

Meeting of the

GENERAL PURPOSES COMMITTEE

Tuesday, 3 July 2012 at 6.30 p.m.

A G E N D A

VENUE

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

Members:	Deputies (if any):
Chair: Councillor Shiria Khatun Vice-Chair:	
Councillor John Pierce Councillor David Edgar Councillor Ahmed Adam Omer Councillor Peter Golds Councillor Aminur Khan Councillor Lutfa Begum	Councillor Craig Aston, (Designated Deputy representing Councillor Peter Golds) Councillor David Snowdon, (Designated Deputy representing Councillor Peter Golds) Councillor Khales Uddin Ahmed, (Designated Deputy representing Councillors Shiria Khatun, John Pierce, David Edgar and Ahmed Adam Omer) Councillor Motin Uz-Zaman, (Designated Deputy representing Councillors Shiria Khatun, John Pierce, David Edgar and Ahmed Adam Omer) Councillor Joshua Peck, (Designated Deputy representing Councillors Shiria Khatun, John Pierce, David Edgar and Ahmed Adam Omer)

[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: Simone Scott-Sawyer, Democratic Services,
Tel: 020 7364 4651, E-mail: simone.scott-sawyer@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

GENERAL PURPOSES COMMITTEE

Tuesday, 3 July 2012

6.30 p.m.

1. ELECTION OF VICE-CHAIR

At the Annual General Meeting of the Council held on 16th May 2012, Councillor Shiria Khatun was appointed Chair of the General Purposes Committee for the Municipal Year 2012/2013.

However, it is necessary to elect a Vice-Chair of the General Purposes Committee for the Municipal Year 2012/2013.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

1 - 2

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 Chief Executive.

4. UNRESTRICTED MINUTES

3 - 8

To confirm as a correct record of the proceedings, the unrestricted minutes of the meeting of the General Purposes Committee held on 17th January 2012.

5. REPORTS FOR CONSIDERATION

	PAGE NUMBERS	WARD(S) AFFECTED
5.1 GENERAL PURPOSES COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS (GPC001/123)	9 - 10	
5.2 GENERAL PURPOSES COMMITTEE TERMS OF REFERENCE	11 - 12	
5.3 GENERAL PURPOSES COMMITTEE - MEMBERSHIP	13 - 14	
5.4 GENERAL PURPOSES COMMITTEE - SCHEDULE OF DATES	15 - 16	

5 .5 LOCAL ELECTORAL REVIEW - UPDATE	17 - 24
5 .6 APPOINTMENTS TO EXTERNAL BODIES - CONSTITUTIONAL MATTERS	25 - 28
6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT	

Agenda Item 3

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 17 JANUARY 2012

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Shiria Khatun (Chair)

Councillor Sirajul Islam (Vice-Chair)
Councillor Mizan Chaudhury

Councillor Craig Aston
Councillor Khaled Uddin Ahmed

Other Councillors Present:

Councillor Peter Golds
Councillor Bill Turner

Officers Present:

Hania Franek – (Head of School Governance & Information)
Louise Stamp – (Electoral Services Manager, Chief Executive's)
John Williams – (Service Head, Democratic Services, Chief Executive's)

Louise Fleming – (Senior Committee Officer, Democratic Services)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mohammed Abdul Mukit, for whom Councillor Khaled Uddin Ahmed deputised; Councillor Md. Maium Miah; and Councillor Gloria Thienel for whom Councillor Craig Aston deputised.

2. DECLARATIONS OF INTEREST

No declarations of interest were made.

3. UNRESTRICTED MINUTES

RESOLVED

That the unrestricted minutes of the meeting held on 13th October 2011 were confirmed and signed by the Chair as a correct record.

The Chair Moved and it was **RESOLVED** that the Order of Business be varied so that Item 6.1 School Governor Appointments be considered first to avoid detaining Mr Bhutta, Headteacher of Stepney Green School, any longer than necessary.

For ease of reference items will appear as they appeared in the agenda.

4. UNRESTRICTED REPORTS FOR CONSIDERATION

4.1 Polling District and Polling Place Review 2011

Ms Louise Stamp, Electoral Services Manager, presented the report which set out representations on the review of polling districts and polling places. Ms Stamp also tabled maps of Robin Hood Gardens Community Hall and the Student Union Offices, Blomeley Centre, Queen Mary University of London; and an updated Appendix C with a full list of polling places and electorate figures. The Committee was advised that Queen Mary had been added to capture the student votes, of which there were approximately 2,000. A registration day would be held in March and other Universities would also be considered as stations for the next scheduled Council elections in 2014.

Members thanked officers for the work which had been carried out in the review and stressed the importance of retaining access. It was also suggested that the Council clarify that the Tower Hamlets Inclusion Centre could be renamed Harpley School as it was felt that residents could be confused.

Concern was raised that voters in Blackwall and Cubitt Town were hindered by having to cross Aspen Way, particularly at night and officers were asked whether any consideration had been given to having another Polling Station in Mulberry Place. In response to Members, Ms Stamp advised that available room was a consideration; and it was also felt that having more than one district in one building could cause confusion. It was proposed that a new station south of Aspen Way be looked at for the GLA elections and the Chair asked officers to liaise with Ward Councillors.

RESOLVED

- a) That the polling districts remain unchanged due to an Electoral Review taking place in February 2012, conducted by the Local Government Boundary Commission;
- b) That the draft polling place changes and reasons set out in paragraph 6 and Appendix A of the report be publicly consulted on, subject to consultation with Ward Councillors in Blackwall and Cubitt Town, with a view to implementation in time for the Greater London Authority elections to be held on 3 May 2012.
- c) That a further report on the outcome of the consultation be submitted to the next meeting of the General Purposes Committee.
- d) That the Council continues to make every effort to find suitable alternative polling places for those polling places where there is uncertainty about their availability for future elections and enhance the convenience, suitability and practical electoral arrangements for electors.

4.2 Proposed Changes to the Constitution

Special Circumstances and Reasons for Urgency

The Chair **agreed** the special circumstances and reasons for urgency, as set out on the front page of the report, and also set out below:

“The report was not circulated with the Committee agenda as it was not possible to compile the information required before that time. The report is nevertheless recommended for consideration at this meeting as it is necessary for the proposed amendments to the Constitution to be submitted to the next ordinary meeting of the Council (25th January 2012) in order to take effect before the Budget Council meeting.”

Mr John Williams, Service Head Democratic Services, presented the report explaining that the Council had given responsibility for considering changes to the Constitution to the General Purposes Committee and that there were a number of urgent changes recommended which would impact on the Budget Council meeting in February. The report also included a number of changes pursuant to decisions taken on constitutional matters at the November 2011 Council meeting.

Members considered the report and sought clarification on the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 relating to the majority vote required for amending the Mayor’s proposals in respect of the Budget and Policy Framework. Clarification was also sought in respect of the legal definition of “Executive”; the deadline for amendments to the Budget Council meeting and the time required by officers to circulate comments on those amendments; arrangements for considering amendments without notice; and the type of recording which would take place at Council meetings.

The Committee moved a number of amendments and additions to the recommendations set out in the report as follows. The Chair also requested that the report to the Council meeting on 25th January 2012; and any officer comments on the proposed changes to the Constitution be circulated in advance to all Members present at the meeting of the General Purposes Committee.

RESOLVED

That the Council be recommended:-

- a) To amend the Budget Council Procedure Rules at paragraph 4.2 of Part 4.1 of the Constitution as proposed at section 4 of the report, and amended as follows:

Deadline for amendment

- i. That the deadline for amendments be *9.15am on the day before the meeting* and that the amendments should be circulated to the Mayor and all Councillors, with any officer comments that are available at least 24 hours before the meeting.

Timing of amendments/extension of meeting

- ii. Other than amendments notified in advance as above, no further substantial amendment may normally be moved at the budget meeting, but the Council may, *having heard* the advice of the Monitoring Officer, Section 151 Officer and Head of Paid Service, agree that an amendment without notice can be debated.
- b) To amend the Budget and Policy Framework Procedure Rules at Part 4.3 of the Constitution as proposed at section 5 of this report, and amended as follows;
 - a. The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to the Council; and
 - b. If the Council wishes to amend the Mayor's proposals *in relation to the items included in the Budget and Policy Framework only*, the Local Authorities (Standing Orders) (England) Regulations 2001 set out the dispute resolution procedure to be followed. The Council must inform the Mayor of any objections which it has to his proposals (i.e. the amendments it wishes to agree) and must give the Mayor at least five working days to reconsider his proposals and re-submit them (amended or not, with reasons) to a further

Council meeting. If at this further meeting the Council still wishes to amend the Mayor's revised proposals, such a decision requires a two-thirds majority of the Members present and voting. If no valid amendment at the further meeting receives two-thirds support, the Mayor's proposals are deemed adopted in accordance with the regulations.

- c) To re-designate the Deputy Chair of Council as 'Deputy Speaker';
- d) To amend paragraph 27.1 of the Council Procedure Rules to facilitate the trial period of recording Council meetings as follows:

"No photography or video or audio recording of any kind by Members, guests or members of the public may take place at any Council meeting without the express permission of the Speaker. The Council may determine that the proceedings of the Council Meeting shall be audio recorded by the officers and those recordings stored in accordance with a policy agreed by the Council and accessed by any member on request, for their own use, included publication. Such requests to be made in writing to the Monitoring Officer."

- e) To amend Council Procedure Rules 17.4 at Part 4.1 of the Constitution as follow:

Recorded Vote. If *twenty* Members present at the meeting request it by rising from their seats, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

- f) To amend paragraph 3.3.1 of the Financial Procedure Rules at Part 4.6 of the Constitution to read as follows:

- i. All individual virement proposals that exceed £5,000 require the approval of full Council; and
- ii. and to delete paragraphs 3.3.2 and 3.3.3 of those Financial Procedure Rules; and

- g) To authorise the Assistant Chief Executive (Legal Services) to amend the text of the Constitution as necessary to give effect to the agreed changes.

5. EXCLUSION OF PRESS AND PUBLIC

In view of the nature of agenda item 6.1, the Committee **RESOLVED:**

"That, under the provisions of Section 100A of the Local Government Act, 1972 as amended by the Local Government (Access to Information) Act,

1985, the Press and Public be excluded from the meeting for the consideration of the Section Two business on the grounds that it contains information defined as Exempt in Part 1 of Schedule 12A paragraph 3 to the Local Government, Act 1972”.

[Note: Exempt information is defined in section 100I and, by reference, Schedule 12A of the Local Government Act 1972 (“the 1972 Act”). To be exempt, information must fall within one of the categories listed in paragraphs 1 to 7 of Schedule 12A, must not fall within one of the excluded categories in paragraphs 8 and 9 and the public interest in maintaining the exemption must outweigh the public interest in disclosing the information.

Agenda item 6.1 “School Governor Appointment to Stepney Green School” contained information relating to paragraph 3 (Information relating to any individual). Appendices 4 to 6 contained applications made by individuals for appointment as authority governors to the governing body of Stepney Green School.

The Committee considered the above information and the public interest favouring public access to local authority meetings, and in this case the Committee concluded that given the information contained in Agenda item 6.1 “School Governor Appointment to Stepney Green School”, the public interest in maintaining the exemption on the information outweighed the public interest in disclosing it.]

6. EXEMPT REPORTS FOR CONSIDERATION

6.1 School Governor Appointment

Recommendations agreed.

The meeting ended at 7.45 p.m.

Chair, Councillor Shiria Khatun
General Purposes Committee

Agenda Item 5.1

Committee	Date	Classification	Report No.	Agenda Item No.
General Purposes Committee	3 rd July 2012	Unrestricted	GPC001/123	5.1
Report of: Assistant Chief Executive Originating Officer(s) : Simone Scott-Sawyer, Democratic Services		Title : General Purposes Committee Terms of Reference, Quorum, Membership and Dates of Meetings Ward(s) affected: N/A		

1. Summary

- 1.1 This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the General Purposes Committee for the Municipal Year 2012/13 for the information of members of the Committee.

2. Recommendation

- 2.1 That the General Purposes Committee note its Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 to this report.

3. Background

- 3.1 At the Annual General Meeting of the full Council held on 16th May 2012, the Authority approved the review of proportionality, establishment of the Committees and Panels of the Council and appointment of Members thereto.
- 3.2 It is traditional that following the Annual General Meeting of the Council at the start of the Municipal Year, at which various committees are established, that those committees note their Terms of Reference, Quorum and Membership for the forthcoming Municipal Year. These are set out in Appendix 1 and 2 to the report respectively.
- 3.3 The Committee's meetings for the remainder of the year, as agreed at the meeting of the Council on 16th May 2012, are as set out in Appendix 3 to this report.
- 3.4 In accordance with the agreed calendar, meetings are scheduled to take place at 7.30pm.

4. Comments of the Chief Financial Officer

- 4.1 There are no specific comments arising from the recommendations in the report.

5. Concurrent report of the Assistant Chief Executive (Legal)

5.1 The information provided for the Committee to note is in line with the Council's Constitution and the resolutions made by Council on 16th May 2012.

6. One Tower Hamlets Considerations

6.1 When drawing up the schedule of dates, consideration was given to avoiding schools holiday dates and known dates of religious holidays and other important dates where at all possible.

7. Sustainable Action for a Greener Environment

7.1 There are no specific SAGE implications arising from the recommendations in the report.

8. Risk Management Implications

8.1 The Council needs to have a programme of meetings in place to ensure effective and efficient decision making arrangements.

9. Crime and Disorder Reduction Implications

9.1 There are no Crime and Disorder Reduction implications arising from the recommendations in the report.

**LOCAL GOVERNMENT ACT, 1972 SECTION 100D (AS AMENDED)
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

If not supplied
Name and telephone
number of holder

None

Simone Scott-Sawyer
Democratic Services
020 7364 4651

APPENDIX 1

EXCERPT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.6 General Purposes Committee

Terms of Reference

<p>Membership: Seven Members of the Council. Up to three substitutes may be appointed for each Member</p>	
Functions	Delegation of Functions
<p>(i) Elections: To exercise powers in relation to the holding of elections and the maintenance of the electoral register including:-</p> <ul style="list-style-type: none"> • 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). <p>(ii) Appointments of officers or Members to external bodies.</p> <p>(iii) To recommend to Council the introduction, amendment or revocation of by-laws.</p> <p>(iv) Responsibility for the appointment and revocation of local authority school governors.</p> <p>(v) Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution.</p> <p>(vi) To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules.</p> <p>(vii) To consider amendments to the Council's Constitution and to make non material changes to the Constitution upon the recommendation of the Monitoring Officer.</p>	<p>The Assistant Chief Executive (Legal Services) is authorised to make or amend appointments in accordance with section 3.12.2</p>
<p>Quorum Three Members of the Committee</p>	

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APPENDIX 2

GENERAL PURPOSES COMMITTEE (Seven members of the Council)			
Labour Group (4)	Conservative Group (1)	Respect Group (0)	Others (2)
Cllr Shiria Khatun (Chair) Cllr John Pierce Cllr David Edgar Cllr Ahmed Omer Deputies:- Cllr Joshua Peck Cllr Motin Uz-Zaman Cllr Khales Uddin Ahmed	Cllr Peter Golds Deputies:- Cllr David Snowdon Cllr Craig Aston	n/a	Councillor Aminur Khan (Ind.) Councillor Lutfa Begum (Ind.)

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APPENDIX 3

SCHEDULE OF DATES 2012/13

GENERAL PURPOSES COMMITTEE

Wednesday 13th June 2012
Thursday 13th September 2012
Wednesday 19th December 2012
Wednesday 27th March 2013

It may be necessary to convene additional meetings of the Committee should urgent business arise. Officers will keep the position under review and consult with the Chair and other Members as appropriate.

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Agenda Item 5.5

Committee General Purposes Committee	Date 3rd July 2012	Classification Unrestricted	Report No.	Agenda Item No.
Report of: Assistant Chief Executive (Legal Services) Originating Officer(s): John Williams, Service Head, Democratic Services		Title: Local Electoral Review 2012 - update Ward(s) affected: All		

1. SUMMARY

- 1.1 The Committee is aware that the Local Government Boundary Commission for England (LGBCE) is currently undertaking an electoral review of Tower Hamlets. The aim of the review is to establish the most suitable number of councillors for the authority; and within this to propose the number and boundaries of wards to deliver:-
- electoral equality for voters;
 - boundaries that reflect natural communities; and
 - effective and convenient local government
- 1.2 The recommendations agreed as a result of the electoral review will be implemented with effect from the next local elections in May 2014.
- 1.3 This report provides an update on progress of the review for the Committee's information.

2. RECOMMENDATIONS

- 2.1 That the information in the report be noted.

3. BACKGROUND

- 3.1 The Local Government Boundary Commission for England (LGBCE) is an independent body established by the Local Democracy, Economic Development and Construction Act 2009. The LGBCE are responsible for reviewing local authority electoral arrangements, administrative boundaries and structure.
- 3.2 Tower Hamlets has been identified as requiring an electoral review in the current year in accordance with the Commission's criteria relating to electoral variances between wards. Since the last review in 1998/9, the levels of electoral representation in the borough have become unbalanced. Currently the number of electors represented by the councillors in six of the 17 wards

varies by more than 10% from the borough average and the councillors in Millwall ward represent 42% more electors than the average.

- 3.3 The review commenced on 29th November 2011 when representatives of the LGBCE addressed the Mayor and Councillors prior to the full Council meeting.

4. THE REVIEW PROCESS

- 4.1 A local electoral review is conducted in two main stages. At the first stage the Commission makes an initial determination on the future size of the council – i.e. the total number of councillors required to deliver effective and convenient local government in the borough. This initial finding determines the duration of the review and the extent of consultation to be undertaken. If a significant change in council size is proposed (i.e. a change of more than one or two councillors), a further period of public consultation is held on this question.
- 4.2 The second stage of the review focuses on the proposed division of the borough into wards, to achieve within the total number of councillors proposed, the optimum number of electors per councillor across all wards of the authority. Submissions on warding patterns are sought from the Mayor and Councillors, political parties, the public, residents associations and community groups before the LGBCE publish their draft recommendations.

5. PROGRESS ON THE TOWER HAMLETS REVIEW

Council Size

- 5.1 The 'Council Size' stage of the Tower Hamlets review is now complete. An initial phase of consultation closed on 23rd January 2012, during which the LGBCE received a total of six submissions making various proposals for a council size of between 38 and 51 councillors. LGBCE officers subsequently visited Tower Hamlets and met with the respective group leaders and other members to clarify any points of uncertainty in relation to the submissions.
- 5.2 On 13th March the Commission decided to undertake a public consultation on a council size for Tower Hamlets of 45 Councillors. This consultation was scheduled to run from 27th March to 8th May 2012 but in response to representations from the Council and others (particularly because of the elections on 3rd May), the Commission agreed to accept responses until 11th May.
- 5.3 During the public consultation on council size the Commission received 23 responses. These are available to view on the LGBCE website. On 13th June, having considered those responses, the Commission confirmed that it is minded to propose a council size of **45 councillors**, which it considers would take account of the new executive arrangements while not having a detrimental effect on elected members' ability effectively to scrutinise the decisions of the authority or represent their constituents. The Commission has therefore commenced the next stage of the review on that basis.

Warding patterns

- 5.4 The next stage of the review is a further public consultation, to run from 20th June to 28th August 2012. During this stage, the Commission invites local people and other interested parties including councillors, local political and community groups to submit information for a new pattern of wards – i.e. proposals as to where the new ward boundaries should be placed - based on a council size of 45 members.
- 5.5 The Commission will publicise the consultation via their website and in the media. Copies of a media release and publicity poster are attached to this report.
- 5.6 The Commission state that they aim to recommend a pattern of wards that achieves good electoral equality, reflects community identity and interests and provides for effective and convenient local government. They will also seek to use strong, easily identifiable boundaries.
- 5.7 To this end the Commission needs a good understanding of community identity in Tower Hamlets and invites consultation responses to address this. The Commission is particularly keen to understand which areas communities identify with, how and why they do so. They are interested in all relevant information, for example economic or demographic data and mapping; community usage mapping; local place surveys and partner/stakeholder details.
- 5.8 All proposals for warding patterns should demonstrate how the proposal aids the provision of effective and convenient local government and why any deterioration in equality of representation or community identity should be accepted. Representations that are supported by evidence and argument will carry more weight than mere assertions. There is no requirement for the new warding arrangements to be based on a uniform pattern of three member wards.
- 5.9 A detailed guidance document, 'Electoral reviews: Technical guidance' is available on the Commission's website at www.lgbce.org.uk. The Commission intends to publish projected electorate figures for the borough to assist local people and organisations in formulating their submissions.
- 5.10 Although warding proposals are being invited on the basis of a council size of 45 councillors, the Commission reserves the right to adjust this slightly (normally by no more than 1 councillor plus or minus) if this appears necessary to provide for ward patterns that better reflect electoral equality and community identity.

Timetable for the remaining stages

- 5.11 Following the close of consultation on warding patterns on 28th August, the Commission will take a provisional decision on warding arrangements and will

share this with the Council. It is intended that draft recommendations for Tower Hamlets will be published in **November 2012**.

- 5.12 There will then be a further eight week period of consultation on the draft recommendations before final recommendations are published in **March 2013**.

6. COMMENTS OF THE CHIEF FINANCIAL OFFICER

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

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

- 7.1 There are no legal implications arising directly from this report.

8. IMPLICATIONS FOR ONE TOWER HAMLETS

- 8.1 The aim of the electoral review is to secure appropriate and as far as possible equal representation for electors across all wards of the borough.

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

Correspondence from LGBCE

John Williams
020 7364 4204

News Release

20 June 2012

Have your say on new ward boundaries for Tower Hamlets

The independent Local Government Boundary Commission for England is asking local people for their help to draw up a new pattern of council wards for Tower Hamlets.

At the same time, the Commission has announced that it is minded to accept a proposal to reduce the total number of councillors representing the borough to 45, six fewer than the current arrangements.

The Commission now needs information from people and groups across Tower Hamlets to help it to produce a new pattern of wards to accommodate 45 councillors.

In drawing up new boundaries, the Commission aims to deliver electoral equality for voters in council elections so that each councillor represents roughly the same number of voters. The review also aims to ensure that the new council wards reflect, as far as possible, the interests and identities of communities across the borough.

Max Caller, Chair of the Commission, said: "The starting point of an electoral review is for the Commission to take a view on the number of councillors who should represent the authority in future. On the evidence presented to the Commission, we are minded to recommend that Tower Hamlets should have 45 councillors in future.

"We're now asking local people and organisations to help us draw up new wards for the borough. As we develop the recommendations, we'll take into account local community identities as well as ensuring electoral equality for voters.

"Your views will make a difference.

"We will carefully consider all evidence that is provided during this phase of the review whoever it is from and whether it applies to the whole borough or just a small part of it.

"We will publish all the submissions on our website so that local people can see all the various proposals we receive. Residents will then have a further chance to have their say after we publish our draft recommendations in November 2012."

Local people have until 28 August to submit their views. Further information on the review is available on the LG BCE website at:

www.lgbce.org.uk/all-reviews/south-east/greater-london/tower-hamlets-fer

ends

Notes to editors:

1. The Local Government Boundary Commission for England is responsible for reviewing local authority electoral arrangements, defining boundaries for local elections and the number of councillors to be elected, as well as conducting reviews of local government external boundaries and structures.

2. The aim of an electoral review is to provide for 'electoral equality'; that means each councillor representing approximately the same number of electors. The Commission must also have regard to community identity and interests and providing effective and convenient local government.

3. The types of questions the Commission is asking residents at this stage are:

- Do you have suggestions about where your ward boundaries should be?
- Which areas do you identify as your local community?
- Where do people in your area go to access local facilities such as shops and leisure activities?

4. Residents have from 20 June to 28 August 2012 to have their say about where ward boundaries for Tower Hamlets' 45 councillors should be drawn. The Commission will then publish its draft recommendations in November 2012 and open a further phase of consultation with local people. New wards are scheduled to come into effect at the 2014 local elections.

5. The Commission's decision on council size means it is 'minded' to recommend 45 borough councillors for Tower Hamlets but is not legally bound by that number in its final recommendations and depending on the evidence submitted to it during consultation.

6. Members of the public can have their say on the new ward arrangements by writing to:

The Review Officer (Tower Hamlets)
Layden House
76-86 Turnmill Street
London EC1M 5LG

Or by emailing: reviews@lgbce.org.uk

For further information contact the Commission's press office on: 0207 664 8530 or email: press@lgbce.org.uk



Electoral Review of Tower Hamlets

The independent Local Government Boundary Commission for England is carrying out an electoral review of Tower Hamlets Council.

The review will redraw ward boundaries across the borough so that we achieve:

- **Electoral equality:** where each councillor represents a similar number of voters so that everyone's vote is worth roughly the same at local elections.

- **Community identity:** the council's wards reflect local communities across Tower Hamlets.

Following a public consultation, we are proposing that the council should have 45 councillors in future, six fewer than at present.

Now we're asking for evidence about your local area to help us decide a new pattern of wards for the whole borough.

Your views will make a difference

Local people know Tower Hamlets best. That's why we're asking you for evidence on a range of issues:

- Do you have suggestions about where your ward boundaries should be?
- Which areas do you identify as your local community?
- Where do people in your area go to access local facilities such as shops and leisure activities?

To find out more, visit www.lgbce.org.uk

Have your say

Send your views to:

The Review Officer (Tower Hamlets)
Local Government Boundary Commission for England
Layden House
Turnmill Street
London EC1M 5LG

or email: reviews@lgbce.org.uk

The consultation closes on 28 August 2012

The
Local Government
Boundary Commission
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Agenda Item 5.6

Committee General Purposes	Date 3rd July 2012	Classification Unrestricted	Report No.
Report of: Assistant Chief Executive (Legal Services)		Title: Appointments to External Bodies – Constitutional matters Ward(s) affected: All	

1. Summary

- 1.1 The General Purposes (GP) Committee has power on behalf of the Council to make appointments to external bodies. In past years the bulk of these appointments have been made on an annual basis at the June meeting of the Committee. The GP Committee also has (since January 2012) responsibility for considering proposed changes to the Council's constitution.
- 1.2 In October 2010 the Council moved to an elected Mayoral form of governance. As part of the Executive Arrangements adopted at that time most external appointments were allocated to the Mayor, the exception being any appointment that was not related to or in support of an executive function, or where the appointment carried remuneration. The GP Committee would continue to make appointments on behalf of the Council where such exceptions applied.
- 1.3 At the Annual Council Meeting on 18th May 2011, the Council sought to vary this position and passed a resolution that all appointments to external bodies would revert to being a function of the Council or GP Committee and not the Mayor, except where the Council agreed otherwise in certain circumstances. The GP Committee in June 2011 made appointments to a range of external bodies in accordance with this decision.
- 1.4 However, following an investigation carried out by the Monitoring Officer at the request of the Overview and Scrutiny Committee (initiated by discussion at that committee of appointments to Tower Hamlets Homes), it has become apparent that the Council's decision of 18th May 2011 referred to above, did not follow the correct statutory process and does not currently have effect.
- 1.5 The constitutional position in relation to external appointments therefore remains that agreed in October 2010. There are no external appointments that fall to be made by the GP Committee at the current meeting.

2. Recommendations

- 2.1 That GP Committee note the constitutional position described in the report, that the Council's decision of 18th May 2011 in relation to external appointments does not have effect as it is not in accord with the legal position.

3. Background

- 3.1 On 10th January 2012 the Overview and Scrutiny (O&S) Committee considered a call-in of the Mayor's executive decision in relation to the Housing Stock Options Appraisal. One of the matters that was questioned related to the Mayor's decision to reform the Board of Tower Hamlets Homes (THH), including changing the Council appointments to the Board.
- 3.2 The O&S Committee received advice from the Monitoring Officer that appointments to the THH Board were an Executive and not a Council matter. Advice from Counsel had confirmed that the Memorandum and Articles of Association of THH confer powers on the Council's Executive and therefore it followed that the appointments that the General Purposes Committee purported to make on behalf of the Council in June 2011 to the Board of THH were not within the Committee's power to make. This was rectified by the Mayor appointing new Board Members using the correct process.
- 3.3 The O&S Committee expressed concern about this matter and requested that the Monitoring Officer investigate whether other appointments that had been made by General Purposes Committee might be affected by a similar flaw, and report back. This report sets out the results of that investigation. A procedural flaw has been discovered in relation to the change that the Council wished to make to the Constitution in May 2011 in relation to outside appointments generally.

4. Executive Arrangements

- 4.1 The Local Government Act 2000 (Section 13) and the Local Authorities (Functions and Responsibilities) Regulations 2000 issued thereunder, set out a division of functions under Executive Arrangements between the Executive (at Tower Hamlets, the Mayor) and the Council.
- 4.2 Most of the local authority's functions which are not specified as Council functions are by default allocated to the Executive. However, the function of appointing an individual to any office or body other than the authority itself (i.e. appointments to outside bodies) is one of a small number of 'local choice' functions, which the Council can choose whether to allocate to the Executive or reserve to itself.
- 4.3 When Tower Hamlets Council adopted its Executive Arrangements upon the introduction of the Mayoral system in October 2010, the Council agreed that responsibility for this functions would be split as follows:-
- Appointment to outside bodies other than those in relation to or in support of executive functions are allocated to the Council (delegated to the GP Committee); whilst
 - Appointments to outside bodies in relation to or in support of an executive function are allocated to the Mayor, except that the Mayor may not

appoint a councillor to any paid position (including external bodies) other than that of Cabinet Member

- 4.4 The vast majority of outside appointments relate to or support executive functions. The effect of the above allocation is therefore that most such appointments fall to the Mayor. Those appointments that carry remuneration – e.g. to the London Thames Gateway Development Corporation and to the Olympic Development Agency Planning Committee – have remained Council/GP Committee appointments.

Council resolution of 18th May 2011

- 4.5 At the Annual Council Meeting on 18th May 2011, the Council sought to vary the position described at 4.3 above. The Council passed the following resolution:- “That appointments to external bodies shall be a Council and not an Executive Function, with the exception of those appointments that, by law or at the request of the body and with the agreement of Council, are for executive members, which shall be appointed by the Mayor.”
- 4.6 This decision was subsequently implemented by officers, and the General Purposes Committee in June 2011 made appointments to the full range of outside bodies to which Council nominations are required.
- 4.7 However, during the course of investigating the THH appointments and associated matters, the Monitoring Officer has received advice from Counsel that the decision taken by the Council in May 2011 was not procedurally correct and therefore does not currently have effect.
- 4.8 The reason for this is that the Council’s decision to change the allocation of responsibility for some external appointments represents a change to the Executive Arrangements of a kind that requires a number of procedural steps which were not followed in this case.
- 4.9 In 2010 the Council followed the appropriate procedures to implement the constitutional changes required for a possible Mayoral Executive following the referendum, including the arrangements at paragraph 4.3 above. If the Council wishes subsequently to change its Executive Arrangements, statutory provisions apply as described below.
- 4.10 Section 33B of the Local Government Act 2000 states that ‘a local authority in England which is operating executive arrangements may vary the arrangements so that they (a) differ from the existing arrangements in any respect, but (b) still provide for the same form of executive’ (this means that it must still provide for a Mayoral Executive). Sections 33E, 33F and 33N set out processes that must be followed in respect of such a variation.

Consent of the Mayor

- 4.11 In particular, section 33N(2) provides that the local authority ‘may not make any proposals for [a] change [of this type] in governance arrangements unless the elected Mayor has given written consent to the proposed change.’

This provision is restated in the Localism Act 2011, which amends the 2000 Act but retains the wording of section 33N(2) as new section 9NB.

4.12 The effect of this is that the Council cannot subsequently change the “Executive Arrangements” of the Constitution to the extent that they relate to executive functions, without the consent of the Mayor.

4.13 As the resolution of the Council in May 2011 did not follow the above process the appointments made by the GP Committee in June 2011 should not have been made and the position in relation to appointments to outside bodies currently remains as set out at paragraph 4.3 above. The Mayor has confirmed that he will not agree to any changes in the Executive Arrangements.

5. COMMENTS OF THE CHIEF FINANCIAL OFFICER

5.1 There are no financial costs arising from the proposals.

6. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

6.1 The legal implications have been incorporated into the body of this report.

7. IMPLICATIONS FOR ONE TOWER HAMLETS

7.1 The Constitution provides for efficient, accountable and transparent decision-making to the benefit of all local residents and communities.

8. ANTI-POVERTY IMPLICATIONS

8.1 There are no direct anti-poverty implications arising from the recommendations in this report.

9. IMPLICATIONS FOR THE REDUCTION OF CRIME AND DISORDER

9.1 There are no direct implications for the reduction of crime and disorder arising from the recommendations in this report.

10. STRATEGIC ACTION FOR A GREENER ENVIRONMENT (SAGE)

10.1 There are no direct SAGE implications arising from the recommendations in this report.

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
Council minutes, 18 th May 2011	John Williams, 020 7364 4204
Counsel’s Opinion, 2 nd May 2012	Isabella Freeman, 020 7364 4801