

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE GENERAL PURPOSES COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 9 SEPTEMBER 2014

**ROOM MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Shiria Khatun (Chair)

Councillor Rajib Ahmed

Councillor Craig Aston

Councillor Aminur Khan

Councillor Danny Hassell (Substitute for Councillor David Edgar)

Officers Present:

Hania Franek – (Head of School Governance & Information,
Education Social Care & Wellbeing)

Jonathan Regal – (Committee Officer)

Meic Sullivan-Gould – (Interim Monitoring Officer)

Apologies:

Apologies for absence were received from Councillor Alibor Choudhury, Councillor David Edgar and Councillor Oliur Rahman.

1. ELECTION OF VICE-CHAIR

Councillor Danny Hassell nominated that Councillor David Edgar be appointed Vice Chair of the General Purposes Committee for the duration of the municipal year and the nomination was seconded by Councillor Rajib Ahmed. There being no other nominations, it was

RESOLVED –

- (1) That Councillor David Edgar be appointed Vice-Chair of the General Purposes Committee for the duration of the municipal year.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interest were made.

3. UNRESTRICTED MINUTES

The unrestricted minutes of the General Purposes Committee held on 19 March 2014 were presented for approval.

RESOLVED –

- (1) That, subject to the amendment that Councillor Craig Aston was present at the meeting, the unrestricted minutes of the meeting of the General Purposes Committee held on 19 March 2014 be agreed and signed by the Chair, as a correct record of the proceedings.

4. GENERAL PURPOSES COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETING

The report was introduced by Jonathan Regal who explained that the report set out the Committee's terms of reference, quorum, membership, and dates for the municipal year 2014/15 for information of members of the General Purposes Committee.

Members asked whether the General Purposes Committee had responsibility for appointments to external bodies as he thought they were the responsibility of the Executive Mayor and/or Council. Meic Sullivan-Gould replied that he was unaware of any appointments that the Committee were responsible. The General Purposes Committee agreed that a list be devised showing the external bodies that the General Purposes Committee had responsibility for.

Members enquired whether the General Purposes Committee could be responsible for appointing councillors to new bodies that were not the responsibility of the Executive Mayor and/or Council. Meic Sullivan-Gould replied that the General Purposes Committee could be responsible for appointing councillors to those new bodies that were not the responsibility of the Executive Mayor and/or Council.

Members requested that Democratic Services ask the Tower Hamlets First group for their nominations for deputies for the General Purposes Committee.

RESOLVED –

- (1) That the General Purposes Committee noted its terms of reference, quorum, membership and dates of future meetings as set out in appendices 1, 2 and 3 of the report of the Service Head, Democratic Services.
- (2) That a list be devised showing the external bodies that the General Purposes Committee had responsibility for the appointment of officers, members or other people.
- (3) That Democratic Services ask the Tower Hamlets First group for their nominations for deputies for the General Purposes Committee.

5. GOVERNANCE REVIEW – ORAL UPDATE

Meic Sullivan-Gould provided an oral update on the governance review that commenced last year. He informed the General Purposes Committee that:

- The Law, Probity and Governance section was heavily involved in the governance review that would see the revamping of the Council's constitution.
- The review was being led by a working group consisting of senior officers and advisors on productivity at the LGA.
- The working group work included –
 - ❖ The “Local Choice” Functions – legislation largely determined what functions were either “Executive” or “Council”. However, there was some local choice in certain specified functions that required a number of approaches to determining the most appropriate decision-making mechanism in those cases.
 - ❖ The Policy Framework determinable by the Full Council – there was a statutory list of policies which can only be proposed by a Mayor but must be approved by Full Council. However, there was a local discretion to extend that list.
 - ❖ The dispute resolution procedures in the Budget and Policy Framework Rules – there were a wide number of approaches to deal with disputes about the content of policies and their revision. Equally, there were differences of approach where the Mayor was proposing to do or already doing something that members of the Full Council consider to be beyond the mandated Budget and Policy Framework.
 - ❖ The discretion of the Directly Elected Mayor to make in year adjustments to budgets – there were a number of different approaches.
 - ❖ The respective roles of the Directly Elected Mayor and the Chairman/Speaker of the Council – each authority has a unique solution to an area where both the legislation and government guidance is silent. Whatever the local solution it does however need to be agreed and recorded so that there is clarity in the respective roles.
 - ❖ The processes for revising the Constitution – the Constitution sets out the rules that the Council and Administration adopt in order to deliver services and resolve disputes democratically in a rapidly changing world. The rules need regular review and there needed to be a quick, authoritative and clear approach to allow the Council and its Administration to be agile to respond to new and emerging challenges and opportunities.
 - ❖ The Council Procedure Rules – there were a range of approaches as to how the Full Council operates where there is a Directly Elected Mayor.

- ❖ The recording of and dissemination of images and sound of decision-making – With Royal Assent from the Local Audit and Accountability Act, regulations were now expected to extend the access to meetings, access to documents and freedom of information regimes to include a right to record and transmit the proceedings of the Council and its Administration. There will be a number of ways in which to meet those new requirements.
 - ❖ Overview and Scrutiny – this function was a product of the Local Government Act 2000 and was expressly modelled on the Select Committee system in the House of Commons. Select Committees had changed and the delivery of overview and scrutiny across local government since then has been very varied.
 - ❖ Contract Procedure Rules – the Public Procurement regime would be changing following recent European legislation and it was anticipated that legislation and regulations would follow. There would be choices to be made about how those new regulations would be applied locally.
 - ❖ Codes of Conduct – The Committee on Standards in Public Life had expressed concern about the effectiveness of the changes to the Member Conduct regime introduced in the Localism Act 2011 and a further review can be expected. The LGA has updated its “Probity in Planning” guidance. Local Codes had not in general caught up with the changes introduced by the Bribery Act 2010 and do not address the increasing willingness of the Crown Prosecution Service to pursue individuals under the common law offence of “Misconduct in a Public Office”. The behaviour proscribed by this offence had not been legislated for (although a Law Commission review was scheduled) so in the meantime public officials (elected and appointed) cannot know what decisions, actions or inactions would be subsequently amount to a criminal offence. There was now a wide variety of approaches to the resolution of complaints about misbehaviour of elected people.
- The recording of meetings issue was resolved by legislation – the dissemination of officer decisions is still work in progress. A report will be done by David Galpin/Matthew for next GP Committee.
 - Standards (Advisory) Committee had its first meeting about reviewing Code and Complaint procedures this week.
 - The process was envisaged to last another 2/3 years and reports on options for the General Purposes Committee consideration would occur in due course.

Members were concerned whether the Speaker had sufficient powers for dealing with an unruly Councillor at a Council meeting. Meic Sullivan-Gould replied that the Speaker had a number of powers that could be sufficient dealing with a badly behaved Councillor.

Members asked whether the working group could involve interested Councillors. Meic Sullivan-Gould replied that he was willing to share information with Councillors or alternatively the General Purposes Committee could set up its own working group.

Members enquired when a working group would be set up. Meic Sullivan-Gould replied that there was no urgency and thought that a working group should be set up in the next 2/3 years.

Members enquired whether there was any information available on those councils that were looked at for good practice. Meic Sullivan-Gould replied that the information was available and the councils looked at were those who had Executive Mayors such as Bristol, Doncaster. Members asked whether the working group had considered councils that used to have Executive Mayors such as Hackney and Lewisham. Meic Sullivan-Gould replied that the working group had not considered those authorities as they have strong majorities of Council Members who are of the same party as their Mayors so have a different political dynamic.

Members asked whether Councillors were able to deal with an impartial Speaker. Meic Sullivan-Gould replied that the Speaker was aware that his role was extremely challenging and had spent some time looking at the last webcast in order to find ways to improving his performance and handling of the Council meeting. The Speaker was aware that Council needed good leadership to ensure better debate.

6. APPLICATION FOR REGISTRATION AS TOWN OR VILLAGE GREEN – WAPPING GREEN

The General Purposes Committee agreed to defer the item so that:

- (a) there would be sufficient time to digest the information contained within the report; and
- (b) ward councillors could consult constituents about the proposal.

The General Purposes Committee agreed to attend training prior to the next meeting so that they were aware of their role in determining this quasi-judicial application that could be contentious and subject to a High Court challenge.

The General Purposes Committee, duly

RESOLVED –

- (1) That the application for registration as a town or village green at Wapping Green be deferred to the next meeting of the General Purposes Committee on 10 December 2014.
- (2) That training on the determination of this quasi-judicial application be given prior to next meeting.

7. EXCLUSION OF PRESS AND PUBLIC

RESOLVED –

- (1) That in accordance with 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 remainder of the meeting on the grounds that the remaining agenda item contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government Act 1972.

8. RESTRICTED MINUTES

The restricted minutes of the General Purposes Committee held on 19 March 2014 were presented for approval.

RESOLVED –

- (1) That, subject to the amendment that Councillor Craig Aston was present at the meeting, the restricted minutes of the meeting of the General Purposes Committee held on 19 March 2014 be agreed and signed by the Chair, as a correct record of the proceedings.

9. LOCAL AUTHORITY GOVERNOR APPOINTMENTS

RESOLVED –

- (1) That the officer recommendations be agreed.

10. ANY OTHER BUSINESS

The General Purposes Committee agreed that the following reports be submitted to a future meeting of the General Purposes Committee:

- (a) the adopted code of conduct for elections; and
- (b) individual voter registration.

The General Purposes Committee, duly

RESOLVED –

- (1) That reports on individual voter registration be submitted to a future meeting of the General Purposes Committee.

The meeting ended at 8.05 p.m.

Chair, Councillor Shiria Khatun
General Purposes Committee