



ANNUAL MEETING OF TOWER HAMLETS COUNCIL

Wednesday, 22nd May 2013 at 7.30 p.m.

A G E N D A

VENUE
Council Chamber, 1st Floor,
Town Hall, Mulberry Place,
5 Clove Crescent,
London E14 2BG

Democratic Services Contact:

John S Williams, Service Head, Democratic Services

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**TO THE MAYOR AND COUNCILLORS OF THE LONDON BOROUGH OF TOWER
HAMLETS**

You are summoned to attend the Annual Meeting of the Council of the London Borough of Tower Hamlets to be held in **THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG** at 7.30 p.m. on **WEDNESDAY, 22ND MAY 2013**

Stephen Halsey
Head of Paid Service

Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Council. However seating is limited and offered on a first come first served basis and meetings tend to reach full capacity.

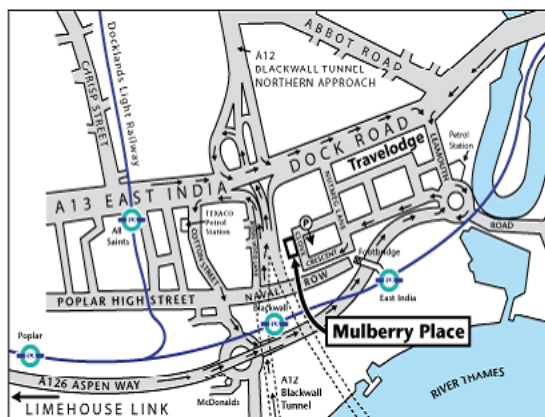
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LONDON BOROUGH OF TOWER HAMLETS

ANNUAL MEETING OF THE COUNCIL

WEDNESDAY, 22ND MAY 2013

7.30 p.m.

**PAGE
NUMBER**

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

1 - 4

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.

See attached note from the Monitoring Officer.

3. ELECTION OF SPEAKER

To elect a Councillor to serve as Speaker of the Council for the municipal year 2013/14.

4. ELECTION OF DEPUTY SPEAKER

To elect a Councillor to serve as Deputy Speaker of the Council for the municipal year 2013/14.

5. TO RECEIVE ANNOUNCEMENTS (IF ANY) FROM THE SPEAKER OF THE COUNCIL OR THE HEAD OF PAID SERVICE

6. MAYOR'S EXECUTIVE SCHEME OF DELEGATION

5 - 12

To note the Mayor's Executive Scheme of Delegation as at 22nd May 2013 as set out in the attached report.

7. PROPORTIONALITY AND ESTABLISHMENT OF COMMITTEES

13 - 16

To establish committees and panels of the Council for the Municipal Year 2013/14 and allocate places on those committees and panels in accordance with the review of proportionality as required by the Local Government and Housing Act 1989. The report of the Service Head, Democratic Services is attached.

8. APPOINTMENTS TO COMMITTEES AND PANELS OF THE COUNCIL

To appoint members to the committees and panels of the Council in accordance with the allocation of places agreed at agenda item 7 (schedule of nominations to be tabled).

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

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	<p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>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—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

ANNUAL COUNCIL MEETING

WEDNESDAY 22nd MAY 2013

MAYOR'S EXECUTIVE SCHEME OF DELEGATION

1. INTRODUCTION

1.1 The Executive Procedure Rules at Part 4.4 of the Council's Constitution provide for the Mayor to delegate specific executive functions to:-

- the Executive as a whole (the Cabinet);
- a committee of the Executive or an individual member of the Executive;
- an officer;
- an area committee;
- a ward councillor (only in accordance with s.236 of the Local Government and Public Involvement in Health Act 2007);
- joint arrangements; or
- another local authority.

1.2 The Mayor may amend or revoke any delegation of an executive function at any time.

1.3 The Mayor is required to present to the Annual Council Meeting, and if delegations are made or varied between Annual Meetings to present to the Monitoring Officer, a written record of delegations made by him ('the Executive Scheme of Delegation'). This document must contain the following information in so far as it relates to executive functions:

- (a) The extent of any authority delegated to any individual Executive Member or ward councillor including details of the limitation on their authority;
- (b) The terms of reference and constitution of such Executive Committees as the Mayor appoints and the names of Executive Members appointed to them;
- (c) The nature and extent of any delegation of executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
- (d) The nature and extent of any delegation of executive functions to officers not already specified in Part 3 of the Constitution, with details

of any limitation on that delegation and the title of the officer to whom the delegation is made.

- 1.4 In accordance with the above requirements the Executive Scheme of Delegation agreed by the Mayor to apply with effect from 22nd May 2013 is set out below.
-

PART A - EXECUTIVE SCHEME OF DELEGATION

1. PURPOSE

- 1.1 The purpose of this Executive Scheme of Delegation is to:-
- be clear about who can make which executive decisions including Key Decisions;
 - facilitate the smooth running of Council business;
 - ensure that the Mayor is able to provide effective strategic leadership for the overall policy direction of the Council and to promote partnership working with other agencies; and that officers take responsibility for operational matters and policy implementation

2. THE CONSTITUTION

- 2.1 Once presented by the Mayor to the Annual Council Meeting or to the Monitoring Officer, this Executive Scheme of Delegation will form part of the Council's Constitution and will be appended to it. Its provisions apply alongside the Rules of Procedure and Access to Information provisions included in the Constitution.

3. AMENDMENTS TO THE EXECUTIVE SCHEME OF DELEGATION

- 3.1 This Scheme of Delegation remains in force for the term of office of the Mayor unless and until it is amended or revoked by the Mayor in accordance with Part 4.4 of the Constitution.

4. NON-EXECUTIVE DECISIONS

- 4.1 No delegated power in this Executive Scheme of Delegation applies to any decision that relates to a matter that is not an Executive function either by law or by the allocation of local choice functions under the Council's Constitution.

5. THE COMPOSITION OF THE EXECUTIVE

- 5.1 The Executive shall consist of ten people, namely the Mayor and nine Councillors as set out below:-

Name	Ward	Portfolio
Mayor Lutfur Rahman	N/A	Mayor
Councillor Ohid Ahmed	East India & Lansbury	Deputy Mayor
Councillor Rofique Ahmed	Mile End & Globe Town	Cabinet Member for Regeneration
Councillor Shahed Ali	Whitechapel	Cabinet Member for Environment
Councillor Abdul Asad	Whitechapel	Cabinet Member for Health and Wellbeing
Councillor Alibor Choudhury	Shadwell	Cabinet Member for Resources
Councillor Shafiqul Haque	St. Katharine's & Wapping	Cabinet Member for Jobs and Skills
Councillor Rabina Khan	Shadwell	Cabinet Member for Housing
Councillor Rania Khan	Bromley-by-Bow	Cabinet Member for Culture
Councillor Oliur Rahman	St Dunstan's & Stepney Green	Cabinet Member for Children's Services

6. DELEGATIONS TO THE EXECUTIVE

- 6.1 The Mayor has not delegated any decision-making powers to the Executive acting collectively.
- 6.2 The Mayor may, in accordance with Part 4.4 of the Council's Constitution, appoint such committees of the Executive as he considers appropriate from time to time, but he does not appoint any such committees at this time.
- 6.3 Subject to the Mayor's prerogative to make decisions on all matters relating to all his statutory powers, the Mayor delegates to each Cabinet Member individually the power to make decisions on matters within their portfolio after consultation with the Mayor and subject to the Mayor raising no objection to the proposed decision. Any such decision by a cabinet member will be subject to a written report and the same procedure as applies to mayoral executive decisions.
- 6.4 In accordance with section 14 (6) of the Local Government Act 2000 (as amended) any arrangements made by the Mayor for the discharge of an

executive function by an executive member, committee or officer are not to prevent the Mayor from exercising that function.

7. DELEGATIONS TO OFFICERS

7.1 The Mayor has delegated to officers decision making powers in relation to Executive functions as set out at Parts 3 and 8 of the Council's Constitution.

8. OTHER DELEGATIONS

8.1 The Mayor has not delegated any powers to any area committee, or to any ward Councillor in accordance with s.236 of the Local Government and Public Involvement in Health Act 2007.

8.2 The Mayor has delegated powers to joint arrangements with other local authorities as set out in Article 11 of the Council's Constitution

8.3 Subject to 8.2 above, the Mayor has not delegated any powers to any other local authority.

PART B - PROCESS FOR EXECUTIVE DECISION MAKING BY THE MAYOR OR A CABINET MEMBER

1. Where an Executive decision, including a Key Decision, falls to be made and either:-

- (i) authority to make that decision has not been delegated by the Mayor under this Executive Scheme of Delegation; or
- (ii) authority has been delegated but the person or body with delegated powers declines to exercise those powers; or
- (iii) authority has been delegated but the Mayor nevertheless decides to take the decision himself,

the decision shall be made by the Mayor individually, after consultation with the Monitoring Officer, the Chief Finance Officer and such other Corporate Director(s), the Head of Paid Service or Cabinet Member(s) as required.

2. Executive decisions (including Key Decisions) to be taken by the Mayor in accordance with paragraph 1 above shall either be taken:-

(a) at a formal meeting of the Executive, notice of which has been given in accordance with Part 4.4 of the Constitution and to which the Access to Information Rules at Part 4.2 of the Constitution shall apply; or

(b) in accordance with the procedure at 5 below.

3. In the case of a decision taken at a formal meeting of the Executive, the Mayor will take the decision having received written and oral advice from appropriate officers and consulted those members of the Executive present. In the event that a meeting of the Executive is not quorate, the Mayor may still take any necessary decisions having consulted any Executive members present. All Mayoral decisions taken at a formal meeting of the Executive shall be recorded in the minutes of the meeting.
4. The Cabinet Meeting is not authorised to exercise the Mayor's powers in the absence of the Mayor. If the Mayor is unable to act for any reason, and only in those circumstances, the Deputy Mayor is authorised to exercise the Mayor's powers.
5. The Mayor may at his discretion make a decision in relation to an Executive function, including a Key Decision, alone and outside the context of a meeting of the Executive. In relation to any decision made by the Mayor under this provision:-
 - (i) The decision may only be made following consideration by the Mayor of a full report by the relevant officer(s) containing all relevant information, options and recommendations in the same format as would be required if the decision were to be taken at a meeting of the Executive;
 - (ii) The provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply;
 - (iii) In the case of a Key Decision as defined in Article 13 of the Constitution, the provisions of the Access to Information Procedure Rules in relation to prior publication on the Forward Plan shall apply; and
 - (iv) The decision shall not be made until the Mayor has confirmed his agreement by signing a Mayoral Decision Proforma (example attached) which has first been completed with all relevant information and signed by the relevant Chief Officers.
6. All Mayoral decisions taken in accordance with paragraph 5 above shall be:-
 - (i) Recorded in a log held by the Service Head, Democratic Services and available for public inspection; and
 - (ii) Published on the Council's website;

save that no information that in the opinion of the Assistant Chief Executive (Legal Services) is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules shall be published, included in the decision notice or available for public inspection.

7. Any decision taken by an individual Cabinet Member in relation to any matter delegated to him/her in accordance with section 6 of the Mayor's Executive Scheme of Delegation shall:-

(i) be subject to the same process and rules as a Mayoral decision in accordance with paragraphs 5 and 6 above; and

(ii) not be made until the Mayor has confirmed in writing that he has no objection to the decision.


LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)

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

Brief description of background papers:

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

- None

Individual Mayoral Decision Proforma	 TOWER HAMLETS
Decision Log No: (To be inserted by Democratic Services)	
Report of: [Insert name and title of corporate director]	Classification: [Unrestricted or Exempt]
[Insert title here]	

Is this a Key Decision?	Yes / No (Report author to delete as applicable)
Decision Notice Publication Date:	(Report author to state date of decision notice – either individual notice or within the Forward Plan)
General Exception or Urgency Notice published?	Yes (give details) / Not required (Report author to delete as applicable)
Restrictions:	(If restricted state which of the exempt/confidential criteria applies)

EXECUTIVE SUMMARY

(To be completed by Chief Officer seeking the decision)

.....

Full details of the decision sought, including reasons for the recommendations and (where applicable) each of the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Assistant Chief Executive (Legal Services); implications for One Tower Hamlets; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

DECISION

(Proposed decision to be entered here)

.....

APPROVALS

1. (If applicable) Corporate Director proposing the decision or his/her deputy

I approve the attached report and proposed decision above for submission to the Mayor.

Signed Date

2. Chief Finance Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

Signed Date

3. Monitoring Officer or his/her deputy

I have been consulted on the content of the attached report which includes my comments.

(For Key Decision only – delete as applicable)

I confirm that this decision:-

(a) has been published in advance on the Council’s Forward Plan OR

(b) is urgent and subject to the ‘General Exception’ or ‘Special Urgency’ provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.

Signed Date

4. (If the proposed decision relates to matters for which the Head of Paid Service has responsibility) Head of Paid Service

I have been consulted on the content of the attached report which includes my comments where necessary.

Signed Date

5. Mayor

I agree the decision proposed at above for the reasons set out in paragraph of the attached report.

Signed Date

LONDON BOROUGH OF TOWER HAMLETS

ANNUAL COUNCIL MEETING - WEDNESDAY 22nd MAY 2013

**REVIEW OF PROPORTIONALITY AND ESTABLISHMENT OF
COMMITTEES AND PANELS OF THE COUNCIL**

REPORT OF THE SERVICE HEAD, DEMOCRATIC SERVICES

1. SUMMARY

- 1.1 This report reviews proportionality as required by section 15 of the Local Government & Housing Act 1989 ('The 1989 Act'), recommends the establishment of committees and panels in accordance with the Constitution and sets out the allocation of places on those committees and panels between the political groups represented on the Council.
- 1.2 The nominations from the groups and others for membership of the committees/panels in accordance with this allocation and other bodies not covered by the proportionality rules, will follow at the next agenda item.
- 1.3 Part 4 of the Constitution states that the Annual Council Meeting will establish an Overview & Scrutiny Committee, a Standards Advisory Committee and such other committees/panels as it considers appropriate to deal with matters which are neither reserved to the Council nor executive functions. Other bodies appointed by the Council are listed at Part 3 of the Constitution.
- 1.4 This report proposes no changes to the committee structure that was in place during 2012/13. The political composition of the Authority remains as at the last review of proportionality on 11th July 2012.

2. RECOMMENDATIONS

- 2.1 That the review of proportionality be noted.
- 2.2 That committees and panels be established for the Municipal Year 2013/14, and places be allocated on those committees and panels, as set out at paragraph 4.2 overleaf.

3. REVIEW OF PROPORTIONALITY

- 3.1 Section 15(1) of the 1989 Act requires the Council at or as soon as practicable after the Annual Meeting to carry out a review to determine the allocation to the political groups of seats on the committees/panels of the Council. The principles which must be adopted are:

- (i) that in relation to each body covered by the Act, all seats are not allocated to the same political group;
 - (ii) that the majority of seats on each body must go to the political group with the majority on the Council;
 - (iii) that subject to (i) and (ii) the number of seats on the total of all the ordinary committees/panels of the authority allocated to each group bears the same proportion as that group's proportion of the seats on the full Council; and
 - (iv) that subject to the above three principles, the number of seats on each ordinary committee/panel of the authority allocated to each political group bears the same proportion as that group's proportion of the seats on the full Council.
- 3.2 Once the political groups have been allocated their places in accordance with the above rules, the Council may appoint ungrouped members to any remaining positions.
- 3.3 The Cabinet and any executive sub-groups of the Cabinet are not covered by the requirement for proportionality.
- 3.4 The political composition of the Council is currently as follows:

Group	seats	%
Labour	27	52.94
Conservative	7	13.73
Respect	2	3.92
(Ungrouped*)	15	
Total	51	

* NB: For the purposes of the 1989 Act an individual Councillor cannot constitute a political group. The 'ungrouped' category above therefore includes Councillor Stephanie Eaton (Liberal Democrat) as well as the fourteen 'independent' Councillors.

4. ESTABLISHMENT OF COMMITTEES AND PANELS

- 4.1 In accordance with the Constitution it is recommended that the Council establish the committees and panels listed below for the municipal year 2013/14. These provide for a total of 91 committee/panel seats, which will be allocated to the political groups in proportion to their numbers on the full Council as follows:-

Labour: 51 places
 Conservative: 13 places
 Respect: 4 places

- 4.2 The remaining 23 places are available for ungrouped members. Applying the principles in the Act as closely as is reasonably practicable the proposed allocation of places on the committees and panels covered by the requirement for proportionality for the municipal year 2013/14 is as follows:-

	Total	Labour	Conser- vative	Respect	Un- grouped
Overview & Scrutiny Committee (plus 6 co-optees)	9	5	1	1	2
Health Scrutiny Panel	7	4	1		2
Appeals Committee	9	5	1		3
Audit Committee	7	4	1		2
Development Committee	7	4	1	1	1
Strategic Development Committee	9	5	2		2
General Purposes Committee	7	4	1		2
Human Resources Committee	7	4	1		2
Licensing Committee	15	8	2	1	4
Pensions Committee	7	4	1		2
Standards Advisory Committee (plus 7 co-optees)	7	4	1	1	1

- 4.3 Each political group has been invited to submit nominations to the positions allocated to that group and the 'ungrouped' Members have been invited to indicate their preferences for membership. A schedule of proposed appointments will be tabled at the Annual Council meeting.

5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 5.1 The legal position is set out in the main body of the report.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 6.1 There are no direct financial considerations arising from this report.

LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)

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

Brief description of background papers:	Name and telephone number of holder and address where open to inspection
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- None

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