


Individual Mayoral Decision 8 September 2016 <i>NO 136</i>	 TOWER HAMLETS
Report of: Graham White, Interim Service Head – Legal Services	Classification: Unrestricted
Clear Up Project	

Is this a Key Decision?	No
Decision Notice Publication Date:	8 September 2016
General Exception or Urgency Notice published?	Not required
Restrictions:	None
Reason for seeking an Individual Mayoral Decision:	To facilitate effective implementation of the Clear Up Project with effect from 8 September 2016

1. EXECUTIVE SUMMARY

- 1.1 In order to meet all outstanding requirements of the Best Value Action Plan the Council is implementing a Clear up Project to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined.

2. REASONS FOR THE DECISIONS

- 2.1 To enable the Clear Up Project to undertake its task successfully by empowering the Chief Executive to take all necessary action consequential upon the determination of cases by the Clear Up Board.

3. ALTERNATIVE OPTIONS

- 3.1 There is no alternative to the planned course of action. The Clear Up Project is necessary to fulfil the Best Value Action Plan objectives and this course of action complements the implementation of the Project.

4. DECISION

4.1 Recommendations:

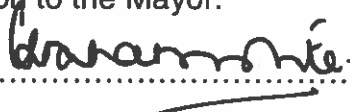
The Mayor is recommended to:

1. Note and concur with the implementation of the Clear Up Project
2. Authorise the Chief Executive to exercise any executive power which may need to be invoked and has not hitherto been delegated in order to effect appropriate action consequential upon determinations made by the Clear Up Board.

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 08/09/16

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 08/09/16

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 8/9/16

4. Mayor

I agree the decision proposed in paragraph 4 above for the reasons set out in paragraph 1.1 and 3.1 in the attached report.

Signed  Date 9/9/16

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<p>Clear Up Project</p>	

Lead Member	Mayor John Biggs
Originating Officer(s)	Graham White, Interim Service Head – Legal Services
Wards affected	All
Key Decision?	No
Community Plan Theme	A fair and prosperous community

1. Executive Summary

- 1.1 In order to meet all outstanding requirements of the Best Value Action Plan the Council is implementing a Clear up Project to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined.

2. Recommendations:

- 2.1 The Mayor is recommended to:

1. Note and concur with the implementation of the Clear Up Project
2. Authorise the Chief Executive to exercise any executive power which may need to be invoked and has not hitherto been delegated in order to effect appropriate action consequential upon determinations made by the Clear Up Board.

3. REASONS FOR THE DECISIONS

- 3.1 To enable the Clear Up Project to undertake its task successfully by empowering the Chief Executive to take all necessary action consequential upon the determination of cases by the Clear Up Board.

4. ALTERNATIVE OPTIONS

- 4.1 There is no alternative to the planned course of action. The Clear Up Project is necessary to fulfil the Best Value Action Plan objectives and this course of action complements the implementation of the Project.

5. BACKGROUND

- 5.1 In order for the Council to fulfil the objectives of the Best Value Action Plan it is necessary to implement a methodology whereby historic allegations of improper Council decision-making or impropriety in the discharge of Council functions are independently investigated and objectively determined.

6. PROPOSAL

- 6.1 It is proposed to establish a Clear Up Team comprising an independent Programme Manager and independent investigators to consider and where appropriate to investigate allegations concerning incidents which occurred between October 2010 (the date of election of the first directly elected Mayor) and June 2016 (the date of the re-launch of the Council's Whistleblowing Policy and Procedure), which have not already been considered or satisfactorily investigated through process. The Clear Up Team will report to the Clear Up Board comprising the three Statutory Officers and a Commissioner.
- 6.2 A notice inviting submissions to the Clear Up Team and an associated news article will be published in Our East End on 8 September 2016 and on the Council's website. Submissions may be made direct to the Clear Up Team, to Commissioners, MPs or Councillors during the period 8 September – 8 December 2016.
- 6.3 The Full terms of reference of the Clear Up Project are attached at Appendix 1.

7. COMMENTS OF THE CHIEF FINANCE OFFICER

- 7.1 There will be additional costs associated with the proposed 'Clear Up Team', which will comprise an independent Programme Manager and independent investigators, the exact number of which will depend on the nature, volume and complexity of issues raised. Costs are estimated to be in the region of £100k-£200k but again will depend on the size of the team required and

complexity of issues to be investigated and resolved. However, costs will be monitored carefully and further updates will be provided as part of regular updates to the Clear Up Board. These costs will need to be funded through general reserves or through corporate contingencies.

8. LEGAL COMMENTS

- 8.1 This is a report of Legal Services and any legal implications are addressed in the body of the report.

6 ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 This report relates to the implementation of a Clear Up Project to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined. This is a continuation of the Council's improvement to its organisational culture. It demonstrates a commitment to put the concerns of local people first and for fair and transparent decision making and which contributes to the delivery of One Tower Hamlets priorities and objectives.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The Council has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. This is referred to as the Council's best value duty.
- 7.2 By virtue of Directions made by the Secretary of State on 17 March 2015 the Council was required to draw up and agree with the Commissioners a strategy and action plan for securing the Authority's compliance with the best value duty. Part of that plan included a recommendation that the Council set up a Clear Up Project Team to ensure that any historic unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions are properly investigated and determined.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 None

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 None

10. SAFEGUARDING IMPLICATIONS

- 10.1 None

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices:

- 1 -

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

None

Officer contact details for documents:

Clear Up Project

1. Scope

- 1.1 The Clear Up project is established to conduct a review of any unconsidered allegations of improper Council decision making or impropriety in the discharge of Council functions. The project will focus on allegations which relate to any decisions or activity which took place between October 2010 and June 2016 (the period from the election of the first directly elected mayor to the re-launch of the Whistleblowing policy).
- 1.2 A key aim of the project is to encourage people to identify impropriety covering the above time period that has not been considered to date. An independent Clear Up Team will investigate these allegations.
- 1.3 The team's work will be led by a Programme Manager and overseen by a Clear Up Board which will be tasked with appropriately dealing with any substantiated allegations. This may include recommending disciplinary action, referring issues to the Police and ensuring that the learning from this project informs future Council practice.
- 1.4 Anybody can raise an allegation to the independent Clear Up Team as long as it meets the following criteria:
 - The allegation refers to a decision or activity that occurred between October 2010 and June 2016.
 - The allegation is notified directly to the Clear Up Team between Thursday 8th September 2016 and Thursday 8 December 2016 via the confidential email inbox clearupteam@towerhamlets.gov.uk;

or posted to Clear Up Team, London Borough of Tower Hamlets, Town Hall, Mulberry Place, 5 Clove Crescent London E14 2BG (please mark as private and confidential)

or via the Secretary of State's Commissioners, a Member of Parliament or a Councillor,

and includes details of the alleged impropriety and any evidence which supports the complainant's claim. The complainant should also provide their contact details to allow a member of the Clear Up Team to discuss further the allegation.
- 1.5 Allegations will not be investigated if they have already been considered or satisfactorily investigated through another process. This would include, but is not limited to:
 - the Council's complaints process;
 - the Council's Whistleblowing procedures;

- the Council's Code of Conduct for Conduct for Members;
- the Council's staff disciplinary procedures;
- a Council management investigation or review;
- an Audit Review (internal or external);
- a Judicial Review;
- the Best Value Inspection of Tower Hamlets Council.

1.6 The Clear Up Team will assess whether any allegation has been previously considered prior to undertaking any investigatory work.

1.7 In investigating allegations, the Clear Up Team will:

- Seek to protect the anonymity of complainants in investigating the allegation wherever possible;
- Notify the complainant and provide an outline timetable for investigating the allegation;
- Seek to complete all investigations by 31 March 2017.

Given the potentially complex nature of some allegations, and the time lapsed from the date they may have occurred, it is not possible to provide a generic timetable for investigation. However, the Clear Up Team will provide individual guidance on this in each case.

1.8 For each allegation, the Clear Up Team will seek to provide details on the resolution of the investigation to the complainant.

1.9 Complaints concerning matters arising since June 2016 can be made through the Council's existing procedures such as the Whistleblowing procedure or the corporate complaints procedure details of which are on the Council's website.

2. Governance

2.1 Clear Up Board - The Board membership will comprise:

- 3 x Tower Hamlets Statutory Officers (Chief Executive (Chair), Chief Finance Officer and Monitoring Officer)
- 1 x Secretary of State's Commissioner

- 2.2 The Board, meeting regularly, will oversee the appointment of the Clear Up Team and management of the team once they are in place.
- 2.3 The Clear Up Team will comprise of an external and independent Programme Manager who will draw upon external and independent investigating officers as required.
- 2.4 At the first meeting of the Board following the close of the nomination period, the Clear Up Programme Manager will inform the Board of the number and nature of the allegations and provide indicative timescales for completing the investigations. In any instances where it is not entirely clear whether an allegation has previously been considered or investigated, the Clear Up Team will present the summary details of any allegation to the Board which will decide on the merits of investigating any elements of the allegation that have not been identified or sufficiently considered previously.
- 2.5 At the second meeting following the close of the nomination period the Clear Up Programme Manager will provide proposed timescales for the completion of investigations and reporting the findings. It is anticipated that the work of the Clear Up Team will be completed by the end of March 2017 or earlier subject to volume and complexity.
- 2.6 The Clear Up Programme Manager should escalate any issues, such as of access to information or employees in the Council, to the Clear Up Board which will take action to ensure that any blockages are resolved quickly and efficiently.
- 2.7 The Programme Manager will produce a report on each of the investigations detailing:
 1. Whether the allegation is upheld or rejected;
 2. Where an allegation is upheld, a view on whether the impropriety has since been remedied. For example, by changes to Council practices and internal controls;
 3. Recommendations for further action, including in relation to individuals involved.
- 2.8 The Clear Up Board will consider each investigation report and recommend action, if any, to the appropriate body or person.
3. **Project close**
 - 3.1 The Board will produce a final report on the work of the Clear Up Project including details of the number and nature of the allegations made; the number of allegations that were substantiated and any action taken as a result of the investigations. The report will also summarise any lessons learnt from the project and how these will be fed into policy and practice in the future. The report will be submitted to a public meeting of the Council and published on the Council's website.