspection

External Bodies File
General Purposes Minute Book

Tim Hogan
020 7364 4850

BACKGROUND

4. The General Purposes Committee was established by Council on 13th April, 2005 to enable the swift determination of non-strategic issues, including appointments to external bodies. A report elsewhere on the agenda provides details of the Committee's Terms of Reference, membership and quorum.
5. The Committee is requested to consider the nominations for appointment to External Bodies, which have been received from the political groups on the Council.
6. The schedule of appointments to external bodies has been revised to show the appointments made in 2005/2006, and those required in 2006/2007 together with officer and organisation contact details, where appropriate. Appointments are made for one municipal year unless otherwise indicated. However, in the case of those bodies which fall under auspices of the Charities Commission appointments are for longer period and these have been * on the attached schedule for ease of reference.

ROLE OF MEMBERS

7. Participating in the work of external bodies is a key part of the role of elected members but is different in nature from other aspects such as being a member of a local authority executive or sitting on regulatory committees. In some cases it will involve actively representing and defending the authority's interests on local authority associations. In others it will involve becoming a trustee of a charity or a director of a company limited by guarantee. In this case members have a duty to act in the best interests of the organisation to which they have been appointed rather than exclusively pursue the authority's interests. There are potential tensions in carrying out this role effectively. To this end the guidance in Appendix B has been formulated to assist members in carrying out this role. The Committee is invited to note the guidance which will subsequently be circulated to all members of the Council and placed on the members' intranet.
8. A key part of this role is ensuring that information about the activities of external bodies is communicated to the Council. Much of this may take place through day to day contact with colleagues or with officers responsible for that area of work.
9. However, to ensure that this communication takes place consistently and effectively it is suggested that a framework be established whereby Members appointed by the Council to external bodies report regularly to this Committee on the work of the organisation with particular emphasis on any implications for the Council. This is set out in more details in paragraph 7 of Appendix B. The Committee is invited to consider and endorse this reporting framework.

CONSULTATION

10. The political groups on the Council have been consulted prior to finalising the schedule.

COMMENTS OF THE CHIEF FINANCIAL OFFICER

11. There are no financial implications arising from this report.

CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

12. There are no legal comments arising from this report.

EQUAL OPPORTUNITY IMPLICATIONS

13. There are no immediate equal opportunity implications arising from this report.

ANTI POVERTY IMPLICATIONS

14. There are no immediate environmental implications arising from this report.

SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

15. There are no immediate SAGE implications arising from this report.

RISK ASSESSMENT

16. The appointment of representatives to external bodies enables the Council to strengthen links with community. The appointment of representatives to external bodies also contributes to the Council's leadership role in the community. The introduction of more robust reporting arrangements will reduce the risk of misunderstanding between external bodies and the Council.

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**LONDON BOROUGH OF TOWER HAMLETS
APPOINTMENTS TO EXTERNAL BODIES 2006-2007**

ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR OR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR OR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
Age Concern Tower Hamlets	1		Cllr Brian Son (Appointed at GPC 16 th June, 2005)					
Arts Council for England (New) replaced London Arts	2		Cllr Denise Jones Cllr Helal Rahman (Appointed at GPC 16 th June, 2005)					
Action for Bow – Endowment Trust	1		Cllr Martin Rew (Appointed at GPC 16 th June, 2005)					
Aldgate & All Hallows Exhibition Foundation Term of Office: 3 years	1		Cllr Fanu Miah (Appointed at GPC 16 th June, 2005)					
Bethnal Green The Museum of Childhood	2		Cllr Denise Jones Cllr Hilary Phelps (Appointed at GPC 16 th June, 2005)					
Bethnal Green Training Centre	2		Cllr Helal Rahman Cllr Salim Ullah (Appointed at GPC 16 th June, 2005)					
Bethnal Green & Victoria Park Housing Association	1		Cllr John Griffiths (Appointed at GPC 16 th June, 2005)					

ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
Bromley By Bow Centre	1		Cllr Motin Uz-Zaman (Appointed at GPC 16 th June, 2005)					
City Fringe	1		Cllr Shafiqul Haque (Appointed at GPC 16 th June, 2005)					
Central London Waste Disposal Joint Committee	3		Cllr Brian Son Cllr Judith Gardiner Cllr Ray Gipson (Appointed at GPC 16 th June, 2005)					
Term of Office: 4 years								
Cultural Industries Development Agency	2		Cllr Denise Jones Cllr Louise Alexander (Appointed at GPC 16 th June, 2005)					
Docklands Sailing Water Sports Centre	1		Cllr Brian Son (Appointed at GPC 16 th June, 2005)					
East London Line Group	2		Cllr Motin Uz-Zaman Cllr Manur U Ahmed (Appointed at GPC 16 th June, 2005)					

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East London Nursing Society Trust Term: 4 years Doesn't have to be Councillor	3	Jill Iremonger- Dec 2006 Brian Boag - Nov 2008 Cllr Oliur Rahman – Jan 2009						
East End Homes (Shadow Board)	4		Cllr Denise Jones Cllr Ashton McGregor Cllr Motin Uz-Zaman Cllr Louise Alexander (Appointed GPC 16 th June, 2005)					
Futures Charitable Trust	1		Cllr Khaled R Khan (Appointed at GPC 16 th June, 2005)					
Globe Town Trust	1		Cllr Jainal Chowdhury (Appointed at GPC 16 th June, 2005)					
Greenwich + Docklands Festivals	1		Cllr Louise Alexander (Appointed at GPC 16 th June, 2005)					
Greater London Enterprise	2		Cllr Helal U Abbas Cllr Janet Ludlow (Appointed at GPC 16 th June, 2005)					
Greater London Employment Forum	1+1		Cllr Abdus Shukur Cllr Michael Keith – (Deputy)					

ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
Island Sports Trust – Management Committee	1		Cllr Julian Sharpe (Appointed at GPC 16 th June, 2005)					
Island Health Charities Trust	1		Cllr Julian Sharpe (Appointed at GPC 16 th June, 2005)					
Isle of Dogs Community Foundation	2		Cllr Alan Amos Cllr Brian Son (Appointed at GPC 16 th June, 2005)					
Jagonari	1		Cllr Denise Jones (Appointed at GPC 16 th June, 2005)					

ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
London Housing Unit Committee	1+dep		Cllr Michael Keith Cllr David Edgar (Deputy) (Appointed at GPC 16 th June, 2005)					
London Housing Unit Executive Sub-Committee	1+dep		Cllr David Edgar Cllr Judith Gardiner (Deputy) (Appointed at GPC 16 th June, 2005)					
London Canals Committee	1+1dep		Cllr Helal Rahman Cllr Khaled R Khan (Deputy) (Appointed at GPC 16 th June, 2005)					
Leaside Regeneration Company Ltd	2		Cllr David Edgar Cllr Ashton McGregor (Appointed at GPC 16 th June, 2005)					
Leaside Partnership Board SRB6	1		Cllr M Abdus Salique (Appointed at GPC 16 th June 2005)					
LGA Urban Commission	2		Cllr Shafiqul Haque Cllr Motin Uz-Zaman (Appointed at GPC 16 th June, 2005)					
Limehouse Youth Club – Management Committee	3		Cllr Ashton McGregor Cllr Judith Gardiner Cllr Rajib Ahmed (Appointed at GPC 16 th June, 2005)					

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London Accident Prevention Council	1 + deputy	1 vacancy deputy	Cllr Ray Gipson (Appointed at GPC 16 th June, 2005)					
Lee Valley Regional Park Authority	1+dep		Cllr Judith Gardiner Cllr Khaled R Khan (Deputy) (Appointed at GPC 16 th June, 2005)					
LGA General Assembly	3		Cllr Michael Keith Cllr Abdus Shukur Cllr Alan Amos Cllr Janet Ludlow (Appointed at GPC 16 th June, 2005)					
London Housing Consortium	2		Cllr David Edgar Cllr Judith Gardiner (Appointed at GPC 16 th June, 2005)					
London Rivers Association	1		Cllr Ray Gipson (Appointed at GPC 16 th June, 2005)					
London Youth Games Limited	2		Cllr Abdus Shukur Cllr John Griffiths (Appointed at GPC 16 th June, 2005)					
Mile End Park Partnership Company	2		Cllr Denise Jones Cllr Helal Rahman (Appointed at GPC 16 th June, 2005)					

ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
Merchant Navy Welfare Board	1		Cllr Akikur Rahman (Appointed at GPC 16 th June, 2005)					
Mudchute Association	1		Cllr Brian Son (Appointed at GPC 16 th June, 2005)					
Norton Folgate Almhouse Charities	3		Cllr Abdul Matin Jill Iremonger Sybil Yates (Appointed at GPC 16 th June, 2005)					
Doesn't have to be Councillor								
North East London Valuation Tribunal	6	Mr Dave Guppy to June 2009 Cllr Marian Williams to June 2009 Mr Barry Blandford - to 31 March 2007 Mr Martin Young – 31 st Dec. 2009 Mr J Pelta – to 31 st Dec. 2009 Mr Leon Rogers – to 14 th January 2008 NB: No appointments currently needed						
Term of Office: 6 years								
Doesn't have to be Councillor								
Ocean New Deal for Communities	2		Cllr Shafiqul Haque Cllr M Shahab Uddin (Appointed at GPC 16 th June, 2005)					
Old Ford Housing Association	1		Cllr Janet Ludlow (Appointed at GPC 16 th June, 2005)					
Ocean Estate Management Board (New)	1		Cllr M S Uddin (Appointed at GPC 16 th June, 2005)					

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ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
Oxford House	1		Cllr Salim Ullah (Appointed at GPC 16 th June, 2005)					
Pool of London Partnership	1		Cllr Denise Jones (Appointed at GPC 16 th June, 2005)					
Parmiters Bethnal Green Education Trust	1		Cllr Sirajul Islam (Appointed at GPC 16 th June, 2005)					
Poplar HARCA Board The Board are seeking to reduce the no. of LBTH's representatives to 2; this will involve a change in the organisation's articles.	2		Cllr A M Ohid Ahmed Cllr Judith Gardiner Cllr Kevin Morton Cllr M Abdus Salique Cllr A A Sardar + Cllr Michael Keith Cllr Abdus Shukur					
Reserve Forces & Cadets Association for Greater London	1		Cllr Kevin Morton (Appointed at GPC 16 th June, 2005)					
Rich Mix Cultural Foundation	2		Cllr Shafiqul Haque Cllr Michael Keith (Appointed at GPC 16 th June, 2005)					
Samuda Estate Management Board (EMB)	1		Cllr Julian Sharpe (Appointed at GPC 16 th June, 2005)					
St Hilda's Community Centre Management	1		Cllr Abdul Matin (Appointed at GPC 16 th June, 2005)					

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Spitalfields Market Community Trust	3		Cllr Helal U Abbas Cllr Lutfur Rahman Cllr Sirajul Islam (Appointed at GPC 16 th June, 2005)					
St Katherine's & Shadwell Trust	2+2 Dep		Cllr Richard Brooks Cllr Adbus Shukur Cllr Shafiqul Haque (Deputy) Cllr Manir U Ahmed (Deputy) (Appointed at GPC 16 th June, 2005)					
Stepney Relief In Need Charity Term of Office: 4 years Doesn't have to be Councillor	2	Cllr Salim Ullah – to May 2006 Mr John Biggs – to October 2008 – resigned (letter 9 th May, '05)	Cllr Rofique U Ahmed (Appointed at GPC 16 th June, 2005)					
Stratford & Temple Mills Partnership Board	1		Cllr Ray Gipson (Appointed at GPC 16 th June, 2005)					

ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
Thames' Regions Flood Defence Committee (Sub-of National Rivers Authority) (Tower Hamlets, Bexley, Greenwich, Lewisham & Newham)	1		Each Borough takes place on rota basis Currently LB of Bexley until 2006					
Term of Office: 4 years Thames Gateway Partnership	1		Cllr Michael Keith (Appointed at GPC 16 th June, 2005)					
Thomas Dickinson Charity	3		Cllr Tim O'Flaherty Cllr Marian Williams Cllr Janet Ludlow (Appointed at GPC 16 th June, 2005)					
Tower Hamlets/Canary Wharf Further Education Trust	2		Cllr A M Ohid Ahmed Cllr Janet Ludlow (Appointe at GPC 16 th June, 2005)					

ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR OR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR OR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR OR 2006/2007	APPOINTED
The Henderson Charity	1		Cllr Tim O'Flaherty (Appointed at GPC 16 th June, 2005)					
Tower Hamlets College	1		Cllr A M Ohid Ahmed (Appointed at GPC 16 th June, 2005)					
Tower Hamlets Community Transport	2 (1 vacancy)		Cllr Azizur Rahman Khan (Appointed at GPC 16 th June, 2005)					
Tower Hamlets Sports Council	10		Cllr A. M. Ohid Ahmed Cllr Helal Rahman Cllr Denise Jones Cllr Kevin Morton Cllr Abdus Shukur Cllr Lutfur Rahman Cllr M Abdus Salique Cllr Ray Gipson Cllr Azizur Rahman Khan Cllr Jainal Chowdhury (Appointed at GPC 16 th June, 2005)					

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ORGANISATION	NUMBER OF REPS. TO BE APPOINTED	ON-GOING APPOINTMENTS	CURRENT APPOINTMENTS	LABOUR GROUP NOMINATIONS COUNCILLOR 2006/2007	RESPECT GROUP NOMINATIONS COUNCILLOR 2006/2007	CONSERVATIVE GROUP NOMINATIONS COUNCILLOR 2006/2007	LIBERAL DEMOCRAT GROUP NOMINATIONS COUNCILLOR 2006/2007	APPOINTED
Tower Hamlets Primary Care Trust	1		Cllr Abdul Asad (Appointed at GPC 16 th June, 2005)					
Tower Hamlets Community Housing (THCH)	4		Cllr Manir U Ahmed Cllr Richard Brooks Cllr Sirajul Islam Cllr Lutfur Rahman Cllr James Sanderson Cllr Akikur Rahman Khan (Appointed at GPC 16 th June, 2005)					
Tower Project	1		Cllr Azizur Rahman Khan (Appointed at GPC 16 th June, 2005)					
Whitechapel Art Gallery	1		Cllr Michael Keith (Appointed at GPC 16 th June, 2005)					
Women's Library Council	1		Cllr Louise Alexander (Appointed at GPC 16 th June, 2005)					



APPENDIX B

LONDON BOROUGH OF TOWER HAMLETS

GUIDANCE FOR MEMBERS REPRESENTING THE COUNCIL ON EXTERNAL BODIES

GUIDANCE FOR MEMBERS/OFFICERS REPRESENTING THE COUNCIL ON EXTERNAL BODIES

1. The Council has nomination/appointment rights to a large number of different external bodies and organisations. These may be joint committees, public, private and voluntary organisations operating in the Borough and statutory bodies. A full list of those is set out in Appendix 1 to this guide. All nominations to outside bodies are published on the Council's website.
2. The Council may nominate or appoint members or officers to these bodies. Rules concerning who may be nominated or appointed and the term of office may be set out in the constitutional arrangements of each of the individual organisations.
3. Generally the Council will nominate elected members as its representative(s); however this guidance applies to both members and officers alike.
4. In carrying out such roles councillors and officers act both as individuals and as representatives of the Council. The role requires the appointed person to:-
 - act according to the rules, constitution and framework set by the outside body;
 - make independent and personal judgements in line with their duty of care to the outside body;
 - report to the Council and lead member or relevant committee as requested or necessary. Accordingly the council representatives shall keep the relevant lead member appropriately informed of all business to be or conducted by the external body;
 - behave ethically and follow as far as applicable the Council's Code of Conduct for Members;
 - take an active and informed role in the management of the outside body's affairs.
5. Such roles can be time consuming and require a commitment different from the political role of councillors or empowerment role of officers working within the Council. Membership on outside bodies does not entail representing the political party to which councillors owe their political loyalty, or to the Council by which the officer is employed. Representatives on such bodies will not be able to "avoid" taking part in the outside body's discussions and will be required to take a fully participative role. They will not be expected to look at things simply from the Council's perspective, nor to be there in name only.

6. The role of councillors or officers on outside bodies may give rise to occasional uncertainty and perhaps to conflicts of interest. The attached Appendix 2 offers a guide to the responsibilities of councillors and officers. Councillors and officers should read the guide before taking up any representational role and if there are issues arising from their particular situation at any time to contact the Assistant Chief Executive (Legal Services) or the Head of Democratic Renewal and Engagement for advice.
7. Councillors and officers are under a specific obligation as a result of the 1995 Local Authorities (Companies) Order to report back to the Council on their involvement in *outside companies* to which they have been nominated by the Council. That obligation can be met by a six monthly report to the full Council. The Cabinet, scrutiny committees or political groups may request more regular feedback in general or on specific issues. The representative must provide such information as is requested unless they have concerns that the information requested maybe confidential to the company or affect its business activity. In which case they should seek advice from the Assistant Chief Executive (Legal Services). While the law now makes this a requirement for involvement in outside companies, it is self-evident that the requirement to report back should apply to involvement in all outside bodies. Accordingly the requirement to report six monthly to Council shall apply to all representatives on external bodies.
8. Councillors will appreciate that the guide and also the Code of Conduct for Members address some of the issues around the possibility of conflicts of interests. If the outside body comes into conflict with the Council and the councillor or officer is on the management committee of the outside body, it is likely that the councillor or officer will have an interest which they will have to declare which if it is prejudicial will prevent them from participating in the Council decision-making affecting the outside body to which he or she has been appointed.
9. If there is a major dispute between the Council and the outside body, then the councillor or officer may be placed in an untenable situation. Before taking precipitate action, the councillor or officer should seek the advice of the Chief Executive or the Assistant Chief Executive (Legal Services).
10. The councillor or officer may find s/he is unable adequately to carry out their responsibilities properly, both as a councillor or officer and as a member or director of the outside body. That would be an exception, and should not deflect councillors or officers generally from being prepared to participate in the management and running of outside organisations.
11. The Council publishes a full list of its representatives on external bodies on its website.

**LIST OF EXTERNAL BODIES TO WHICH THE COUNCIL HAS
NOMINATION RIGHTS**

Association of London Government - AGM Representative
Leaders' Committee
Transport & Environment Committee
Grants Committee
Culture & Tourism Panel
Crime & Public Protection Steering Group
Economic Development, Regeneration &
Europe Panel
Health & Social Services Panel
Housing Panel
London Caribbean Partnership Group
Children, Young People and Families
Steering Group
Greater London Provincial Council

Age Concern Tower Hamlets
Arts Council for England
Action for Bow-Endowment Trust
Aldgate & All Hallows Exhibition Foundation
Bethnal Green The Museum of Childhood
Bethnal Green Training Centre
Bethnal Green & Victoria Park Housing Association
Bromley By Bow Centre
City Fringe
Central London Waste Disposal Joint
Cultural Industries Development Agency
Docklands Sailing Water Sports Centre
East London Line Group
East London Nursing Society Trust
East End Homes (Shadow Board)
Futures Charitable Trust
Globe Town Trust
Greater London Enterprise
Groundwork East London Board
Greenwich+Docklands Festivals
Island Sports Trust-Management Committee
Island Health Charities Trust
Isle of Dogs Community Foundation
Jagonari
London Housing Unit Committee
London Housing Unit Executive Sub-Committee
London Canals Committee
Leaside Partnership Board SRB6

Leaside Regeneration Company Limited
Lee Valley Regional park Authority
LGA Urban Commission
LGA General Assembly
Limehouse Youth Club-Management Committee
London Accident Prevention Council
London Housing Consortium
London Rivers Association
London Youth Games Limited
Mile End Park Partnership Company
Merchant Navy Welfare Board
Mudchute Association
Ocean New Deal for Communities
Ocean Estate Management Board
Norton Folgate Almshouse Charities
North East London Valuation Tribunal
Old Ford Housing Association
Oxford House
Parmiters Bethnal Green Education Trust
Police Community Consultative Group
Poplar HARCA Board
Pool of London Partnership
Reserve Forces & Cadet Association for Greater London
Rich Mix Cultural Foundation
Samuda EMB
St Hilda's Community Centre Management
St Katherine's & Shadwell Trust
Spitalfields Market Community Trust
Stepney Relief In Need Charity
Stratford & Temple Mills Partnership Board
Thames Gateway Partnership
Thames' Regions Flood Defence Committee
Thomas Dickenson Charity
Tower Hamlets/Canary Wharf Further Education Trust
The Henderson Charity
Tower Hamlets College
Tower Hamlets Community Transport
Tower Hamlets Sports Council
Tower Hamlets Primary Care Trust
Tower Hamlets Community Housing
Tower Project
Whitechapel Art Gallery
Women's Library Council

APPENDIX TWO

A GUIDE TO THE LAW FOR COUNCILLORS AND OFFICERS ON EXTERNAL BODIES

This advice is for councillors and officers who represent the Council on organisations outside the Council, whether as a company director, the trustee of a charity or a representative on a management committee. It sets out some of the most important responsibilities. It is not meant to be a comprehensive guide. If councillors or officers have queries then the Assistant Chief Executive (Legal Services) or the Head of Democratic Renewal and Engagement should be consulted.

GENERAL

1. There are some general provisions which apply to councillors and officers who act in the role of company director, trustee or member of an incorporated body, or on the committee of management of an unincorporated voluntary organisation.
2. Members are under a duty to exercise independent judgement in the interest of the organisation in which they are involved. Whilst it is recognised that councillors and officers may have a commitment to representing the Council on the outside organisation, they must be aware that it is their responsibility to decide what view to take on any question before that organisation. Where a councillor or officer is participating in an outside organisation in a representative capacity, s/he must declare that fact to the organisation. There will be a fine line to tread between his/her duty to the organisation and to the Council.
3. In the final analysis, the councillor or officer in acting as a director/trustee or member of a management committee of an organisation must act in accordance with the interests of that organisation. A mandate from the Council to vote one way or the other would put the councillor or officer in breach of the duty to the organisation. It is permissible to take account of the Council's wishes, but not to vote simply in accordance with them. **The overriding duty in considering an item before the outside organisation is to vote in accordance with the interests of that organisation.**
4. Councillors and officers must also ensure that avoidable loss is not incurred in managing the organisation. They cannot avoid this responsibility by not reading the papers or failing to ask for appropriate reports. They will be expected to seek professional advice where appropriate.

COMPANIES

5. On incorporation a company becomes a separate legal entity which can hold property in its own right, enter into contracts and sue and be sued in its own name. The company is distinct from its shareholders and members. In the case of a limited liability company, the liability of members of the company is

limited to the amount they paid or agreed to pay when they joined the company. This can be as little as £1.

6. Companies limited by shares are those which have a share capital (e.g. 1000 shares of £1 each). Each Member holds shares and receives a share in the profits made by the company according to the value of the shares held. Shares can be sold. Companies limited by guarantee are those where there is no shareholding. Instead each Member agrees that in the event of the company being wound up they will agree to pay a certain amount. This may also be as little as £1. This form of company is the most usual in the public and voluntary sector particularly where charitable status is sought.
7. The management of a company is generally the responsibility of a board of directors. The powers of the directors are usually set out in the company's Articles of Association (the rules each company has to govern its internal management). Sometimes even though a company has been incorporated the directors may be referred to as members of the committee of management, governors or even trustees. However this does not change their status as directors. Conversely, sometimes officials are called directors but they are not members of the board. Again their status will not be affected. Directors are those who are appointed by the company to act in that capacity.

Directors' Duties

8. A director is an agent of the company. His/her prime duties are as follows:-
 - (1) **A fiduciary duty** to the company (not individual shareholders) to act honestly and in good faith and in the best interests of the company as a whole. Directors are therefore in the position of "quasi trustees" who must take proper care of the assets of the company. The fiduciary duty of a director towards the company is very similar to the fiduciary duty of Councillors to the Council Tax payers.
 - (2) **A general duty of care and skill** to the company. So long as the Company remains solvent, a director requires no greater skill than might reasonably be expected of someone of that individual's particular knowledge and experience. A director is not deemed to be an expert, but is expected to use due diligence and to obtain expert advice if necessary. But note that if the Company becomes insolvent, the Court may expect that the director brings an appropriate level of skill, competence and experience to the job.
 - (3) Like a Councillor in respect of Council decisions, the director is under a duty **to exercise independent judgment**, though it is permissible for him/her to take account of the interests of a third party which he/she represents. In such a case the director must disclose that position and treads a fine line between the interests of the company and the party represented (in this case the Council). The director cannot vote simply in accordance with the Council mandate. To do so would be a breach of duty.

- (4) **No conflict.** There may be actual or potential conflicts between the interests of the Council and the interests of the company. In such circumstances the only proper way for the conflict to be resolved is for the Councillor or officer to resign either from the company or from the Council.
- (5) Directors are **not allowed to make a private profit** from their position. They must therefore disclose any interests they or their family may have in relation to the company's contracts. Whether they are then allowed to vote will depend on the Articles of Association.
- (6) Directors must **ensure compliance with the Companies Acts** in relation to the keeping of accounts, and that the relevant returns are made to the Registrar of Companies. Failure to do so incurs fines and persistent default can lead to disqualification as a director.

Directors' Liabilities

9. The following liabilities apply to directors:

- (1) The company's identity must clearly be shown on its stationery. The company number, place of registration, registered office address and if any of the directors' names are shown then they must all appear. Non-compliance is an offence and the directors and company officers can be fined.
- (2) A company can only act within the scope set out in its Memorandum of Association (the document which sets out the objects of the company). Those directors knowingly causing the company to act beyond the activities set out in the Memorandum will be liable personally. In very limited circumstances it is possible for the actions of the directors to be ratified by the Members of the company.
- (3) A director may also be liable for breach of trust, if he/she misapplies the money or property of the company. Directors may also be liable if they fail to take action to prevent the breach of a co-director of which they are aware.
- (4) In the event of failure to act in accordance with the best interests of the company, or if a director uses his/her powers improperly or makes a personal profit from his/her position as director, then the director may be personally liable for loss to the company and may be required to give to the company the personal profit made.
- (5) If the level of skill and care shown by a director falls below that which could be reasonably expected and the company suffers loss, the director will be liable for the loss incurred. However if it believes the director acted honestly and reasonably, a Court may excuse the director the liability.

- (6) If a director knows or ought to know that there is no reasonable prospect of the company avoiding liquidation, a Court may require that director to contribute to the company's assets on liquidation if the company continues to trade. This is known as wrongful trading. No such order will be made if the Court is satisfied that the director took all reasonable steps to minimise the loss to the creditors. If a director has concerns about the company's financial position he/she could be well advised to inform the other directors and seek advice from the company auditors. He/she should try to ensure that further debts are not incurred.
- (7) A director will also be liable if to his/her knowledge the company carries on business with intent to defraud creditors or any other person, or for any other fraudulent purpose. Fraudulent trading can also lead to disqualification from acting as a director.
- (8) All cheques and similar documents which purport to be signed on behalf of the company must bear the company name. Where they do not, the director signing on behalf of the company may be liable to a fine and may also be liable to the payee if the company fails to honour the cheque. It is therefore wise for directors to make sure that all documents they sign on behalf of the company state very clearly that they act as agent for the company, (e.g. Director, for and on behalf of).
- (9) A third party who enters into a contract on the assumption that a director has power to bind the company, may be able to claim damages against the director if it subsequently transpires that the director had no such power. Directors would be well advised to ensure that contracts are approved by the board and that the authority to enter into any contract has been properly delegated before signing it.
- (10) Though company liability ceases on dissolution the liability of the directors (if any) may still be enforced after dissolution.

Indemnities

10. The following arrangements apply:

- (1) Councillors who are directors cannot be indemnified by the company against liability arising out of negligence, default, or breach of duty or trust. However the company's Articles of Association may allow for directors to be indemnified by the company in respect of the cost of defending such proceedings if the director is granted relief by the Court or acquitted. Equally, in making the appointment, the Council can offer an indemnity against losses which the councillor may suffer through acting conscientiously as a director. **But note that it is lawful for companies to purchase insurance to protect its directors against claims of negligence, breach of duty, trust, default. Directors**

would be well advised to ensure that such a policy of insurance is maintained at all times.

- (2) Under the Local Government Act 2000¹, it is now possible for the Council to provide indemnities for councillors or officers when appointing them to act as directors and to buy insurance to cover any losses which they may suffer through acting conscientiously as a director. However, the first recourse would be to ensure that the company had provided such insurance.

Local Authorities (Companies) Order 1995

11. These arrangements apply to local authority companies:

- (1) This Order, made under the Secretary of State's powers contained in Part V Local Government and Housing Act 1989, sets out rules concerning local authorities' involvement in "regulated companies" which are subject to extensive controls, and their involvement in other companies where a number of rules apply.
- (2) "Regulated companies" are so defined if they are controlled or influenced by the local authority. "Influenced companies", under the effective control of the local authority, will be subject to capital finance régime and special proprietary controls. In broad terms, the test as to whether companies are local authority influenced is whether the local authority has the right to or in fact does exercise a dominant influence over the company in question.
- (3) The original concept of controlled, influenced and minority interests in companies were introduced by the 1989 Act. "Influenced" means at least 20% local authority interest plus a business relationship with the company accounting for over 50% of the company's turnover and/or the company was located on local authority land leased or sold for less than best consideration. "Controlled" means over 50% local authority interests, and "minority" less than 20% interest. The concept in the 1989 Act stands, but the Order introduces the term "regulated".
- (4) Councillors or officers who are directors of outside companies to which they have been nominated by the Council are under the following obligations:-
 - (a) (Councillors only) that the remuneration they receive from the company should not exceed that received from a local authority, and should be declared;
(Officers only) that they shall not receive any fee or reward other than their Council salary, unless so agreed with the Council;

¹ The Local Authorities (Indemnities for Members and Officers) Order 2004 made under sections 101 & 105.

- (b) to give information to councillors about their activities as required by the local authority (save for confidential information); and
- (c) to cease to be a director immediately upon disqualification as a Councillor or termination of their employment by the Council.

CHARITIES

12. To be a charity an organisation must operate for a charitable purpose. There are four such charitable purposes:
 - (i) the relief of poverty and human suffering
 - (ii) the advancement of education
 - (iii) the advancement of religion
 - (iv) another purpose for the benefit of the community.
13. It must operate for the public benefit and have exclusively charitable purposes. An organisation which operates for political purposes will not qualify for charitable status.
14. To register as a charity the organisation must submit its completed constitution (usually Certificate of Incorporation and the Memorandum and Articles of Association of a company limited by guarantee) to the Charity Commissioners for approval. If they are satisfied that the organisation is charitable it will be registered as such.
15. Those who are responsible for the control and administration of a charity are referred to as its trustees, even where the organisation is a company limited by guarantee even though they are not strictly trustees. Trustees of a charity retain personal liability, and can only delegate to the extent that the constitution authorises them so to do.

Trustees' Duties

16. Trustees have the following duties:
 - (1) Trustees must take care to act in accordance with the constitution and to protect the charity's assets. They are also responsible for compliance with the Charities Acts, and should note the particular requirements of the Acts in respect of land transactions.
 - (2) Trustees must not make a private profit from their position. They cannot receive remuneration without the sanction of the Charity Commission. They must also perform their duty with the standard of care which an ordinary, prudent business person would show. Higher standards are required of professionals, and in relation to investment matters.

- (3) Charitable trustees must ensure that the information relating to the charity and trustees is registered with the Charity Commissioners and that annual accounts, reports and returns are completed and sent.
- (4) If charitable income exceeds £10,000, the letters, adverts, cheques etc. must bear a statement that the organisation is a registered charity.
- (5) Trustees are under a duty to ensure compliance with all relevant legislation (e.g. in relation to tax and land matters).

Trustees' Personal Liability

17. Liabilities may arise in the following ways:

- (1) If in doubt, always consult the Charity Commissioners. A trustee who does so can avoid personal liability for breach of trust if he/she acts in accordance with the advice given.
- (2) Generally though, a trustee incurs personal liability if he/she:-
 - acts outside the scope of the trust deed
 - falls below the required standard of care
 - acts otherwise than in the best interests of the charity, in a way which causes loss to the charity fund
 - makes a personal profit from the trust assets
- (3) In such circumstances the trustee will incur personal liability for losses incurred.
- (4) Trustees of a trust can be liable personally to third parties because unlike a company, a trust has no separate identity from the trustees. The constitution will normally provide for trustees to be given an indemnity from the trust assets, provided they act properly in incurring the liability. Trustees remain personally liable for their own acts and defaults once they have retired. If they have entered into any ongoing contracts on behalf of the trust they should seek an indemnity from their successors. If the charity is a company, the trustees will be protected from liabilities incurred in the day-to-day running of the charity in the normal course, but will be personally liable if they commit a breach of trust (see (2) above).
- (5) Trustees may be liable to fines if they do not comply with the duty to make returns etc.

Indemnities

18. An indemnity can be given from the trust fund provided the trustee has acted properly and within his/her powers. Trustees may take out insurance to

protect themselves against personal liability but not for criminal acts, fraud etc. There will be no problem if the trustees themselves pay the premiums but if they are paid out of the charitable funds the trustees will need the consent of the Charity Commissioners first, unless the trust deed allows it.

COMMITTEES OF MANAGEMENT

Unincorporated Associations

19. Groups which are not charitable trusts or limited companies are “unincorporated associations” and have no separate legal identity from their members. The rules governing the members’ duties and liability will be set out in a constitution, which is simply an agreement between the members as to how the organisation will operate. Usually the constitution will provide for a management committee to be responsible for the everyday running of the organisation. An unincorporated organisation may be charitable and may register as a charity.
20. Property will have to be held by individuals as the organisation has no existence of its own.

Duties

21. Broadly, Management Committee members must act within the constitution, and must take reasonable care in exercising their powers.

Liabilities

22. The following liabilities may arise:
 - (1) Generally, the Management Committee members are liable for the acts of the organisation, but are entitled to an indemnity from the funds of the organisation if they have acted properly. If there are not enough funds, the Committee members are personally liable for the shortfall.
 - (2) If one person is appointed by the constitution to act as the agent of the organisation for certain purposes, then that person acts as the agent of all the members, who have joint liability for the agent’s actions.
 - (3) Members of the Committee of Management will have personal liability if they act outside the authority given to them or if they do not comply with statute e.g. the payment of employees’ tax etc.

Indemnities

23. Members will be entitled to an indemnity if they act in accordance with the constitution and are not at fault. It is possible to obtain insurance but if the organisation is to pay the premium it must be permitted by the constitution.

Acknowledgements

This guidance was prepared by Peter Keith-Lucas, Wragge & Co

With thanks to Colchester Borough Council upon whose guide this text is based.

Agenda Item 5.3

Committee: General Purposes	Date: 14 June 2006	Classification: Unrestricted	Report No:	Agenda Item No:
Report of: Assistant Chief Executive (Legal)		Title: Amendments to the Constitution		
Originating Officer Graham White		Wards Affected: N/A		

1. SUMMARY

- 1.1 This report proposes amendments to the Constitution as a consequence of the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006

2. RECOMMENDATION

The Committee is requested to: -

- 2.1 Approve the amendments to the Constitution detailed in this report and shown at Appendix 1 and 2 attached.

**LOCAL GOVERNMENT ACT, 2000 (SECTION 97)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF
THIS REPORT**

**Brief description of
"background papers"**

**Tick if copy supplied
for register**

**If not supplied
name and
telephone
number of
holder**

3. BACKGROUND

- 3.1 Following an annual review the Council's Constitution was approved by Council on 1 March 2006. On 22 March 2006 the Local Authorities (Functions and Responsibilities) (Amendment) (England) Regulations 2006 were made and came into effect on 21 April 2006.
- 3.2 The Regulations amended the principal Regulations of 2000 which set out the matters which are executive functions, non-executive functions, and local choice functions. Various additions and deletions were made which must be incorporated into the Constitution. In the majority of cases primary legislative changes pre-dated the review of the Constitution and the required changes had been made. However, the following amendments are necessary.
- 3.3 Article 4 (Page 14) contains a table of plans and strategies which form the policy framework and are required by statute to be approved by the Council. The Regulations require the following changes:
- Delete – 'Community Care Plan Section 46 National Health Service and Community Care Act 1990'
 - After 'Children and Young People's Plan' delete –'Section 17 Children's Act 2004' and insert 'Children and Young People's Plan (England) Regulations 2005'
- 3.4 A revised policy framework is attached at Appendix 1
- 3.5 By virtue of the Gambling Act 2005 a new power to resolve not to issue a casino premises licence is afforded to local authorities as a non-executive function. It is proposed that this power be delegated to the Licensing Committee. The consequential amendments to the list of non-executive licensing functions (Page 50) and to the terms of reference of the Licensing Committee (Pages 74-75) are attached at Appendix 2.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 4.1 There are no direct financial implications arising from this report

5. EQUAL OPPORTUNITY IMPLICATIONS

- 5.1 There are no equal opportunity implications arising from this report

6. ANTI-POVERTY IMPLICATIONS

- 6.1 There are no anti-poverty implications arising from this report

7. RISK MANAGEMENT IMPLICATIONS

- 7.1 There are no risk management implications arising from this report

8 SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no direct sustainable action for a greener environment implications arising from this report.

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APPENDIX 1

Article 4 - The Full Council

4.01 Meanings

- (a) **Policy Framework.** The policy framework means the following plans and strategies required by statute to be approved by the Council:

Best Value Performance Plan	Section 6 LGA 1999
Community Plan	Section 4 LGO 2000
Crime and Disorder Reduction Strategy	Sections 5 & 6 Crime & Disorder Act 1998
Youth Justice Plan	Section 40 Crime & Disorder Act 1998
Children and Young People's Plan	Children and Young People's Plan (England) Regulations 2005
Local Development Scheme	Section 15 Planning & Compulsory Purchase Act 2004
Local Transport Plan	Section 108 Transport Act 2000
Licensing Authority Policy Statement	Section 349 Gambling Act 2005

- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications or a programme of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

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3.3.8 Licensing Committee

APPENDIX 2

Membership: Fifteen Members of the Council. Up to 3 substitutes may be appointed for each Member.	
Functions	Delegation of Functions
<p>1. To consider and determine applications for the grant or variation of the following:</p> <ul style="list-style-type: none">a) Premises Licenses, Personal Licences, Temporary Events Notices and Club Premises Certificates pursuant to the Licensing Act 2003 where relevant representations have been received;b) Special treatment licenses in respect of premises within the borough where objections have been received;c) Gaming permits, as defined by Schedule 9 (6) of the Gaming Act 1968, where objections have been received;d) Small lotteries registration, where objections have been received;e) Competitive bidding licenses, where objections have been received;f) Pools promotion registration, where objections have been received.g) Granting "hypnotism waivers" in accordance with Council policy.h) Any other application which the Corporate Director, Environment and Culture considers should be referred to the Committee for determination <p>2. To consider and determine applications for revocation and/or review of any licences which fall to be determined by the Committee in accordance with paragraph 1 a) to h) above</p> <p>3. To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005.</p> <p>4. To determine fees and charges for the issue, approval, consent, license, permit or other registration for functions for which the Committee has responsibility.</p> <p>5. To determine all aspects of licensing policy/procedure (excluding the determination of the Council's Statement of Licensing Policy) and miscellaneous licensing matters, including the creation of Sub Committees for the purposes of the Licensing Act 2003.</p> <p>6. To consider the Council's statement of licensing policy.</p>	<p>The Corporate Director, Environment and Culture (or any officer authorised by her/him) has the authority to consider and determine any applications for licenses not specifically reserved to the Licensing Committee by these terms of reference and all applications for licences where no objections have been received.</p>
Quorum: Not less than one third of the voting membership.	

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FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
54. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.	Corporate Director, Environment and Culture
55. Power to issue near beer licence.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act	Corporate Director, Environment and Culture
56. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)	Licensing Committee / Corporate Director, Environment and Culture
57. Power to resolve not to issue a casino premises licence	Section 166 Gambling Act 2005	Licensing Committee

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Agenda Item 5.4

Committee: General Purposes Committee	Date: 14 June 2006	Classification: Unrestricted	Report No:	Agenda Item No:
Report of: Assistant Chief Executive		Title: Proposed Drinking Control Zones – Bethnal Green and Whitechapel		
Originating officer: Olivia McLeod Head of Crime Reduction Services		Wards Affected : Bethnal Green South, Bethnal Green North, Mile End and Globe Town and Whitechapel.		

1. Summary

- 1.1. This report seeks the General Purposes Committee's endorsement for the proposal to Council to authorise the implementation of a Drinking Control Zone (DCZ), subject to the outcome of statutory public consultation, in an area around Museum Gardens and Bethnal Green Gardens, Bethnal Green. The area has a history of anti-social behaviour associated with street drinking and the proposed DCZ has strong support from the local Police Safer Neighbourhood Team.
- 1.2. This report also seeks the General Purposes Committee's endorsement of the proposal to Council to confirm the DCZ currently running as a pilot initiative (since June 2005) in the Whitechapel area. It is proposed following consultation to extend the scope of this DCZ to cover the streets around Vallance Road to prevent displacement.

2. Recommendations

The General Purposes Committee is recommended to:

- 2.1. Endorse the proposal to undertake statutory consultation for a Drinking Control Zone in accordance with the Criminal Justice and Police Act 2001 (and associated regulations), in the Museum Gardens area indicated on the plan attached at Appendix B to this report;
- 2.2. Endorse the proposal to confirm the Drinking Control Zone currently running as a pilot initiative in the Whitechapel area, as indicated on the plan attached at Appendix A to this report, and to extend the scope of zone to cover the streets around Vallance Road, for the reasons outlined in paragraph 7.3.
- 2.3. Endorse the proposal to Council that the Assistant Chief Executive be authorised to:
 - (a) Consider any representations received to the consultation referred to in 2.1 above.
 - (b) Approve the making of the proposed Drinking Control Zones for the areas indicated on the plans attached at Appendices A and B to this report.

- (c) Consider the inclusion of any additional areas within the Drinking Control Zones, referred to above, identified during the consultation as appropriate for such inclusion.

Proposed DCZ Museum Gardens

3. Background

- 3.1. Museum Gardens and Bethnal Green Gardens are very attractive park areas between Cambridge Heath Road, E2 and Victoria Park Square, E2, bordered by St John's at Bethnal Green Church on one side and Bethnal Green Museum of Childhood on the other. Bethnal Green Museum of Childhood is one of the most popular tourist attractions in Tower Hamlets, of which the Borough can rightly feel proud. Children from all over the South of England visit this site and frequently eat their lunch in the park known as Museum Gardens. Maintaining and improving the quality and usage of our parks is a key element of the Council's Open Spaces Strategy.
- 3.2. Unfortunately these parks have now been taken over by street drinkers. These drinkers take up all of the available seating, shout and swear at each other loudly, urinate in full view of other visitors to the park and fight amongst themselves. This behaviour from a small, but growing minority of park users is clearly unacceptable.
- 3.3. The number of drinkers at any one time can range from twenty to thirty people. Increased patrols by the Safer Neighbourhood Team can deal with the problem in the short term but mostly displace the drinkers to nearby Paradise Row and Bethnal Green Gardens. Interim ASBOs have been made against three of the drinkers banning them from the park, but the number involved is still increasing.
- 3.4. There have been numerous complaints received about the conduct of a small hard core of street drinkers received by the Metropolitan Police, and Crime Reduction Service. These complaints have been made both by individuals and by local residents' groups.
- 3.5. It should be emphasised that the problems being faced refer explicitly to street drinkers, as opposed to being related to individual licensed premises. It is for this reason and the relative success of the pilot zone in Whitechapel that the DCZ option is being explored.

4. Proposal

- 4.1 Sections 12-16 of the Criminal Justice and Police Act 2001 (CJPA) came into force on September 1st 2001. This Legislation gives a Local Authority the power to make an Order designating a part of the Borough as a "public place" and to control the drinking of alcohol in that designated public place.
- 4.2 Any such designated public place is one where the local authority is satisfied that nuisance, annoyance or disorder is associated with the consumption of intoxicating liquor in that area. In these designated areas a Police Officer can require a person to stop drinking and to surrender open containers of alcohol.

If a person refuses to hand over an open container of alcohol or continues to drink they may be arrested. This new power allows the Police to tackle nuisance street drinkers and is being widely adopted throughout the country.

- 4.3 In order to make such a designation, a statutory consultation process must be undertaken. Under the terms of the CJPA, the decision to undertake the consultation process must be taken at Member level. This report requests that the Head of Crime Reduction Services be authorised to engage in consultation regarding the introduction of a DCZ, as legislated by the CJPA. The consultation will take place in the Museum Gardens area as defined on the map at Appendix B. A report on the findings of this consultation will be brought to Council at the earliest opportunity.
- 4.4 Taking account of the research and recent complaints and having regard to the representations of the police and the local community, Crime Reduction Services and the Police Safer Neighbourhood Team have produced a proposal to introduce a DCZ the area around Museum Gardens and Bethnal Green Gardens. A list of the streets and open spaces effected is included at Appendix A to this report. The DCZ will also include the Subways leading to Bethnal Green Underground Station and the Entrance Foyer to the Station.
- 4.5 The effect of this proposal would be to control alcohol consumption in the said designated public place and provide the Police with additional powers to deal with anti-social and unruly individuals who drink alcohol in the park and surrounding streets.
- 4.6 Reports supporting the request for a DCZ in Museum Gardens and Bethnal Green Gardens have been received from The London Ambulance Service, The Director of the Museum of Childhood and the Rector of St John at Bethnal Green Church.

5. Consultation Process

- 5.1 The process for implementing a DCZ requires that local consultation be undertaken with both the public and affected businesses being given the opportunity to comment on the proposal. Newspaper advertisements will publicise the intended measures and will offer the opportunity for further comment. All households in the areas will be sent an information leaflet, with an explanation of how to raise an objection or make comments. In addition, the Police and Crime Reduction Service will conduct a street survey in the affected areas concurrent with this process.
- 5.2 In addition to these measures, specific comments will be sought from the Museum of Childhood, St John in Bethnal Green Church, London Underground and the London Ambulance Service responsible for this area. The views of the appropriate Local Area Partnerships (LAPs 1 and 2) will also be sought.
- 5.3 The regulations of the CJPA require the licensees of all premises selling alcohol within any proposed control zone to be consulted. This requirement will be met by canvassing all such premises individually.

- 5.4 If, following the local consultation, the DCZ is adopted, there will be an obligation to announce the area affected and the commencement date. This aspect will be managed by the delivery of an information leaflet to every home and business in and around the zone and by advertisements in the local press.

Proposed confirmation of Whitechapel DCZ

6. Background

- 6.1 The Cabinet approved in June 2005 a proposed pilot DCZ in Tower Hamlets to cover the Whitechapel area as defined in Appendix A to this report. It was proposed that the Whitechapel DCZ be implemented as a pilot in order to assess the effectiveness of this measure and to determine its suitability for possible expansion to other areas of the borough which are shown to exhibit similar problems.
- 6.2 Whitechapel was selected as the pilot site because street drinking has been a long standing and unresolved issue, particularly the area of Whitechapel Station and its precincts. This was evidenced in a report by Building Research Establishment Ltd in 2003, commissioned by the Council, which found street drinking to be a major source of ASB.
- 6.3 In addition to this independent research, there were numerous complaints received about the conduct of a small hard core of street drinkers received by the Metropolitan Police, the British Transport Police, the Crime Reduction Service and by local Councillors, the local MP and GLA Member. These complaints have been made both by individuals and by local residents' groups.

7. The proposal

- 7.1 A six month evaluation of the Whitechapel zone was carried out on 15 December 2005 by the ASBCU to assess the impact of the zone during the winter months (the summer months are the most crucial as this is when the street drinking problem is rife). A total of 56 residents in the local area were prepared to take part in the interviews. The results demonstrated that 35 of those interviewed were already reassured by the introduction of the DCZ, and 27 believed that it had reduced the impact of street drinking in the area.
- 7.2 The Limehouse Safer Neighbourhood Team carried out a survey of local traders on 16 January 2006. Their results showed that 85% of the local traders had seen an improvement in the area since the introduction of the scheme and were satisfied with the police response to the problem.
- 7.3 During the implementation of the pilot, further representation was made about areas around Vallance Road amid concerns about displacement. Further consultation was undertaken and it is proposed that the DCZ be extended to cover that area.
- 7.4 In the light of the positive pilot outcomes and ongoing support from all partners, The General Purposes Committee is asked to endorse the

recommendation to Council that the Whitechapel DCZ, as amended, be confirmed.

General issues

8. Impact of a Street Drinking Ban

- 8.1 The introduction of a DCZ does not make drinking in public an offence. It only becomes an offence when an individual refuses to hand over open containers of alcohol or continues to drink when they have been warned not to. Therefore, police can target individuals who cause nuisance, annoyance or disorder when drinking alcohol in public.
- 8.2 The potential problems with DCZs are lack of police enforcement and displacement of the nuisance to nearby areas. However, in this case, local police managers are committed to policing the zone and the local Safer Neighbourhood Teams will closely monitor displacement. Many of the street drinkers who frequent the Museum Gardens and Bethnal Green Gardens areas travel there by bus and are not local residents. It is not anticipated that these individuals will travel to the zone and then drink in nearby side streets. Should this be the case the zone will be supported by action with the Anti-Social Behaviour Control Unit. This assertion is supported by the experience of the Whitechapel DCZ. As part of the preparation for implementation we will also be working in partnership with service providers to engage problematic alcohol users in support and treatment.

9. Police Support

- 9.1 The Commander of Tower Hamlets Police fully supports the introduction of this DCZ recognising it as the preferred method of dealing with the low-level anti-social behaviour of street drinkers. The Sector Inspector responsible for the Bethnal Green areas is committed to policing the zone. The Safer Neighbourhoods teams for each ward will implement policing in the area.
- 9.2 The Crown Prosecution Service (CPS) or the Council's legal services would conduct any prosecutions resulting from this legislation. The Chief Inspector managing Tower Hamlets Police Criminal Justice Unit has been briefed on the scope of the project and has given his commitment to the processes involved. This enforcement will therefore place a potentially extremely limited burden on Legal Services and any prosecution work can be easily absorbed into the general workload of the Criminal Prosecution Team.

10. Timetable for Implementation

- 10.1 It is intended that, subject to Council approval, that consultation on the proposed Museum Gardens DCZ be carried out during June 2006 prior to an implementation, subject to the result of the consultation, in August 2006. A review of the impact of the DCZ will be carried out in August 2006 and will be reported back to Cabinet and Council in September 2006.

- 10.2 It is proposed that the Whitechapel DCZ be confirmed to run for a further six months, with extension subject to a further report of its impact in September 2006.

11. Conclusion

- 11.1 The experience of the Whitechapel pilot has demonstrated that a DCZ can be a cost-effective method of dealing with nuisance, annoyance and disorder caused by the public consumption of alcohol and strengthens the Partnership's ability to deal with these issues. It is considered that a DCZ will therefore contribute to the regeneration of the Museum Gardens and Bethnal Green Gardens areas helping to create a more welcoming environment for visitors to the museum and reducing the fear of crime. This issue will be further clarified by undertaking the consultation noted in this report.

12. Financial Comments

- 12.1 The table below details an estimated cost of the consultation and implementation of the proposed DCZs.

Newspaper Advertising	£7,000
Signage for Zone	£1,000
Leaflet Campaign (Consultation)	£1,000
Leaflet Campaign (Launch)	£1,000
Total	£10,000

- 12.2 All costs are non-recurrent and will be met from within the Crime Reduction Services' existing budgets.
- 12.3 The enforcement of the DCZs will be met within existing police and partnership budgets.

13. Legal Implications

- 13.1 Sections 12-16 of the Criminal Justice and Police Act 2001 (CJPA) give a Local Authority the power to make an Order designating a part of the Borough as a "public place" and to control the drinking of alcohol in that designated public place.
- 13.2 The legislation specifies various procedural steps that the Council must take before the zone takes effect. These include advertising the proposals in the local press, taking reasonable steps to consult the owners of any private land which might be affected (for example, shop doorways, petrol station forecourts, shopping centres), and considering the responses generated by that consultation.
- 13.3 The Human Rights Act 1998 has effectively incorporated a large number of the rights set out in the European Convention on Human Rights into English

law. The Council is under a duty not to act incompatibly with such of those rights as are relevant to this issue.

13.4 The relevant human rights in this instance are those under:

- Article 6, which includes the right to a fair trial by an independent tribunal;
- Article 8, which includes the right of respect for private/family life; and
- Article 1 of Protocol 1, a person's right to peaceful enjoyment of their possessions.

13.5 The DCZs work by giving the police powers to request people either not to consume alcohol in their possession, or to surrender that alcohol voluntarily. Criminal liability (and therefore the issue of a fair trial) will only arise in the event of failure to comply with such requests. It is well established that procedures for criminal prosecutions comply with Article 6.

13.6 The other rights listed above are not absolute, and may lawfully be infringed in certain defined circumstances. In the case of Article 8, this includes infringements that are necessary for the protection of the rights and freedoms of others. With regard to Article 1 of Protocol 1, infringement is permissible where in the public interest.

13.7 If the Council decides to act in a way that infringes those rights, then it may only do so in accordance with, or subject to the conditions provided for by, the law. In this instance, the infringement occurs through restricting people's ability to consume alcohol in the proposed DCZ, rather than through seizure of alcohol (surrendering the container being a matter of choice for the individual). This restriction can only be introduced in accordance with the enabling legislation, and its exercise could only occur within the provisions laid down by the law.

13.8 The infringement must also be proportionate; i.e. it must achieve a fair balance and not go beyond what is strictly necessary to achieve the purpose involved. Officers consider that the DCZ would achieve a fair balance between competing interests.

14 Crime and Disorder Implications

14.1 The Crime Audit and associated consultation identified anti-social behaviour as being a high priority for the public. The Crime and Drugs Strategy 2005-2008 includes a priority of tackling anti-social behaviour and links anti-social behaviour to the fear of crime.

14.2 The proposed zone is intended to address issues of anti-social behaviour such as disorderly behaviour, aggressive begging, public urination, public drunkenness and the fear of crime as referred to above.

15 Equal Opportunities Implications

15.1 Those most effected by the negative behaviour of street drinkers are the vulnerable, such as lone women, the elderly and small independent retailers.

The most worrying effect is the intimidation people suffer from the behaviour of street drinkers. In this way, this initiative helps to mitigate the disproportionate impact of ASB on some groups.

- 15.2 The needs of street drinkers must be balanced against the needs of vulnerable people who visit our places of interest and parks and our need to reduce the fear of crime and regenerate the area. It is acknowledged as well that street drinkers themselves may be vulnerable, for example as a result of mental illness or disability. Street drinking only exacerbates that vulnerability, however and through working with service providers, street drinkers will be encouraged to access support and treatment.

16 Anti-Poverty Implications

- 16.1 ASB, including street drinking, is often concentrated in less affluent areas. Furthermore, street drinking is often linked to chronic alcohol abuse which itself is both a cause and effect of poverty. In this way this initiative supports the anti-poverty agenda by tackling a driver and consequence of deprivation.

17 Sustainable Action for a Greener Environment

- 17.1 Complaints about street drinkers include references to littering and their use of doorways, alleyways and open spaces for urination and defecation. Controlling alcohol consumption will reduce the amount of litter and create a more welcoming, less threatening environment.
- 17.2 Any zone established under the CJPA must have "adequate" signage. Up to 40 signs would be purchased for the zone with approximately 28 featuring on the streets and open spaces. The other 18 signs will be deployed in and around the Museum of Childhood and the church. Efforts will be taken to ensure that the signage is effective while not overly obtrusive.

18 Concurrent Report of the Assistant Chief Executive (Legal Services)

- 18.1 Legal Services have been actively involved in giving advice of the process of making controlled drinking zones. Indeed, the report sets out the legal implications in paragraph 13 of the report and members attention is drawn specifically to paragraph 13.8 where it is advised that the making of the drinking controlled zone is a proportionate response to nuisance being caused by street drinking in these areas.

19. Concurrent report of the Chief Financial Officer

- 19.1 The costs of this initiative have been assessed above at para 12 and will be met from existing budgets.

20. Risk Management Implications

- 20.1 The key risks associated with this proposal are set out below. The mitigating action associated with each risk is designed to ensure successful outcomes.
- (a) Consultation does not support the proposals: a strong case has been made on the basis of evidence and stakeholder consultation. The point of

consultation is to check this against community views, but the initial work indicates that the proposals will be welcomed.

- (b) The DCZ is not effectively implemented: close partnership working, building on the experience of the Whitechapel pilot, will ensure effective implementation. This will be monitored through the partnership structure.
- (c) The DCZ is not effective in tackling the negative impact of street drinking: work on the pilot has helped to prove the effectiveness of this strategy and this will be monitored.
- (d) The DCZ results in displacement: this will be carefully monitored and contingency plans, which could include proposing an extension of the DCZ, implemented as necessary.

**Local Government Act, 2000 (Section 97)
List of “Background Papers” used in the preparation of this report**

Brief description of “back ground papers”	Name and telephone number of holder and address where open to inspection.
Criminal Justice and Police Act 2001	Heather Mallinder x6107
Evaluation of Whitechapel DCZ	Heather Mallinder x6107
Tower Hamlets Partnership Crime and Drugs Reduction Strategy	Jon Underwood x0396
Tower Hamlets Council’s Open Spaces Strategy	Alex Cosgrave x3220

APPENDIX A

Whitechapel Pilot Drinking Control Zone

Streets included in consultation process and implementation of the zone.

ADLER STREET
ASHFIELD STREET
ASSAM STREET
BRADY STREET (PART)
CAVELL STREET
COKE STREET
COMMERCIAL ROAD
COURT STREET
DAVENANT STREET
DURWARD STREET
EAST MOUNT STREET
FIELDGATE STREET
FORDHAM STREET
FULBOURNE STREET
GRANARY STREET
GREATOREX STREET (PART)
GREENFIELD ROAD
LOMAS STREET
MONTAGUE STREET
MOSS CLOSE
MOUNT TERRACE
MOUNTFORD STREET
MILWARD STREET
MULBERRY STREET
MYRDLE STREET
NELSON STREET
NEW ROAD
NEWARK STREET
PARFETT STREET
PHILPOT STREET
PLUMBERS ROW To Fieldgate Street
ROMFORD STREET
RAVEN ROW To Cavell Street
REGAL CLOSE
SELBY STREET
SETTLES STREET
STEPNEY WAY To Cavell Street
TURNER STREET
VALLANCE ROAD (PART)
VARDEN STREET
VINE COURT
WALDEN STREET

WHITECHAPEL ROAD
WHITE CHURCH LANE
WINTHROP STREET
WOOD'S BUILDINGS
WYEHILL ROAD

From Greatorex Street to Brady
Street

Map Attached at Appendix A1

APPENDIX B

Museum Gardens Drinking Control Zone Proposed Consultation Area

BETHNAL GREEN GARDENS

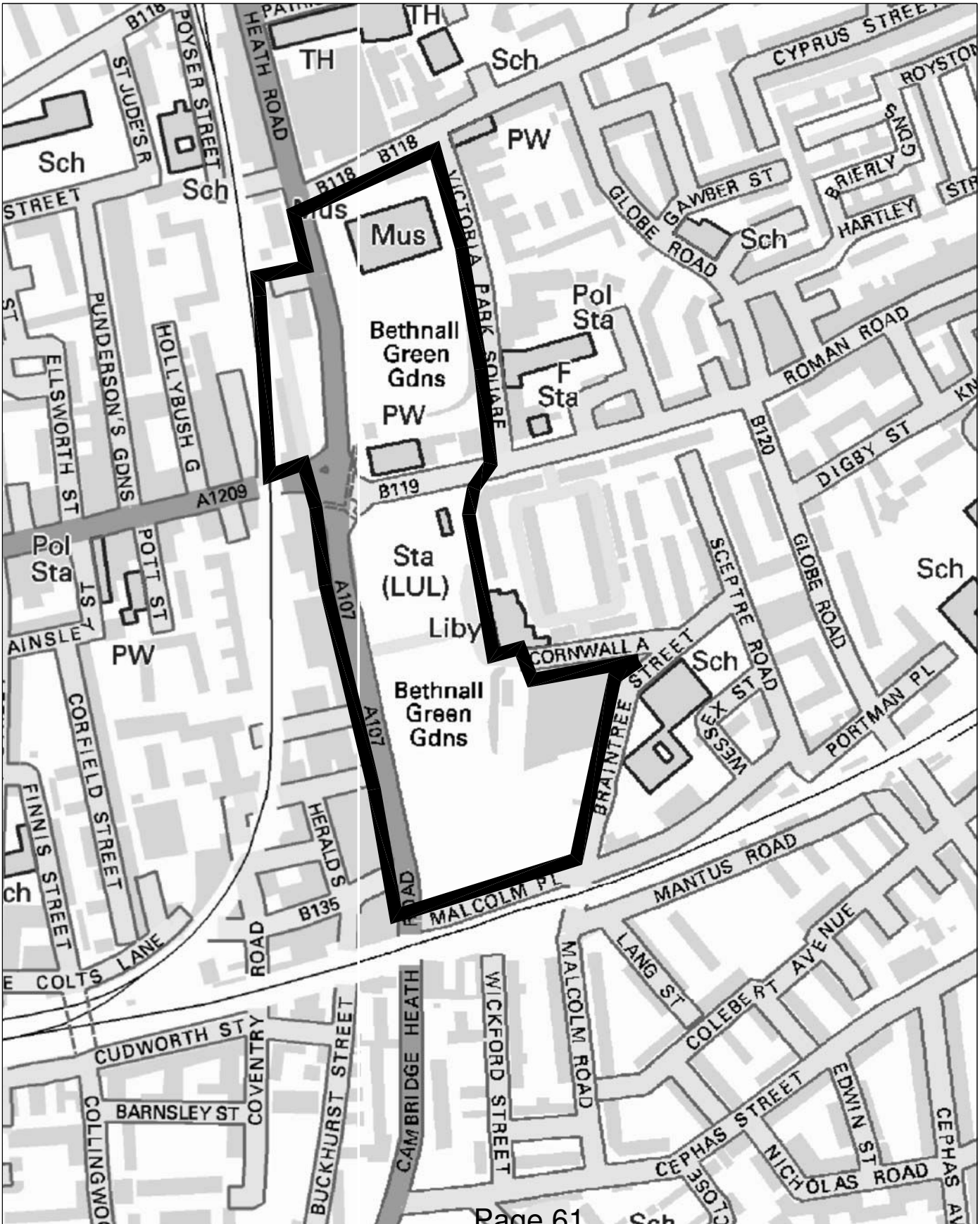
CAMBRIDGE HEATH ROAD (from Old Ford Road to Three Colts Lane)

MUSEUM GARDENS

ROMAN ROAD (from Cambridge Heath Road to Victoria Park Square)

Map Attached at APPENDIX B1

Title DRINK CONTROL ZONE BETHNAL GREEN GARDENS LONDON E.1.	Date 22: 05 : 06	Dwg. No. APPENDIX B
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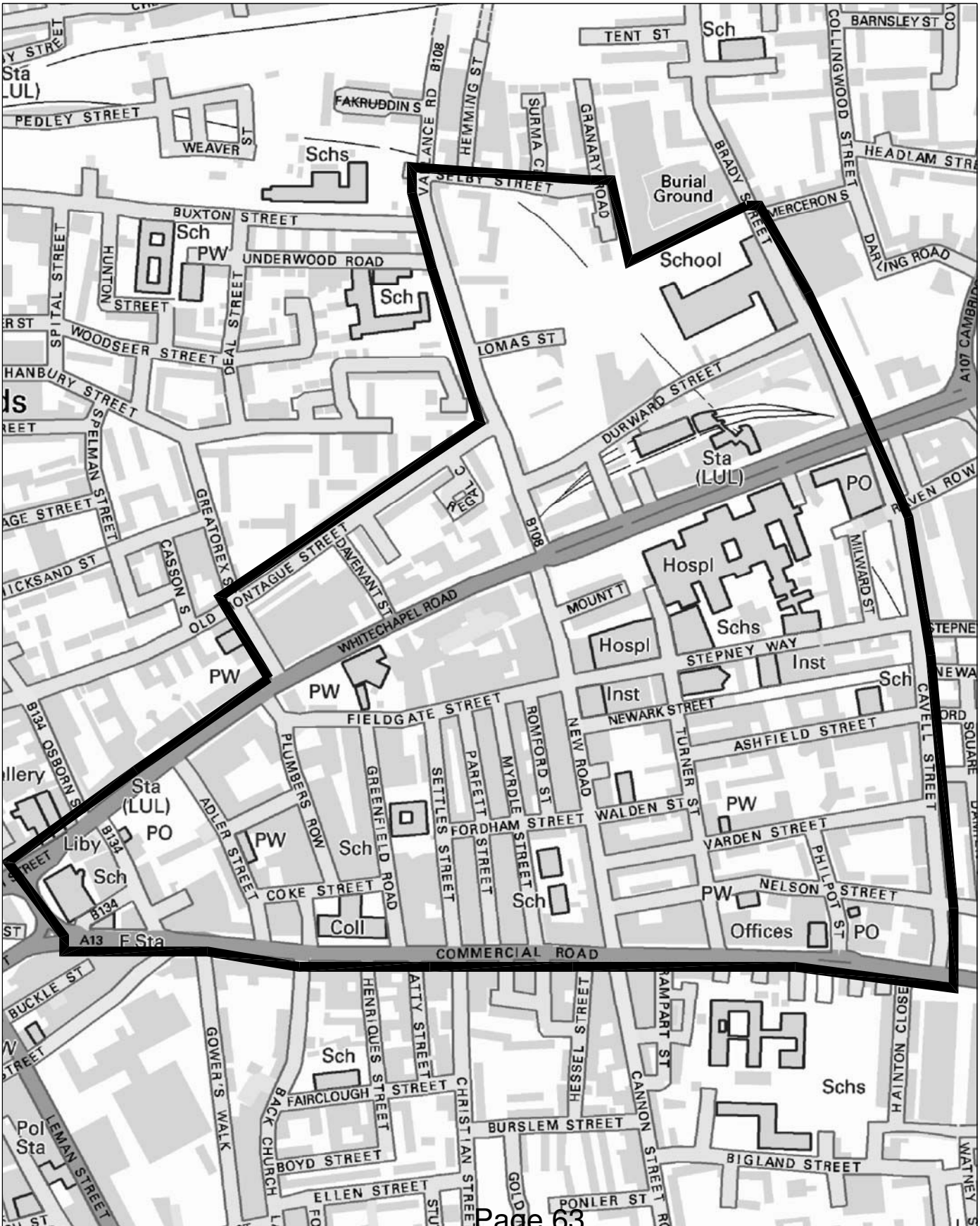


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Creative and Technical Resources Technical Information & Surveys

Title DRINK CONTROL ZONE WHITECHAPEL LONDON E.1.	Date 22: 05 : 06	Dwg. No. APPENDIX A
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TABLED

LONDON BOROUGH OF TOWER HAMLETS

GENERAL PURPOSES COMMITTEE

WEDNESDAY 14TH JUNE, 2006

AGENDA ITEM 5.5

FILLING OF CASUAL VACANCIES ON COMMITTEES/PANELS

REPORT OF INTERIM HEAD OF DEMOCRATIC
RENEWAL AND ENGAGEMENT

(i) FOSTERING PANEL

The Chief Executive has been advised of the resignation of Councillor Rofique Uddin Ahmed from membership of the Fostering Panel; Councillor Ann Jackson has been nominated by the Labour Group to fill the vacancy.

(ii) PENSIONS AND ACCOUNTS COMMITTEE

The Chief Executive has been advised of the resignation of Councillor Clair Hawkins from membership of the Pensions and Accounts Committee; Councillor Joshua Peck has been nominated by the Labour Group to fill the vacancy.

RECOMMENDATION

That the resignations be noted and the nominations be agreed.

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