

<p>Non-Executive Report of the:</p> <p>General Purposes Committee</p> <p>Thursday, 24 June 2021</p>	 <p>TOWER HAMLETS</p>
<p>Report of: Janet Fasan, Director of Legal and Monitoring Officer</p>	<p>Classification: Open (Unrestricted)</p>
<p>Constitution Updates</p>	

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

Executive Summary

Following the Annual Meeting of Council signing off the current Constitution on 19 May 2021, day-to-day oversight of the document returns to the General Purposes Committee.

This update report asks the Committee to agree one addition to the Constitution (addition of the Channel Panel), note one update (to the Place Scheme of Delegation) and to note further work which will be presented at a later meeting.

Recommendations:

The General Purposes Committee is recommended to:

1. Agree to the addition of the 'Channel Panel' to Section 20 'Other Bodies and Panels'.
2. Note the additions to the Place Scheme of Delegation.
3. Note that updates will be presented to a future General Purposes Committee in relation to changes following the recent Senior Leadership Review with a particular focus on Finance and Governances Schemes of Delegation.

1. REASONS FOR THE DECISIONS

- 1.1 The General Purposes Committee has day-to-day oversight of the Council's Constitution and is responsible for ensuring it is up to date and effective.

2. ALTERNATIVE OPTIONS

- 2.1 None presented but where the committee is responsible for agreeing changes

to the Constitution it can propose alternative actions such as not agreeing the addition set out.

3. DETAILS OF THE REPORT

3.1 Following the Annual Meeting of Council signing off the current Constitution on 19 May 2021, day-to-day oversight of the document returns to the General Purposes Committee.

3.2 This update report asks the Committee to agree one addition to the Constitution (addition of the Channel Panel), note one update (to the Place Scheme of Delegation) and to note further work which will be presented at a later meeting. These are set out below:

Channel Panel

3.3 Section 26 of the Counter-Terrorism and Security Act 2015 (the Act) places a duty on local authorities in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”. Section 36 of the Act places a duty on local authorities to ensure that a Channel panel is in place for their area. Channel focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. The Channel panel is a multi-agency partnership having the specific function to:

- identify individuals at risk,
- assess the nature and extent of that risk, and
- develop the most appropriate support plan for the individuals concerned.

3.4 The Home Office developed new statutory guidance for Channel Panels in 2020. Two of the requirements within the guidance are to:

- Embed Channel within local governance arrangements, and
- As a statutory function, ensure Channel is incorporated within local authority constitutions

3.5 Channel is overseen by the Contest Board, chaired by the Chief Executive Officer. The purpose of this report is to incorporate Channel into the council’s constitution.

3.6 It is therefore proposed to add the Channel Panel Terms of Reference to Part B, Section 20 ‘Other Bodies and Panels’. The Terms of Reference are set out in Appendix 1 to this report.

Place Scheme of Delegation

3.7 Every Council Directorate has a Scheme of Delegation setting out certain specific responsibilities of the directorate and the officers responsible for those actions/decisions.

- 3.8 Agreeing the Scheme of Delegation, and any changes to it, is the responsibility of the relevant Corporate Director.
- 3.9 Ann Sutcliffe, Corporate Director, Place has recently agreed some updates to her Directorate's Scheme and these are attached at Appendix 2 for information. As these changes are delegated to the Corporate Director, they are presented to the Committee for information and to note.

Senior Leadership Review updates

- 3.10 The Committee are asked to note that work is ongoing on drafting updates to the Constitution which arise from the re-organisation at the top of the Council from the Senior Leadership Review.
- 3.11 The main focus of the review has been to ensure that the changes are reflected in the Constitution, for example changes relating to the merger of the Corporate Directors of Governance and Resources into one new post and the reallocation of the Monitoring Officer role.
- 3.12 One example of the changes being explored would be to rename responsibility for many delegations to the Section 151 Finance Officer or the Monitoring Officer rather than listing the related Corporate Director roles as this would mean that the Constitution wouldn't need changing in future if there was another restructure.
- 3.13 It is expected that the majority of the changes will be administrative but there may also be more substantive changes which will be reported at the same time for discussion and/or agreement.

4. EQUALITIES IMPLICATIONS

- 4.1 It is important to ensure that the Constitution provides clear guidance to the public on how the Council's decision-making arrangements operate.

5. OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:
- Best Value Implications,
 - Consultations,
 - Environmental (including air quality),
 - Risk Management,
 - Crime Reduction,
 - Safeguarding.
 - Data Protection / Privacy Impact Assessment.

5.2 There are risks of challenge to Council decision making if the Constitution is not kept up to date.

6. COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from the changes advised in this report.

7. COMMENTS OF LEGAL SERVICES

7.1 Section 9P of the Local Government Act 2000 (as amended) requires the Council to prepare and keep up to date a constitution.

7.2 Under the Council's Constitution, the General Purposes Committee has delegated power to make the amendments referred to in this report.

Linked Reports, Appendices and Background Documents

Linked Report

- None.

Appendices

- Appendix 1 – Channel Panel Terms of Reference
- Appendix 2 – Revised section of the Place Scheme of Delegation

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

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

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

- None

Officer contact details for documents:

N/A

The Channel Panel

<p>Summary Description: The Counter Terrorism and Security Act 2015 sets out the statutory duty on local authorities to provide support for people vulnerable from being drawn into terrorism. This duty is met through the Channel Panel.</p>	
<p>Membership: The Panel is chaired by the local authority and comprises of the Deputy Chair, representatives from Adult Social Care, Children’s Social Care, the Metropolitan Police, East London NHS Foundation Trust, National Probation Service, National Health Service, and London Borough of Tower Hamlets Community Safety Service. Additional members to the Panel can also be appointed on an ad hoc basis.</p>	
Functions	Delegation of Functions
1. To identify individuals at risk of being drawn into terrorism, assess the nature of the risk and develop an appropriate safeguarding support plan for the individual concerned.	None
2. Commission relevant support services or other interventions for vulnerable individuals.	None
3. Identification and signposting to alternative forms of support including health care and social care services where Channel is not appropriate.	None
4. Provide a quality assurance function in relation to any commissioned supportive intervention.	None
5. Undertake reviews of casework in line with national policy.	None
<p>Quorum: Three voting members including the Chair or Vice Chair and a panel member not employed by the local authority. All decisions are by way of a majority vote with the Chair holding the casting vote (as set out in the Channel Duty Guidance 2020)</p>	
<p>Additional Information:</p> <ul style="list-style-type: none"> Counter Terrorism and Security Act 2015 and the Channel Duty Guidance 2020 	

Revised section of the Place Scheme of Delegation

3. Community Infrastructure Levy Regulations

	Decision (Powers and Duties)	Corporate Director	Director	Head of Service	Other
3(a)	<p>Powers relating to the issuing of notices, raising of relevant invoices and payments under the Community Infrastructure Levy Regulations 2010 (as amended):</p> <ul style="list-style-type: none"> • Issuing and withdrawing CIL liability notices (including revised liability) and demand notices • Issuing Default liability notices • Apportionment of liability and subsequent information notice • Effect of death on assumed liability • Serving Information Notices and notices re disqualifying events • Referral of applications for exceptional circumstances to the Mayor of London as required • Issuing notice of chargeable development • Suspending 	Place	<p>Planning & Building Control</p> <p>Deputy Service Head (in SH absence)</p>	Infrastructure Planning Manager	<p>Infrastructure Planning Team Leader (for any CIL liable amount)</p> <p>Principal Growth & Infrastructure Planner (up to CIL liabilities of £100,000 or less)</p>

	Decision (Powers and Duties)	Corporate Director	Director	Head of Service	Other
	<p>demand notices</p> <ul style="list-style-type: none"> • Acknowledging receipt of notices and payments • Making payments to Charging Authorities • Registering and removing CIL as a local land charge • Determining deemed commencement and serving notice of deemed commencement/commencement notices as required • Providing abatements and overpayment • Requesting information as a collecting authority to relevant person • Reviewing a request for payment deferrals • Reviewing a request for surcharge and interest deferral • Approval of agreements to make payments in kind; administration and collection of payments in kind 				
3(b)	<p>Powers relating to Part 9 (Enforcement) of The Community Infrastructure Levy Regulations 2010 (as amended):</p> <ul style="list-style-type: none"> • Application of CIL 	Place	<p>Planning & Building Control</p> <p>Deputy Service Head (in SH)</p>	Infrastructure Planning Manager	<p>Infrastructure Planning Team Leader (for any CIL liable amount)</p> <p>Principal</p>

	Decision (Powers and Duties)	Corporate Director	Director	Head of Service	Other
	<p>surcharges and late payment interest</p> <ul style="list-style-type: none"> • Serving Warning Notices, CIL Stop Notices and withdrawal of a CIL Stop Notice and registering • Apply to court for an injunction • Enforcement of local land charges • Power to require information from any owner of a material interest in any relevant land • Authorising powers of entry • Issuing a reminder notice • Issuing applications for liability and charging orders to the Magistrates' Court (or appropriate court) and issuing associated notices • Seizing goods if debtor in pursuance of distress • Dealing with appeals in connections with distress • Issuing applications for the issue of warrant committing a debtor to prison with the Magistrates' Court • Making applications 		absence)		Growth & Infrastructure Planner (up to CIL liabilities of £100,000 or less)

	Decision (Powers and Duties)	Corporate Director	Director	Head of Service	Other
	for charging orders <ul style="list-style-type: none"> • Pursuing CIL debts • Prosecution of CIL offences • Recovering liable CIL from executors or administrators 				
3(c)	Powers relating to Part 10 (Appeals) of The Community Infrastructure Levy Regulations 2010 (as amended): <ul style="list-style-type: none"> • Considering requests for reviews • Dealing with all matters relating to appeals 	Place	Planning & Building Control Deputy Service Head (in SH absence)	Infrastructure Planning Manager	<i>*(NOTE: Person reviewing must be more senior to the person making the original calculation and has had no previous involvement)</i> Infrastructure Planning Team Leader (for any CIL liable amount)
3(d)	Powers relating to Part 10A (Reporting) of The Community Infrastructure Levy Regulations 2010 (as amended): <ul style="list-style-type: none"> • Publication of Annual Infrastructure Funding Statement • Publication of Annual CIL Rate Summary 	Place	Planning & Building Control Deputy Service Head (in SH absence)	Infrastructure Planning Manager	Infrastructure Planning Team Leader Infrastructure Planning Team Leader (for any CIL liable amount)