

# Part B – Responsibility for Functions and Decision Making Procedures

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## 16 Responsibility for Council Functions

1. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
2. The functions derive from specific legislation and cannot be the responsibility of the Executive. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 19.
3. The 'Responsibility for Council Functions' Section 43 in Part D of the Constitution sets out the Council's agreed delegation of powers.
4. These functions derive from specific legislation. When changes to legislation require it, the Monitoring Officer will update the Council Functions' Section necessary.

## **17 Responsibility for Council Functions – Local Choice – Local Act Functions and Other Local Choice Functions**

1. Local Authority Functions are split between Executive Functions which are the responsibility of the Mayor and Executive and then Non-Executive Functions which are the responsibility of Council and its Committees.
2. This Section includes functions which the Council can choose to set as Executive or Non-Executive Functions. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Section 19.
3. The 'Responsibility for Council Functions – Local Choice – Local Act Functions and Other Local Choice Functions' Section 44 in Part D of the Constitution sets out the Council's agreed delegation of powers.
4. Any changes to whether these are Executive or Non-Executive functions must be agreed by Council.

## 18 Responsibility for Executive Functions

### General

1. The Executive is responsible for all functions of the authority that are not reserved to the Council by the law or by this Constitution.

### Executive Functions – Local Choice – Local Act Functions

2. None – the Council has determined that all local choice functions under a local Act other than a function specified or referred to in regulation 2 or schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) shall be allocated to the Council.

### 3. Executive Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>1. In relation to or in support of an Executive function only, the appointment of any individual</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than –</p> <ul style="list-style-type: none"> <li>• the authority;</li> <li>• a joint committee of two or more authorities; or</li> </ul> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment</p>	<p>As per paragraph 19 of Schedule 2 to the Local Authorities (Functions &amp; Responsibilities) Regulations 2000 (SI 2000/ 2853) as amended.</p>	<p>The Mayor, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member.</p> <p><b>NB:</b> This function in relation to or in support of a Council function, or in relation to any appointment of a Councillor to a paid position other than that of Cabinet Member, is allocated to the Council (see Part B Section 19)</p>

#### 4. Other Executive Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Representing the Borough in Civil Protection and Emergency Planning matters under the Act.	Civil Contingencies Act 2004	Chief Executive or such persons as they delegate in their absence

#### Responsibility for Executive Functions

5. All executive functions of the Council are vested in the Mayor. The Mayor may exercise those functions themselves or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time. The Mayor may exercise those functions themselves or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time.
6. The Mayor will provide the Monitoring Officer with a list (“the Executive Scheme of Delegation”) setting out who of the following (not specified in the delegations contained in Paragraphs 3 and 4 above) are responsible for particular Executive functions.
  - The Mayor and Cabinet collectively; or
  - an individual Cabinet Member; or
  - a committee of the Cabinet; or
  - an officer; or
  - a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or
  - through joint arrangements.
7. If the Mayor amends the Executive Scheme of Delegation the Mayor must provide the Monitoring Officer with an updated scheme within five working days.
8. In the event that the Mayor wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, they will first take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.

## 19 Terms of Reference – Council and Committees

### **Council and Committees (including Sub-Committees and Boards of those Committees)**

1. The Council has established a number of Committees, Sub-Committees, Boards and Panels with delegation powers and/or responsibility for various functions of Council. Summary terms of reference are included below setting out the powers of each body. Where useful, more detailed procedures and processes are set out in Part D of the Constitution.
2. The Council has established the following bodies:
3. Council
4. Audit Committee
5. Appointments Sub-Committee
6. Children and Education Scrutiny Sub-Committee
7. Development Committee
8. Employee Appeals Sub-Committee
9. General Purposes Committee
10. Health and Adults Scrutiny Sub-Committee
11. Housing and Regeneration Scrutiny Sub-Committee
12. Licensing Committee
13. Licensing Sub-Committee
14. Overview and Scrutiny Committee
15. Pensions Committee
16. Strategic Development Committee
17. Standards Advisory Committee
18. Tower Hamlets Health and Wellbeing Board

**NB In the absence of any express statutory prohibition to the contrary, all Council bodies listed from 4 onwards may establish Sub-Committees pursuant to section 101 of the Local Government Act 1972 and/or may make specific delegations to officers.**

Where a Council Committee appoints a Sub-Committee under the above provision, the Committee shall appoint a Member to serve as Chair of the Sub-Committee. If the Committee does not do so, the Sub-Committee may appoint its own Chair from amongst the Members appointed by the Committee to the Sub-Committee. Each Committee, Sub-Committee may appoint a Vice-Chair from amongst its membership.

### 3. Council

**Summary Description:** The Council is responsible for all Non-Executive functions and for approving the budget and policy framework.

The Council is responsible for a range of functions that it alone may carry out. These are listed below. The Council also provides a forum for questioning and debate with the Executive including the consideration of petitions as set out in the Council Procedure Rules.

**Membership:** All elected Members of the Authority and the Executive Mayor.

Functions	Delegation of Functions
<p><b>1. Constitutional Functions</b></p> <p>(a) All functions set out in Part A Section 7 of this Constitution</p> <p>(b) Adopting or amending the Council's Constitution</p> <p>(c) To hold a debate on a matter which is the subject of a petition containing 2,000 or more valid signatures in accordance with the Council's Petition Scheme</p> <p>(d) Budget and Policy Framework Functions</p> <p>(e) All functions relating to the adoption of the budget and policy framework, as set out in Part A Section 7</p> <p>(f) Taking decisions in respect of functions which are not in accordance with the policy and budget framework</p>	<p>Non-material changes to the Constitution delegated to General Purposes Committee; changes to reflect a decision of the Council or a change in legislation; or to correct a matter of fact delegated to the Corporate Director, Governance</p>
<p><b>2. Committee Functions</b></p> <p>(a) Making arrangements for the discharge of Council functions by a Committee or officer under section 101(5) of the Local Government Act 1972; and</p> <p>(b) Making appointments under section 102 (appointment of Committees) of the 1972 Act</p>	<p>Appointments to committees:</p> <p>(a) General Purposes Committee</p> <p>(b) Corporate Director, Governance</p>
<p><b>3. Power to promote or oppose local or personal Bills</b></p> <p>(a) Pursuant to Section 239 of the Local Government Act 1972</p>	<p>None</p>
<p><b>4. Members' Allowance Scheme</b></p> <p>(a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme</p>	<p>None</p>

**Quorum:** Twelve voting Members of Council

**Additional Information** is contained in:

- Constitution Part B Section 26 Council Procedure Rules
- Constitution Part B Section 28 Budget and Policy Framework Procedure

#### 4. Audit Committee

<b>Summary Description:</b>	
<p>The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.</p> <p>The purpose of the Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</p>	
<b>Membership:</b> Eight Councillors. The Audit Committee shall not be chaired by a Member of the Executive.	
<b>Functions</b>	<b>Delegation of Functions</b>
<u>Governance, Risk and Control</u>	None
1. To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.	
2. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.	None
3. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.	None
4. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.	None
5. To monitor the effective development and operation of risk management in the Council.	None
6. To monitor progress in addressing risk-related issues reported to the committee.	None
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.	None
8. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	None
9. To monitor the counter-fraud strategy, actions and resources.	None
10. To review the governance and assurance arrangements for significant partnerships or collaborations.	None
<u>Internal audit</u>	None
11. To approve the internal audit charter.	
12. To review proposals made in relation to the appointment of external providers of internal audit services.	None
13. To approve the risk-based internal audit plan, including	None



internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.	None
15. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.	None
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.	None
17. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include: <ul style="list-style-type: none"> <li>a. Updates on the work of internal audit including key findings, issues of concern and management actions as a result of internal audit work.</li> <li>b. Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP).</li> <li>c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and the associated Local Government Application Note (LGAN) published by the Chartered Institute of Public Finance and Accountancy (CIPFA) considering whether the non-conformance is significant enough that it must be included in the AGS.</li> </ul>	None
18. To consider the Head of Internal Audit's annual report, including: <ul style="list-style-type: none"> <li>a. The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement.</li> <li>b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.</li> </ul>	None
19. To consider summaries of specific internal audit reports as requested.	None
20. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the	None

implementation of agreed actions.	
21.To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.	None
22.To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.	None
23.To provide free and unfettered access to the Audit Committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.	None
24.To commission work from internal audit.	None
<u>External audit</u>	None
25.To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.	
26.To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	None
27.To consider specific reports as agreed with the external auditor.	None
28.To comment on the scope and depth of external audit work and to ensure it gives value for money.	None
29.To commission work from external audit.	None
30.To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	None
<u>Financial reporting</u>	None
31.To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.	
32.To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	None
<u>Accountability arrangements</u>	None
33.To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.	
34.To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.	None
35.To publish an annual report on the work of the committee.	None
<b>Quorum:</b> Three Members of the Committee	

## 5. Appointments Sub-Committee

<b>Summary Description:</b> Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine senior officer appointments.	
<b>Membership:</b> Membership will be selected afresh for each appointment process and will consist of (i) Four Members selected by the Leader of the Labour Group, at least one of whom must be the Mayor or member of the Executive and (ii) One Member selected by the Leader of the Conservative Group.	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To determine Chief Officer and Deputy Chief Officer appointments. <ul style="list-style-type: none"><li>•</li></ul>	None
<b>Quorum:</b> Any three Members of the Sub-Committee	

## 6 Children and Education Scrutiny Sub-Committee

<p><b>Summary Description:</b> The Children and Education Scrutiny Sub-Committee has been established to scrutinise the provision, planning and management of children and young people’s services – including children’s social care; safeguarding children; children in care; SEN and education inclusion, troubled families and the Youth Offending Service (YOS) education, learning and schools; youth services; early years; education capital estate and youth &amp; play services.</p>	
<p><b>Membership:</b> 6 non-executive councillors – the chair and five councillors; and 6 co-opted members (consisting of: - a Church of England and a Roman Catholic representative; 3 Parent Governor representatives under paragraph 7 of Schedule A1 to the Local Government Act 2000; and a Muslim faith representative).</p>	
<p><b>Functions</b></p>	<p><b>Delegation of Functions</b></p>
<p>1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council’s children social care and education functions;</p>	<p>None</p>
<p>2. Advising the Mayor or Cabinet of key issues/questions arising in relation to children and education reports due to be considered by the Mayor or Cabinet;</p>	<p>None</p>
<p>3. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of children and education functions;</p>	<p>None</p>
<p>4. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;</p>	<p>None</p>
<p>5. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;</p>	<p>None</p>
<p>6. Considering children and education matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public; and</p>	<p>None</p>
<p>7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work.</p>	<p>None</p>
<p><b>Quorum:</b> Three voting Members</p>	
<p><b>Additional Information:</b> Is contained in:</p> <ul style="list-style-type: none"> <li>• Constitution Part A Section 9 (Overview and Scrutiny)</li> <li>• Constitution Part B Section 30 (Overview and Scrutiny Procedure Rules)</li> <li>• Constitution Part D Section 53 (Children and Education Scrutiny Sub-Committee Procedure Rules)</li> </ul>	

## 7. Development Committee

<p><b>Summary Description:</b> To determine applications for planning permission and listed building consent which have triggered over 20 representations (for or against) and/or that meet certain criteria with regards to size amongst other issues. Note that certain applications exceed the remit of the Development Committee and these are considered by the Strategic Development Committee.</p>	
<p><b>Membership:</b> 7 Councillors (each political group may appoint up to 3 substitutes).</p>	
Functions	Delegation of Functions
<p><b>1. Applications for planning permission</b></p> <p><b>A.</b> To consider and determine recommendations from the Corporate Director, Place to <b>GRANT</b> planning permission for applications made under the Town and Country Planning Act 1990 (as amended); that meet any one of the following criteria:</p> <ul style="list-style-type: none"> <li>(i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential units or live-work units.</li> <li>(ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.</li> <li>(iii) Retail development with a gross floor space exceeding 5,000 square metres.</li> <li>(iv) Proposals involving buildings on Metropolitan Open Land with a gross floor space exceeding 100 square metres.</li> <li>(v) If in response to the publicity of an application the Council receives in writing, by email or other electronic form 20 or more individual representations; or a petition (received from residents of the borough whose names appear in the Register of Electors, business addresses in the borough or local Councillors) raising material planning objections to the development, and the Corporate Director, Place considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place.</li> </ul> <p><b>B.</b> To consider and determine recommendations from the</p>	<p>The Corporate Director, Place (or any officer authorised by her/him) has the authority to make decisions on planning matters with the exception of those specifically reserved to the Development Committee, unless:-</p> <ul style="list-style-type: none"> <li>(i) these are expressly delegated to her/him; or</li> <li>(ii) where it is referred to the Committee in accordance with Development Procedure Rule No 15</li> </ul>

<p>Corporate Director, Place to <b>REFUSE</b> planning permission for applications made under the Town and Country Planning Act 1990 (as amended), where in response to the publicity of an application the Council has received in writing, by email or other electronic form, more 20 or more individual representations supporting the development or a petition in the form detailed in part 1.A. (v) supporting the proposed development. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Place.</p> <p><b>C.</b> To consider and determine recommendations from the Corporate Director of Place to <b>GRANT</b> permission for applications seeking minor material amendments to a planning permission previously determined by the Development Committee, where as a result of publicity any of the criteria in 1.A.(v) apply and the representations received relate directly to matters arising from the proposed amendments and not the original permission.</p>	
<p><b>2. Applications for listed building consent</b></p> <p>To consider and determine recommendations from the Corporate Director, Place to <b>GRANT</b> listed building consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 where any of the criteria in 1.A.(i)-(v) apply; and/or an objection has been received from either the <b>Historic Buildings and Monuments Commission for England</b> (known as Historic England) and/or one of the <b>statutory amenity societies</b> and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse listed building consent.</p>
<p><b>3. Applications for hazardous substance consent</b></p> <p>To consider and determine recommendations from the Corporate Director, Place to <b>GRANT</b> hazardous substance consent for applications made under the Planning (Hazardous Substances) Regulations 2015 where the criteria in 1.A(v) apply and/or an objection has been received from <b>any of the consultation bodies listed in the Regulations</b> and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.</p>	<p>As above including to refuse hazardous substance consent.</p>
<p><b>4. Observations to other planning authorities</b></p> <p>To respond to requests for observations on planning applications referred to the Council by other local authorities, Development Corporations the Mayor of London, Government</p>	<p>As above</p>

<p>Departments statutory undertakers and similar organisations where the response would be contrary to policies in the adopted development plan or would raise especially significant borough-wide issues.</p>	
<p><b>5. General</b></p> <p>A. To consider any application or other planning matter referred to the Committee by the Corporate Director, Place including pre-application presentations (subject to the agreed protocol) where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).</p> <p>B. To consider any matter which would otherwise be referred to the Strategic Development Committee but which the Corporate Director, Place, following consultation with the Chairs of both Committees, considers should more appropriately be considered by the Development Committee.</p>	<p>None</p>
<p>Note - It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</p>	
<p><b>Quorum:</b> 3 Members of the Committee</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• Constitution Part C Section 35 (Planning Code of Conduct)</li> <li>• Constitution Part D Section 53 (Guidelines for Determining Planning Applications under the Town and Country Planning Act 1990)</li> <li>• Constitution Part D Section 53 (Development Committee Procedure Rules)</li> </ul>	

## 8. Employee Appeals Sub-Committee

**Summary Description:** An Ad-hoc Sub-Committee of the General Purposes Committee which meets to determine appeals by employees under human resources procedures requiring a member level decision such as appeals against dismissal.

**Membership:** A panel of three members will be appointed on an ad-hoc basis for each employee appeal from a pool of all Members and Substitutes of the General Purposes Committee.

<b>Functions</b>	<b>Delegation of Functions</b>
<ol style="list-style-type: none"><li>1. To determine appeals by employees requiring a Member level decision.<ul style="list-style-type: none"><li>•</li></ul></li></ol>	None



**Quorum:** Any three Members of the Sub-Committee



## 9. General Purposes Committee

<p><b>Summary Description:</b> The Committee is responsible for a range of non-executive functions including matters such as; electoral matters, personnel issues and byelaws, that have not been delegated to other Committees.</p>	
<p><b>Membership:</b> 9 Councillors</p>	
<p><b>Functions</b></p>	<p><b>Delegation of Functions</b></p>
<p>This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution</p>	<p>-</p>
<p>1. 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"> <li>(a) the provision of assistance at European Parliamentary elections;</li> <li>(b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and</li> <li>(c) 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 Local Government Act 2000).</li> </ul>	<p>None</p>
<p>2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor</p>	<p>The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution</p>
<p>3. To recommend to Council the introduction, amendment or revocation of byelaws</p>	<p>None</p>
<p>4. Appointment and revocation of local authority school governors</p>	<p>None</p>
<p>5. 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>The Monitoring Officer is authorised to make or amend Committee/ Sub-committee</p>

	appointments in accordance with Section 24 of this Constitution
6. To consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer	
7. To determine major policy on the terms and conditions on which staff hold office within allocated resources	
8. To agree any negotiated settlement, in relation to a senior executive in circumstances which do not amount to a dismissal that may be proposed in accordance with the Council's Pay Policy Statement	
9. To determine the criteria for the appointment of the Head of Paid Service and other statutory and non-statutory chief officers and deputy chief officers and to establish Appointments Sub-Committees to consider such appointments	The Monitoring Officer and the Divisional Director, Human Resources are authorised to appoint members to Appointment Sub-Committees in line with the Governance Directorate Scheme of Delegation in Part D of the Constitution
10. To make recommendations to Full Council on the appointment of the Head of Paid Service	
11. To establish a Sub-Committee to consider any proposal to discipline and/or dismiss the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution and to appoint a minimum of two (2) 'Independent Persons' to such Sub-Committee	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution.
12. To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including: <b>(a)</b> Education awards appeals; <b>(b)</b> Appeals by governing bodies; <b>(c)</b> Appeals by employees under human resources procedures requiring a Member level decision; and	

<p><b>13.</b> Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval</p>	
<p><b>14.</b> To establish Employee Appeals Sub-Committees and other Appeals Sub-Committees as appropriate to be convened by the Corporate Director, Law, Probity and Governance for determination of the above appeals referred to in paragraph 12 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance</p>	<p>The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution.</p> <p>The Divisional Director of Human Resources is authorised to appoint Members to Employee Appeals Sub-Committees in line with the Governance Directorate Scheme of Delegation as set out in Part D of the Constitution</p>
<p><b>15.</b> 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> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>None</p>
<p><b>16.</b> In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part B Section 24 of this Constitution</p>	<p>None</p>
<p><b>Quorum:</b> 3 Members of the Committee</p>	

## 10. Health and Adults Scrutiny Sub-Committee

<p><b>Summary Description:</b> The Health and Adults Scrutiny Sub-Committee has been established to undertake the Council's responsibilities in respect of Scrutinising local health services and adult social care, covering services provided by the Council as well as those provided by the Council's partners.</p>	
<p><b>Membership:</b> 6 non-executive councillors – the chair and five councillors.</p>	
Functions	Delegation of Functions
1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's health and adult social care functions	None
2. Advising the Mayor or Cabinet of key issues/questions arising in relation to health and adult social care reports due to be considered by the Mayor or Cabinet	None
3. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of health and adult social care functions	None
4. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised	None
5. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements	None
6. Considering health and adult social care matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public	None
7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work	None
8. To discharge the Council's Scrutiny functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Including to: <ul style="list-style-type: none"> <li>• Review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;</li> <li>• Respond to consultation exercises undertaken by an NHS body; and</li> <li>• Question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.</li> </ul>	None
<p><b>Quorum:</b> Three voting Members</p>	
<p><b>Additional Information:</b> Is contained in:</p> <ul style="list-style-type: none"> <li>• Constitution Part A Section 9 (Overview and Scrutiny)</li> <li>• Constitution Part B Section 30 (Overview and Scrutiny Procedure Rules)</li> <li>• Constitution Part D Section 53 (Health and Adults Sub-Committee Procedure Rules)</li> </ul>	

## 11. Housing and Regeneration Scrutiny Sub-Committee

**Summary Description:** The Housing and Regeneration Scrutiny Sub-Committee will undertake overview and scrutiny pertaining to housing management and planning matters, as well as regeneration strategy and sustainability, including economic development, regeneration and inequality; and employment strategy and initiatives and skills development.

**Membership:** 6 non-executive councillors – the chair and five councillors

<b>Functions</b>	<b>Delegation of Functions</b>
1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's housing and regeneration functions;	None
2. Advising the Mayor or Cabinet of key issues/questions arising in relation to housing and regeneration reports due to be considered by the Mayor or Cabinet;	None
3. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of housing and regeneration functions;	None
4. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;	None
5. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;	None
6. Considering housing and regeneration matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public; and	None
7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work.	None

**Quorum:** Three voting Members

**Additional Information:** Is contained in:

- Constitution Part A Section 9 (Overview and Scrutiny)
- Constitution Part B Section 30 (Overview and Scrutiny Procedure Rules)
- Constitution Part D Section 53 (Housing and Regeneration Scrutiny Sub-Committee Procedure Rules)

## 12. Licensing Committee

**Summary Description:** The Committee is responsible for discharging the licensing functions of the council including determining Licensing policy/procedure (excluding the Council's statement of policy) as well as licensing fees and charges.

The Licensing Committees will appoint a Sub-Committee to undertake the determination of many functions such as the review and approval of alcohol licence applications.

**Membership:** 15 Members of the Council. No substitute members may be appointed for this committee

Functions	Delegation of Functions
<p>1. To oversee the discharge of all licensing functions of the Council as the licensing authority under the Licensing Act 2003 and the Gambling Act 2005, except the determination of the Council's Statement of Licensing Policy and the publication of that Statement under either Act</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine any applications for licences not specifically reserved to the Licensing Committee by these terms of reference</p>
<p>2. To establish Sub-Committees to consider and determine matters under the Licensing Act 2003 regarding personal licences, premises licences, club premises certificates, provisional statements, variation of the designated premises supervisor, interim authorities, objections to temporary event notices and any applications requiring a hearing under the Licensing Act 2003 and to determine matters under the Gambling Act 2005 regarding premises licenses, provisional statements, variations of premises licenses, transfers of premises licenses, reviews of premises licenses and any applications requiring a hearing under the Act</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>3. To consider the Council's statement of licensing policy under either the Licensing Act 2003 or the Gambling Act 2005</p>	<p>None</p>
<p>4. To resolve not to issue a casino premises licence pursuant to section 166 Gambling Act 2005</p>	<p>None</p>
<p>5. To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act</p>	<p>The Corporate Director, Place (or any officer authorised by them) has</p>

<p>1982 (as amended) regarding the control of sex establishments within the Borough</p>	<p>the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>6. To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>7. To consider and determine all other Licensing and Registration Functions not specified in 1 to 6 above and which are set out in Section 16; Local Choice, Local Act Functions which are set out in Section 17 of the Constitution; and Other Local Choice Functions which are set out in Section 17 of the Constitution where the Function has been specifically delegated to the Licensing Committee</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been received or the objections have been withdrawn within the appropriate time frame</p>
<p>8. To determine fees and charges for the issue, approval, consent, licence, permit or other registration in respect of Licensing and Registration Functions as set out in Section 16; Local Choice, Local Act Functions which are set out in Part Section 17 of the Constitution; and Other Local Choice Functions which are set out in Section 17 of the Constitution for which the Committee has responsibility</p>	<p>The Corporate Director, Place (or any officer authorised by them) has the authority to determine fees for premises licences in respect of gambling</p>
<p><b>Quorum:</b> 3 Members of the Committee</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• Constitution Part C, Section 34 (Licensing Code of Conduct)</li> <li>• Licensing procedure rules Part D Section 53</li> </ul>	

### 13 Licensing Sub-Committee

<p><b>Summary Description:</b> This sub-committee of the Licensing Committee meets to determine a number of licensing matters such as to grant, review or vary a license submitted under the Licensing Act 2003.</p>	
<p><b>Membership:</b> The membership for each individual meeting is made up of any three Member of the Licensing Committee.</p>	
<p><b>Functions</b> The Sub Committee(s) shall consider applications submitted in accordance with the requirements of the Licensing Act 2003, including:</p>	<p><b>Delegation of Functions</b></p>
<p>1. Determination of applications for a premises licence where representations have been made (Section 18(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>2. Determination of applications for provisional statements where representations have been made (Section 31(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>3. Determination of applications to vary a premises licence where representations have been made (Section 35(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>4. Determination of applications to vary a premises licence to specify an individual as premises supervisor following police objection (Section 39(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>5. Determination of applications for transfer of a premises licence following police objection (Section 44(5) of the Licensing Act 2003)</p>	<p>None</p>
<p>6. Consideration of police objection made to interim authority notice (Section 48(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>7. Determination of applications for a review of a premises licence (Section 52(2) of the Licensing Act 2003)</p>	<p>None</p>
<p>8. Determination of interim steps pending summary review (Section 53A(2)(a) or 53B Licensing Act 2003)</p>	<p>None</p>
<p>9. Determination of applications for club premises certificate where representations have been made (Section 72(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>10. Determination of applications to vary a club premises certificate where representations have been made (Section 85(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>11. Determination of applications for review of a club premises certificate (Section 88(3) of the Licensing Act 2003)</p>	<p>None</p>
<p>12. Determination of counter notice following objection to a temporary event notice (Section 105(2) of the Licensing Act 2003)</p>	<p>None</p>



<p><b>13.</b> Determination of applications for grant of a personal licence following police objection (Section 120(7) of the Licensing Act 2003)</p>	<p>None</p>
<p><b>14.</b> Determination of personal licence where convictions come to light after the grant or renewal of the personal licence (Section 124(4) of the Licensing Act 2003)</p>	<p>None</p>
<p><b>15.</b> Determination of the review of a premises licence following a closure order (Section 167(5) of the Licensing Act 2003)</p>	<p>None</p>
<p><b>Quorum:</b> 3 Members of the Sub-Committee</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• Constitution Part C, Section 34 (Licensing Code of Conduct)</li> <li>• Licensing procedure rules Part D Section 53</li> </ul>	

## 14. Overview and Scrutiny Committee

**Summary Description:** The Council will appoint an Overview and Scrutiny Committee to discharge the functions:

1. to review or scrutinise decisions made in connection with the discharge of Executive functions;
2. to make reports or recommendations to the Council or Cabinet with respect to the discharge of Executive functions;
3. to review or scrutinise decisions made in connection with the discharge of non-executive functions; and
4. to make reports or recommendations to the Council or to Cabinet on matters affecting the Council's area or its citizens.
5. Grants scrutiny will be the responsibility of the OSC committee, under the remit of the Scrutiny Lead for Resources.

The aim is to make the decision-making process more transparent, accountable and inclusive, and improve services for people by being responsive to their needs.

**Membership:** 9 non-executive councillors – including the chair and leads from Sub Committees.

Functions	Delegation of Functions
1. To discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; or any functions which may be conferred on it by virtue of regulations under <a href="#">section 244(2ZE)</a> of the National Health Service Act 2006 (local authority scrutiny of health matters) in accordance with the arrangements specified for the discharge of the Overview and Scrutiny function and the establishment of an Overview and Scrutiny Committee contained within Sections 9 and 30 of the Constitution	None
2. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's functions	None
3. Advising the Mayor or Cabinet of key issues/questions arising in relation to reports due to be considered by the Mayor or Cabinet	None
4. Making reports and/or recommendations to the Council and/or Mayor or Cabinet in connection with the discharge of its functions	None
5. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised	None
6. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements	None
7. Considering strategic matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public	None

<p>8. In accordance with the Council's Petition Scheme:</p> <p>(a) To require a Chief Officer to give evidence to the Committee on a matter that is the subject of a petition including 1,000 or more valid signatures (the Committee will also invite the relevant Executive Member to the meeting); and</p> <p>(b) To undertake a review if a petition organiser feels the authority's response to their petition was inadequate</p>	None
<p>9. On behalf of the Council to establish and make appointments to any joint overview and scrutiny committee</p>	None
<p><b>Quorum:</b> Three members of the Committee</p>	
<p><b>Additional Information:</b> Is contained in:</p> <ul style="list-style-type: none"> <li>• Constitution Part A Section 9 (Overview and Scrutiny)</li> <li>• Constitution Part B Section 30 (Overview and Scrutiny Rules)</li> </ul>	

## 15. Pensions Committee

<b>Summary Description:</b> To consider pension matters and meet the obligations and the duties of the Council under the Superannuation Act 1972 and the various statutory requirements in respect of investment matters.	
<b>Membership:</b> 7 Councillors; plus 1 representative of the Admitted Bodies and 1 Trade Union representative. The Admitted Body and Trade Union representatives will be non-voting members of the Committee.	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To consider pension matters and meet the obligations and the duties of the Council under the Superannuation Act 1972, and the various statutory requirements in respect of investment matters	None
<b>Quorum:</b> 3 Members of the Committee	
<b>Additional Information:</b> <ul style="list-style-type: none"><li>• Constitution Part D, Section 53 (Pensions Committee Meeting Procedure Rules)</li></ul>	

## 16. Strategic Development Committee

<p><b>Summary Description:</b> To determine larger-scale major or strategic planning matters, within and exceeding the remit of the Development Committee in terms of size and scale amongst other issues.</p>	
<p><b>Membership:</b> 8 Councillors</p>	
<p><b>Functions</b></p>	<p><b>Delegation of Functions</b></p>
<p>1. To consider any matter listed within the terms of reference of the Development Committee (including minor material amendments and observations to neighbouring authorities and the Mayor of London) where any one of the following applies:</p> <ul style="list-style-type: none"> <li>(a) Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames)</li> <li>(b) Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area</li> <li>(c) Applications for employment floor space on sites of more than 4 hectares</li> <li>(d) Major infrastructure developments</li> <li>(e) Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres</li> <li>(f) Applications on Metropolitan Open Land involving buildings with a gross floor space exceeding 1000 square metres</li> <li>(g) Applications for developments including 200 or more car parking spaces</li> <li>(h) Legal proceedings in relation to the matter are in existence or in contemplation</li> <li>(i) Three or more members of the Development Committee are disqualified in some way from participating in the decision</li> <li>(j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee</li> <li>(k) To consider any application or other planning matter, including pre-application presentations (subject to the agreed protocol) referred to the Committee by the Corporate Director, Place where they consider it appropriate to do so (for example, if especially significant strategic issues are raised)</li> </ul>	<p>None</p>
<p><b>Note:</b> It shall be for the Corporate Director, Place to determine whether a matter meets any of the above criteria</p>	
<p><b>Quorum:</b> 3 Members of the Committee</p>	
<p><b>Additional Information:</b> Constitution Part C Section 35 (Planning Code of Conduct)</p>	

## 17. Standards Advisory Committee

**Summary Description:** The Committee performs a number of functions to maintain high standards of conduct in public life including promoting the Members Code of Conduct and considering potential breaches of the Code of Conduct.

The Committee may establish Sub-Committees to consider certain matters as set out in the 'Functions' below.

The Committee and any of its sub-committees may meet in private in accordance with relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that considers whether or not a complaint should be referred for investigation or, following an investigation should proceed to hearing, shall be held in private and all papers relating to that consideration shall remain confidential.

**Membership:** 5 elected members of the Council (not including the Mayor or more than 1 Cabinet member),

### Co-opted Members

Plus up to 5 independent co-opted members.

Co-opted members will be entitled to vote at meetings under the provisions of section 13(4)(e) of the Local Government and Housing Act 1989. The Standards Advisory Committee (SAC) shall be chaired by an independent co-opted member.

Independent Co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

### Note – Independent Persons

The Council has appointed two statutory Independent Persons to assist in dealing with complaints of alleged breach of the Code of Conduct for Members under section 28(7) of the Localism Act 2011. They are not co-opted member of the SAC but may attend and observe any meeting of the Committee or a sub-committee established by it.

Functions	Delegation of Functions
<p>Full details are set out in the Committee's Procedures in Part D of the Constitution, but in summary:</p> <ol style="list-style-type: none"> <li>1. Promoting and maintaining high standards of conduct by the Mayor, councillors and co-opted members of the Council.</li> <li>2. Advising the Council on the adoption or revision of the Code of Conduct for Members.</li> </ol>	<p>None</p>

3. To monitor and advise the Council about the operation of the Code of Conduct for Members in light of best practice and changes in the law.
4. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct.
5. To appoint sub-committees for the purpose of discharging any of the Committee's functions including the consideration and determination of complaints of breach of the code of Conduct for Members.
6. As requested by the Monitoring Officer, to establish a Dispensations Sub-Committee to advise on any applications for dispensations in relation to participation at a meeting by a member with a Disclosable Pecuniary Interest.
7. To deal with any reports from the Monitoring Officer on any matter relating to standards of conduct.
8. Other functions relating to the standards of conduct of members under any relevant statutory provision or otherwise.

**Quorum:** A meeting of the Standards Advisory Committee or one of its sub-committees shall only be quorate where at least three members of the Committee or Sub-Committee are present for its duration and such quorum must include at least one councillor and at least one independent co-opted member.

**Additional Information:**

- Constitution Part A, Section 11 (The Standards Advisory Committee and the Code of Conduct for Members)
- Constitution Part C, Section 31 (The Code of Conduct for Members)
- Constitution Part D, Section 53 (Standards Advisory Committee Procedures)

## 18. Tower Hamlets Health and Wellbeing Board

**Summary Description:** The Health and Wellbeing Board will lead, steer and advise on strategies to improve the health and wellbeing of the population of Tower Hamlets. It will seek to do this through joint work across services in the Borough and the greater integration of health and social care as well as with those accessing services that can help to address the wider determinants of Health. The Board continues to support the ambitions of the Tower Hamlets Partnership outlined within the Tower Hamlets Community Plan.

**Membership:** The membership of the Board is as follows:

Chair

- Cabinet Member for Health and Adult Services (LBTH)

Vice Chair

- Representative of NHS Tower Hamlets Clinical Commissioning Group (CCG)

Elected Representatives of LBTH

- Cabinet Member for Education & Children's Services
- Cabinet Member for Housing Management and Performance
- Cabinet Member for Resources
- Non-executive majority group councillor nominated by Council

Local Authority Officers - LBTH

- Director, Public Health
- Corporate Director, Children and Culture
- Corporate Director, Health, Adults and Community

Plus Membership from Healthwatch and the NHS.

Co-opted (non-voting) Members include:

- Corporate Director, Communities of Place
- The Young Mayor (LBTH)

Stakeholders that may attend the Board from time to time but are not members include:

- Councillor nominated by Council from the largest opposition group as a stakeholder
- Representative of NHS England
- Chairs of Tower Hamlets Safeguarding Boards (Adults and Children's)
- Chair of the LBTH Health Scrutiny Sub-Committee

Full Membership including all appointments external to Tower Hamlets Council are listed in the Board's procedures in the Supporting Document to this constitution.

**Functions**

**Delegation of Functions**



1. To have oversight of assurance systems in operation	None
2. To encourage integrated working between persons who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.	None
3. To provide advice, assistance or other support in order to encourage partnership arrangements under Section 75 of the NHS Act 2006.	None
4. To encourage those who arrange for the provision of any health-related services in Tower Hamlets (e.g. services related to wider determinants of health, such as housing) to work closely with the HWB.	None
5. To encourage persons who arrange for the provision of any health or social care functions in Tower Hamlets and those who arrange for the provision of health-related services in Tower Hamlets to work closely together.	None
6. To identify needs and priorities across Tower Hamlets and publish and refresh the Tower Hamlets Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions are based on evidence.	None
7. To prepare the Joint Health and Wellbeing Strategy.	None
8. To develop, prepare, update and publish the local pharmaceutical needs assessments.	None
9. To be involved in the development of any CCG Commissioning Plan that applies to Tower Hamlets and to give its opinion to the CCG on any such proposed plan.	None
10. To communicate and engage with local people on how they could achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. This will involve working with Local HealthWatch to make sure there's a continuous dialogue with the public to ensure services are meeting need.	None
11. Consider and promote engagement from wider stakeholders.	None
12. To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant	None

<p>public sector resources across a wide spectrum of services and interventions, with greater focus on integration across outcomes spanning health care, social care and public health. Areas of focus to be agreed from time to time by members of the Board as part of work planning for the Board.</p>	
<p><b>13.</b> Such other functions delegated to it by the Local Authority.</p>	<p>None</p>
<p><b>14.</b> Such other functions as are conferred on Health and Wellbeing Boards by enactment.</p>	<p>None</p>
<p><b>Quorum:</b> The quorum of the Board in the Terms of Reference is a quarter of the membership including at least one Elected Member of the Council and one representative from the NHS Tower Hamlets Clinical Commissioning Group.</p>	

## 20 Terms of Reference – Other Bodies and Panels

1. The Council also operates a number of other bodies and panels to take decisions or offer scrutiny or guidance in a number of specific areas. These are often set up under specific legislation. Brief Terms of Reference are presented below, whilst full procedures for certain bodies are set out in Part D of the Constitution.
2. Adoption Panel
3. Children’s Social Care Complaint Review Panel
4. Fostering Panel
5. Freedom of the Borough Ad-Hoc Panel
6. Pensions Board
7. Private Fostering Panel
8. Safeguarding Adults Board
9. Safeguarding Children Board
10. School Admissions Forum
11. Secure Accommodation Panel
12. Standing Advisory Council on Religious Education (SACRE)
13. The Chief Executive and/or the Mayor may from time to time establish working parties or advisory bodies which include in their membership Councillors and/or officers and/or representatives from partner organisations or the local community. These are not constituted as Committees or Sub-Committees of the Council and are not authorised to make decisions on behalf of the Council. A list of such bodies is maintained and updated by the Monitoring Officer.

## 2. Adoption Panel

**Summary Description:** To advise the appropriate decision maker in respect of a number of functions of the adoption agency work of the Council including around appointing and removing adopters and agreeing ‘matches’ of adopters with children.

### Membership:

The agency “Must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel “The Central list”

It must include:-

- (a) One or more social workers who have at least three years relevant post-qualifying experience.
- (b) The medical adviser to the adoption agency

### Responsibilities

The panel is responsible for the following in relation to recommendations to the Tower Hamlets Agency Decision Maker:

- (a) To consider each application of adopters for approval and to recommend whether or not a person is suitable to act as an adoptive parent. (Where it recommends the approval of an application **it can advise** on the terms on which the approval is given). The panel has the added responsibility of being able to **recommend the termination** of the approval status of a prospective adopter.
- (b) To make recommendations in relation to a ‘match’ of an adopter with a child. The adoption panel makes a considered recommendation, taking in to account all of the relevant information sent through to them. The relevant documentation is sent out to the panel members at least ten working days in advance of the actual panel date.
- (c) To make a fresh recommendation if a case is referred back to panel following an applicant being considered unsuitable and where they make representations to the agency.
- (d) To consider a brief report when the assessing social worker is recommending that the applicant’s assessment should be terminated.
- (e) To consider the reviews of approved adopters where they may be considered no longer suitable to adopt, and to follow the process set out in AAR 29.4
- (f) Give advice and make recommendations on any other matter or case as appropriate.

In addition the panel has the following duties and functions:

### Delegation of Functions

None

- |   |  |
|---|--|
| <p>(a) A quality assurance function reporting back to the agency every six months in relation to the assessment process and the quality of reports being presented to the panel, including checking whether the requirements of the Restrictions on the Preparation of Adoption Reports Regulations 2005 are being met. In particular, monitoring and review of the work carried out by assessors: to provide feedback; to identify problems; and to ensure there is a consistency of approach in assessment across the service, and that assessment is fair to all applicants and has been completed in a thorough and rigorous way.</p> <p>(b) Monitoring the range and type of adopters available to Tower Hamlets in comparison with the needs of children requiring adoptive placements and monitoring time scales according to set standards. Where these timescales have not been met, recording accurately the reason for delay.</p> <p>(c) Ensuring the written minutes of panel meetings are accurate and informative, and clearly cover the key issues and views expressed by panel members. The minutes should record the panel's recommendation, the reasons for its recommendation and its advice. The panel chair is responsible for checking the accuracy of the minutes, ensuring they are sufficiently full, and give the actual recommendations from the panel meeting.</p> <p>(d) Exploring the support offered to adopters and post- and pre-placement children and making recommendations accordingly</p> |  |
|---|--|

**Quorum:**

From the central list the agency must appoint:-

- (a) A person to chair the panel, who is independent of the agency,
- (b) One or two people as vice-chairs, who may act as chair if necessary

**Additional Information:**

- Constitution Part D, Section 54 (Adoption Panel Meeting Procedure Rules)

### 3. Children's Social Care Complaint Review Panel

<p><b>Summary Description:</b> The Children Act 1989 Representations Procedure (England) Regulations 2006 ('the 2006 Regulations') provides that local authorities are required to put in place systems for complaints to be made verbally to a member of staff or in writing about the actions, decisions or apparent failings of a local authority's children's social services provision. Complaints can be made by the child or young person and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right.</p>	
<p><b>Membership:</b> The Panel consists of three independent people and independent means a person who is neither a member nor an officer of the Council, nor the spouse or civil partner of such a person. The Independent Person appointed to Stage 2 may not be a member of the Panel.</p>	
<p><b>Functions</b></p>	<p><b>Delegation of Functions</b></p>
<p>Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they will be eligible to request further consideration of the complaint by the Review Panel and the Review Panel should:</p> <ul style="list-style-type: none"> <li>(a) listen to all parties;</li> <li>(b) consider the adequacy of the Stage 2 investigation;</li> <li>(c) obtain any further information and advice that may help resolve the complaint to all parties' satisfaction;</li> <li>(d) focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes;</li> <li>(e) reach findings on each of the complaints being reviewed;</li> <li>(f) make recommendations that provide practical remedies and creative solutions to complex situations;</li> <li>(g) support local solutions where the opportunity for resolution between the complainant and the local authority exists;</li> <li>(h) to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and</li> <li>(i) recommend any service improvements for consideration by the authority.</li> </ul>	<p>None</p>
<p><b>Quorum:</b> All three independent members of the panel</p>	

#### 4. Fostering Panel

**Summary Description:**

The Fostering Panel undertakes the following work generated by the Recruitment and Assessment Team, the Fostering Development Team, the Permanency and Adoption Support Team and the Kinship Care Team:

- Approvals of new short term, long term, short break, remand, teenage and when needed of connected persons;
- Annual foster home reviews;
- Specific Issue reports with regard to existing foster carers, including termination of approvals;
- Matches between long term foster carers and children looked after;
- A connected person who is approved as a foster carer is often referred to as a family and friends carer. Subject to the successful completion of the assessment or checks set out in regulation 24(2), the connected person may be approved as a local authority foster carer for a period not exceeding 16 weeks. Regulation 25 of the 2010 regulations sets out the circumstances in which, exceptionally, the period of temporary approval may be extended for a further 8 weeks. This period has been set to allow a sufficient time for the full approval process to be undertaken, including any criminal record checks required;
- Variations and exemptions with regard to foster carers' approval criteria.

**Membership:** There is no requirement for the panel to have a fixed membership, although the ability of the panel to function cohesively and with a level of consistency must be taken into account. There is no limit on the number of people who may be included on the list. Membership should include:

- Panel Chair
- Vice-Chair
- Relevant officers
- Elected Member(s)
- Others as set out in the procedures document.

**Functions**

**Delegation of Functions**

The panel has the following areas of responsibility:

- To consider each application for approval and recommend whether or not the person is suitable to act as a foster carer and the terms of approval.
- To recommend whether a foster carer's terms of approval remain appropriate. Annual foster home reviews and specific issues reports following allegations can be signed off by the chair but need to be presented to the panel in the following circumstances:
  - First review and every following third review
  - Following allegations or child protection concerns,

<p>whether this is proven or unsubstantiated</p> <ul style="list-style-type: none"> <li>○ If a significant change of approval or termination of approval is requested</li> <li>○ On any other occasion if requested by the panel or the fostering service</li> </ul> <ul style="list-style-type: none"> <li>• To consider matches between long term foster carers and looked after children</li> <li>• To give advice at an early stage of the fostering assessment, if there are questions with regard to whether the applicant would ultimately be approved</li> <li>• To hear appeals from applicants whom the fostering team has turned down</li> <li>• To make a recommendation in relation to the deregistration of any foster carer and hear representations made by the carer, which are received within 28 days</li> <li>• To monitor the range and type of foster carers available to Tower Hamlets in relation to the profile of children needing foster carers (Standard 13.6)</li> <li>• To consider management information about the outcome of foster home reviews (Standard 30)</li> <li>• To oversee the conduct of assessments and monitor the quality of reports (Standard 13)</li> <li>• To give advice and make recommendations on any other matter or case that the fostering service feels is appropriate to refer to the panel</li> </ul>	
<p><b>Quorum:</b> At least 5 members including the Chair or Vice-Chair. At least one Tower Hamlets social worker and at least two independent members must be present.</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• Constitution Part D, Section 54 (Fostering Panel Meeting Procedure Rules)</li> </ul>	



## 5. Freedom of the Borough Ad Hoc Panel

**Summary Description:** The Council is empowered by section 249(5) of the Local Government Act 1972 to admit as Honorary Freeman/Freewomen of the borough 'persons of distinction and persons who have in the opinion of the Council, rendered eminent services to the borough'.

The Freedom of the Borough Ad Hoc Panel will consider any proposals relating to the granting of the Freedom of the Borough including any nominations for that award and make recommendations accordingly for consideration by Full Council.

**Membership:** Members of the Panel to include the Speaker of the Council, the Executive Mayor, any former Civic Mayors or Chairs of Council still serving as Councillors, and at least one representative of each political group on the Council. The Panel may co-opt additional non-voting Members including other former Civic Mayors or Chairs/ Speakers of Council, or independent persons drawn from the business, community or public sectors. The Panel shall be chaired by the Speaker of the Council.

<b>Functions</b>	<b>Delegation of Functions</b>
1. To consider any proposals that may be made in due course relating to the granting of the Freedom of the Borough, including any nominations for that award, and to make recommendations	None

**Quorum:** 3 voting Members of the Panel

## 6. Pensions Board

**Summary Description:** The Board was created under the Public Service Pensions Act 2013 to assist the Administering Authority (Tower Hamlets Council) in its role as a scheme manager of the scheme.

**Membership:** The Board shall consist of 6 voting members, as follows:  
3 Member Representatives; and  
3 Employer Representatives.

There shall be an equal number of Member and Employer Representatives.

There shall also be 1 other representative who is not entitled to vote (to be appointed as Chair).

### Functions

### Delegation of Functions

1. The purpose of the Board is to assist<sup>1</sup> the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
  - 
  - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
  - (b) to ensure the effective and efficient governance and administration of the Scheme.

None

- **More details are set out in the Pensions Board Meeting Procedure Rules**

**Quorum:** 1.A meeting is only quorate when at least one person of each member and employer representatives are present plus an independent chair or 50% of both member and employer representatives are present.

2.A meeting that becomes inquorate may continue but any decisions will be non-binding.

### Additional Information:

- Constitution Part D, Section 54 (Pensions Board Meeting Procedure Rules)

<sup>1</sup> Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means

## 7. The Private Fostering Panel

<b>Summary Description:</b> To consider private fostering arrangements and related issues.	
<b>Membership:</b> The Panel can have up to ten Members including the Chair, Vice-Chair, medical representative, education representative, independent member, and agency member. Advisors to the Panel can also be appointed.	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To consider and be satisfied of the suitability of each private fostering arrangement and to recommend whether or not a person is suitable to act as a private foster carer. Where the suitability of a private fostering arrangement is agreed, to recommend the terms on which the agreement is given;	None
2. To make decisions to impose requirements or prohibitions and whether to refuse to consent to allow a person who is disqualified to privately foster a child/young person;	None
3. To give advice and make recommendations on any other matter or case that Tower Hamlets Private Fostering Service feels appropriate to recommend to it.	None
4. The private fostering panel will provide a quality assurance function in relation to the assessment process – in particular: <ul style="list-style-type: none"> <li>• To monitor and review the work of the assessor;</li> <li>• To provide feedback;</li> <li>• To identify problems and concerns;</li> <li>• To ensure there is a consistency of approach in assessment processes across the service which is fair to all parties and has been completed in a thorough and rigorous way, (as indicated in The Children Act 1989 Guidance on Private Fostering and Tower Hamlets Protocol on Private Fostering Arrangements),</li> </ul>	None
<b>Quorum:</b> Three voting members including a panel member not employed by the Children’s Directorate and also either the Chair or Vice Chair.	
<b>Additional Information:</b> <ul style="list-style-type: none"> <li>• Constitution Part D, Section 54 (Private Fostering Panel Meeting Procedure Rules)</li> </ul>	

## 8. Safeguarding Adults Board

<p><b>Summary Description:</b> The role of the SAB is to oversee and lead adult safeguarding across the locality with the aim of preventing abuse and neglect. This includes the safety of patients in its local health services, quality of local care and support services, effectiveness of prisons and approved premises in safeguarding offenders and awareness and responsiveness of further education services.</p>	
<p><b>Membership:</b> To comply with the Care Act 2004, there must be representation from the Local Authority, Local Clinical Commissioning Group and the Police. Exact current membership set out in the Board's Procedures.</p>	
<p><b>Functions:</b> The SAB has three duties under the Care Act 2004.</p>	<p><b>Delegation of Functions</b></p>
<p>1. It must publish a strategic plan for each financial year that sets how it will meet its main objective and what the members will do to achieve this.</p>	<p>None</p>
<p>2. It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any Safeguarding Adults Reviews and subsequent action.</p>	<p>None</p>
<p>3. It must conduct any Safeguarding Adults Review in accordance with Section 44 of the Act.</p>	<p>None</p>
<p><b>Quorum:</b> Is not based on numbers but on an adequate balance of representation. Including ensuring the meeting is compliant with the Care Act. The Safeguarding Adults Board/LD Strategy Manager and The Adult Safeguarding /MCA Manager must also be in attendance.</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• Constitution Part D, Section 54 (Safeguarding Adults Board Meeting Procedure Rules)</li> </ul>	

## 9. Tower Hamlets Safeguarding Children Board

<p><b>Summary Description:</b> The Local Safeguarding Children Board (LSCB) established through the Children Act 2004 Section 14.1, is a statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children, and for ensuring the effectiveness of what they do.</p>	
<p><b>Membership:</b> The Membership is reviewed on an annual basis and will be published separately.</p>	
<p><b>Functions:</b> The broad scope of the LSCB is to address:</p>	<p><b>Delegation of Functions</b></p>
<p>1. Activity that affects all children and aims to identify and prevent maltreatment or impairment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care</p>	<p>None</p>
<p>2. Proactive work that aims to target particular groups</p>	<p>None</p>
<p>3. Responsive work to protect children who are suffering, or likely to suffer, significant harm</p>	<p>None</p>
<p><b>Quorum:</b> N/A</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>Constitution, Part D Section 54 (Safeguarding Children's Board Meeting Procedure Rules)</li> </ul>	

## 10. School Admissions Forum

<p><b>Summary Description:</b> The forum's primary purpose is to consider and promote a fair and effective schools admission system, which advances social equity and inclusion, ensuring that the interests of local parents and children come first. It will discuss and give advice to the Local Authority and other admission authorities on a range of school admissions issues including those listed below:</p>	
<p><b>Membership:</b> The core membership of twenty representatives are nominated by various groups. Full details in the Forum's Procedures.</p>	
<p><b>Functions</b></p>	<p><b>Delegation of Functions</b></p>
<p>1. Considering existing and proposed admissions arrangements;</p>	
<p>2. Promoting local agreement on admission issues;</p>	
<p>3. Considering improvements to admissions processes;</p>	
<p>4. Reviewing admissions guidance for parents;</p>	
<p>5. Promoting agreement on arrangements for dealing with in-year admissions including arrangements for vulnerable and looked after children;</p>	
<p>6. Publishing advice representing the agreed views of the Forum, this is distributed to the governors of all schools which are their own admission authorities;</p>	
<p>7. Having regard to guidance published from time to time by the Secretary of State, particularly the revised Codes of Practice on School Admissions, School Admission Appeals and 'Hard to Place' Pupils.</p>	
<p><b>Quorum:</b> 7 core members.</p>	
<p><b>Additional Information:</b></p> <ul style="list-style-type: none"> <li>• Constitution Part D, Section 54 (School Admissions Forum Meeting Procedure Rules)</li> </ul>	

## 11. Secure Accommodation Panel

**Summary Description:** The Purpose of a Secure Accommodation Review is to consider whether the criteria for keeping a child in secure accommodation continue to apply, on the day of the review, if such a placement continues to be necessary and whether or not any other form of accommodation would be appropriate.

**Membership:** At least 3 persons, at least one of whom is neither a member nor an officer of the Council by or on behalf of which the child is being looked after

<b>Functions</b>	<b>Delegation of Functions</b>
1. To discharge the functions as set out in the Children (Secure Accommodation) Regulations 1991	None

**Quorum:** All voting Members of the Panel

## 12. Standing Advisory Council on Religious Education (SACRE)

**Summary Description:** Education Reform Act 1988 places a duty on every Local Authority to constitute a Standing Advisory Council on Religious Education (SACRE). Religious Education is part of the basic curriculum which is made up of the National Curriculum and Religious Education. Unlike any other subject in the statutory curriculum, RE is local determined, monitored and controlled in a partnership with the local communities of religion and belief.

**Membership:** Representatives from Groups A to D

**Group A:** 16 representatives from such Christian and other religious denominations as in the opinion of the Authority will appropriately reflect the principal religious traditions in the area.

[1 African Caribbean Pentecostal Churches; 1 Buddhist; 1 Free Church; 1 Hindu; 1 Jewish; 6 Muslim; 3 Roman Catholic; 1 Sikh; and 1 Society of Friends]

**Group B:** 6 representatives from The Church of England

**Group C:** 7 representatives from associations representing teachers as, in the opinion of the Authority, ought to be represented having regard to the circumstances of the area.

**Group D:** 4 representatives from the Local Authority

[3 elected Members; and 1 officer]

1 co-opted representative of non-religious worldviews (non-voting)

Functions	Delegation of Functions
1. To provide advice to the Council as local education authority (LEA) on all aspects of its provision for religious education in its schools, excluding voluntary aided schools	None
2. To decide whether the LEA's agreed syllabus for religious education needs to be reviewed and to require the LEA to do so	None
3. To provide advice to the LEA on collective worship in its schools	None
4. To consider any requests from head teachers to lift the requirement to provide collective worship that is not of a broadly Christian nature	None
5. To advise on matters relating to training for teachers in religious education and collective worship	None
6. To advise the LA on RE in accordance with the agreed syllabus, and on matters related to its functions, whether in response to a referral from the LA or as it sees fit. (Section 391(1)(a) Education Act 1996	None
7. Statutory duty to publish an annual report on its work and on actions taken by its representative groups, specifying any matters on which it has advised the LA, broadly describe the nature of that advice, and set out reasons for offering advice on matters not referred to it by the LA. (Section 391(6) and (7) Education Act 1996.	None
8. To consider any other matters relating to its remit.	None



**Quorum:** A total of eight persons from groups A to D as follows:-

1. 2 representatives from Group A – representing 2 different denominations
2. 1 person from Group B
3. 2 representatives from Group C – representing different associations
4. 2 people from Group D – including at least one Councillor

## 21 Terms of Reference – Joint Committees

1. As set out in more detail in Section 12, the Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions in any of the participating authorities, or advise the Council on any matter. Such arrangements may involve the appointment of a joint Committee with these other local authorities and/or their Executives.
2. The Mayor or Executive may only appoint Executive Members to a joint Committee except where:
  - (i) the joint committee is discharging a function in relation to five or more relevant authorities; or
  - (ii) the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee.
3. Terms of Reference for the Council's Joint Committees are set out below.
4. Grants Committee
5. Inner North East London Joint Health Overview and Scrutiny Committee
6. Joint Committee of the Six Growth Boroughs
7. London Council's Committee (known as the Leader's Committee)
8. London Housing Consortium
9. Pensions CIV Sectoral Committee
10. Transport and Environment Committee

#### 4. Grants Committee

**Membership:** This Committee was established to take decisions in relation to the London Councils Grants Scheme which was established under section 48 of the Local Government Act 1985. The members of the Grants Committee are from the 33 London Boroughs (this includes the City of London).

**Terms of Reference:** The terms of reference of the Committee are:

1. To ensure the proper operation of the London Boroughs Grants Scheme;
2. To make recommendations to the Leaders' Committee on overall policies, strategies and priorities;
3. To make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;
4. To consider grant applications and make grants to eligible voluntary organisations; and
5. To make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

**Rules of Procedure:** See for the London Council's Committee

## 5. Inner North East London Joint Health Overview and Scrutiny Committee

**Introduction: 1.** Regulation 30 of the Local Authority ( Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (Reg 30) ensure that there are sufficient scrutiny procedures and policies in place to cover the cross-Borough wide NHS Sustainability and Transformation Plan (STP).

**Membership:** The INEL JHOSC will be a committee serviced by the participating local authorities on a two-yearly cycle – the current local authority hosting the INEL JHOSC is the London Borough of Newham in accordance with section 101(5) of the Local Government 1972;

The membership shall be made up of three members from each of the larger participating local authorities and one from the City of London Corporation; making a total of 10 members, with each council's membership being politically proportionate and with non-executive councillors making up the membership.

Substitutions will be accepted if a councillor is not able to attend a meeting of the JHOSC and that councillor has informed the Chair and Scrutiny Officer five working days in advance of the meeting.

Guidance suggests that co-opting people is one method of ensuring involvement of key stakeholders with an interest in, or knowledge of, the issue being scrutinised. This is already a power of overview and scrutiny committees by virtue of the Local Government Act 2000. However, the Guidance also recommends other ways of involving stakeholders by, for example, giving evidence or by acting as advisers to the committee.

A Chair (from the host authority) will be appointed by the JHOSC at the first meeting.

A vice-Chair (from non-host local authorities) will be appointment by the JHOSC at the first meeting. Where agreed, a second vice-Chair may also be nominated to ensure parity across the Membership.

**Role:** Consider and respond to any health matter which:

Impacts on two or more participating local authorities or on the sub region as a whole, and for which a response has been requested by NHS organisations under Section 244 of the NHS Act 2006; and

All participating local authorities agree to consider as an INEL JHOSC

To collectively review and scrutinise any proposals within the STP that are a substantial development / variation of the NBS or the substantial development / variation of such service where more than one local authority is consulted by the relevant NHS body pursuant to Reg 30;

To collectively consider whether a specific proposal within the STP that's is not a substantial development or variation is only relevant for one authority and therefore should be referred to that local authority's Health Scrutiny Committee for scrutiny;

In the event that a participating local authority considers that it may wish to consider a discretionary matter itself rather than have it dealt with by the joint committee it shall give notice to the other participating councils and the joint committee shall then not take any decision on the discretionary matter (other than a decision which would not affect the council giving notice) until after the next full Council meeting of the council giving notice in

order that the council giving notice may have the opportunity to withdraw delegation of powers in respect of that discretionary matter;

To require the relevant local NHS body to provide information about the proposals under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function;

Make reports or recommendations to the relevant health bodies as appropriate and/or the constituent authorities' respective Overview and Scrutiny Committees (OSC) or equivalent;

Each Council to retain the power of referral to the Secretary of State of any proposed "substantial variation" of service, so this power is not solely delegated to the JHOSC.

To review the procedural outcome of consultations referred to in any substantial development / variation, particularly the rationale behind contested proposals;

To undertake in-depth thematic studies in respect of services to which the NHS Trusts contribute and where a study is done on a Trust wide and cross borough basis;

To take account of relevant information available and in particular any relevant information provided by Healthwatch under their power of referral;

To maintain effective links with Healthwatch and other patient representative groups and give consideration to their input throughout the Scrutiny process;

**Quorum:** The quorum for meetings will be seven members from at least two local authorities. During any meeting if the Chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If a date is not fixed, the remaining business will be considered at the next meeting.

### **Decision Making Process**

Decisions will be taken by consensus. Where it is not possible to reach a consensus, a decision will be reached by a simple majority of those members present at the meeting. Where there are equal votes the Chair will have the casting vote.

### **Reporting Arrangements**

Prior to the agenda for each meeting of the JHOSC being finalised officers will convene a planning / pre-meeting with the Chairs of the individual HOSC's or their nominee, along with key individuals presenting papers from the NHS and other informal briefings as considered appropriate;

In terms of the JHOSC's conclusions and recommendations the Guidance says that one report has to be produced on behalf of the JHOSC. The final report shall reflect the views of all local authority committees involved in the JHOSC. it will aim to be a consensual report.

In the event there is a failure to agree a consensual report the report will record any minority report recommendations. At least seven members of the JHOSC must support the inclusion of any separate minority report in the committee's final report.

Any report produced by the JHOSC will be submitted to the local authority's council

meetings for information.

The NHS body or bodies receiving the report must respond in writing to any requests for responses to the report or recommendations, within 28 days (calendar, not working) of receipt of the request.

In the event that any local authority exercises its right to refer a substantial variation to the Secretary of State, it shall notify the other local authorities of the action it has taken and any subsequent responses.

### **Frequency and Administration**

INEL JHOSC to meet quarterly, with at least one meeting within a 12 month period aligned with ONEL JHOSC to consider issues that cover the STP footprint;

To constitute and meet as a Committee as and when participant boroughs agree to do so subject to the statutory public meeting notice period;

Meetings will usually be led by each authority rotating on a two-yearly basis with the Chair being a councillor from the current lead local authority;

The lead authority will be responsible for the servicing of the JHOSC. Suitable officer resources (Legal, Democratic) will be provided to meet the requirements of the committee. This includes (but is not restricted to):

1. providing legal advice;
2. liaising with health colleagues ahead of the meeting;
3. updating action sheets from previous meetings;
4. producing agenda papers and co-ordinating public forum;
5. creating formal minutes and actions sheets;

If there is a specific reason, for example, if the issue to be discussed relates to a proposal specific to the locality of one Local Authority area the meeting venue can change to a more appropriate venue. The lead Local Authority would remain the same, even if the venue changes;

Any changes to the host authority must be agreed by the committee;

Agenda and supporting papers to be circulated and made publicly available at least five working days before the meeting;

Actions to be circulated to those with actions as soon as possible after the meeting – no later than 48hrs following the meeting;

Minutes of the meeting to be circulated within 10 working days of the meeting;

Meetings to be held in public, with specific time allocated for public questions;

### **Petitions, Statements and Questions**

Members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer of the host authority (and include their name and address and details of the wording of the petition, and in the case of a statement or question a copy of the submission), by no later than 12 noon ONE WORKING DAY

BEFORE the meeting, may present a petition, submit a statement or ask a question at meetings of the JHOSC. The petition, statement or question must relate to the terms of reference and role and responsibility of the committee;

The total time allowed for dealing with petitions, statements and questions at each meeting is thirty minutes;

Statements and written questions, provided they are of reasonable length, will be copied and circulated to all members and will be made available to the public at the meeting;

There will be no debate in relation to any petitions, statements and questions raised at the meeting but the committee will resolve;

1. “that the petition / statement be noted”; or
2. if the content relates to a matter on the agenda for the meeting: “that the contents of the petition / statement be considered when the item is debated”;

### **Response to Questions**

Questions will be directed to the appropriate Director or organisation to provide a written response directly to the questioner. Appropriately redacted copies of responses will be published on the host authority’s website within 28 days.

Details of the questions and answers will be included on the following meeting’s agenda.

### **Principles of Effective Scrutiny**

Scrutiny undertaken through the JHOSC will be focused on improving the health and health services for residents in areas served by the JHOSC through the provision and commissioning of NHS services for those residents;

Improving health and health services through scrutiny will be open and transparent to Members of the Local Authority, health organisations and members of the public.

All Members, officers, members of the public and patient representatives involved in improving health and health services through scrutiny will be treated with courtesy and respect at all times.

Improving health and health services through scrutiny is most likely to be achieved through co-operation and collaboration between representatives of the various Local Councils, NHS Trusts, representatives of Healthwatch and the Clinical Commissioning Groups commissioning hospital services;

Co-operation and joint working will be developed over time through mutual trust and respect with the objective of improving health and health services for local people through effective scrutiny.

All agencies will be committed to working together in mutual co-operation to share knowledge and deal with requests for information and reports for the JHOSC within the time scales set down.

The JHOSC will give reasonable notice of requests for information, reports and attendance at meetings.

The JHOSC, whilst working within a framework of collaboration, mutual trust and co-operation, will always operate independently of the NHS and have the authority to hold views independent of other Members of representative Councils and their Executives;

The independence of the JHOSC must not be compromised by its Members, by other Members of the Council or any of the Councils' Executives, or by any other organisation it works with;

Those involved in improving health and health services through scrutiny will always declare any particular interest that they may have in particular pieces of work or investigation being undertaken by the JHOSC and thus may withdraw from the meeting as they consider appropriate;

The JHOSC will not to take up and scrutinise individual concerns or individual complaints.

Where a wider principle has been highlighted through such a complaint or concern, the JHOSC should consider if further scrutiny is required. In such circumstances it is the principle and not the individual concern that will be subject to scrutiny.



## 6. Joint Committee of the Six Growth Boroughs

**Membership:** The Joint Committee of the Six Growth Boroughs is a joint committee pursuant to section 101(5) of the Local Government Act 1972. It consists of 12 Members, comprising two Members nominated by the Executive from each of the 6 boroughs, namely the London Boroughs of Barking and Dagenham, Hackney, Newham, Tower Hamlets, and Waltham Forest, and the Royal Borough of Greenwich, for a maximum period not exceeding beyond and Member's remaining terms of office as a councillor

**Terms of Reference:** To act as a joint committee of the London Boroughs of Hackney, Newham, Tower Hamlets, Waltham Forest, and Barking and Dagenham, and the Royal Borough of Greenwich (the six boroughs) for joint collaboration in relation to convergence and legacy and to discharge on behalf of the boroughs the executive functions listed below in so far as they relate to joint activities or areas of common concern in relation to convergence and legacy, as agreed in the business plan:

1. Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the six boroughs dated [.....]
2. Management and expenditure of external funding and all other financial resources allocated to the joint committee, including any funding allocated to the joint committee by any or all of the six boroughs in addition to the annual budget.
3. Approval of an annual business plan.
4. Joint promotion of the Growth Boroughs area and its unique portfolio of assets including the Olympic afterglow.
5. Consistent approach to enforcing through planning and procurement requirements the promotion of convergence by developers and contractors.
6. Collective promotion of transport and other infrastructure investment including its prioritisation over other parts of London.
7. Joint bidding for funding, training and employment programmes, e.g. funding from the European Union and Regional Growth Fund (RGF) where bids from one Borough will not be entertained.
8. Convergence and the prioritising of the social and economic needs of the Growth Boroughs area.
9. Collective action in respect of the National and Regional allocation of local government housing, health, policing and transport resources based on need and population.
10. Working together to protect Growth Boroughs' interests in respect of National and Regional policy and action.
11. Collective working with employers on jobs and skills.
12. Contextual recognition of the varying economic, housing and investment opportunities related to the character and resources of each of the Growth Boroughs.

Any other executive functions relating to joint activities or areas of common concern in relation to convergence and legacy in relation to which funding is allocated through the annual budget or in respect of which external funding or any other financial resources are allocated to the joint committee.

The governance arrangements provide flexibility so that one or more but less than six boroughs can opt out of certain projects insofar as they relate to joint activities or areas of concern. It is within the capacity of the Joint Committee to agree that one or more but less than six boroughs may participate in work with other authorities outside the growth borough arrangements. The Joint Committee will agree any particular project will be undertaken by one or more boroughs outside the responsibilities of the Joint Committee.

**Quorum:** At least 1 Member from each of the 6 boroughs

## 7. London Council's Committee (known as the Leader's Committee)

**Membership:** The Leaders' Committee is comprised of the Leader / Mayor of each of the 33 London Local Authorities

**Terms of Reference:** The terms of reference of the Committee are set out in full in the Agreement dated 1<sup>st</sup> April 2000 and are summarised below:

1. To consult on the common interests of the London Local Authorities and to discuss matters relating to Local Government.
2. To represent the interests of the London Local Authorities to national and Local Government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.
3. To formulate policies for the development of democratic and effectively management Local Government.
4. To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.
5. To appoint representatives or staff to serve on any other body.
6. To represent the interests of the London Local Authorities as employers.
7. To provide services to the London Local Authorities including the dissemination of information on Local Government and on other relevant issues.
8. To provide information to the public, individuals and other organisations on the policies of London Councils and Local Government issues relevant to London.
9. To act as the regional body of the Local Government Association.
10. To act for, and on behalf of London Local Authorities in their role as employers, through the provision and development of a range of services.

**Rules of Procedure:** The rules of debate and procedure for the conduct of meetings of the Leaders' Committee are set out in Standing Orders contained in the 1 April 2000 Agreement and which are also published on the London Councils' website. London Councils is also required to comply with Financial Regulations contained in the ALG Agreement. These Standing Orders and Financial Regulations also apply to the other London Councils joint committees detailed below.

## 8. London Housing Consortium

**Membership:** The London Housing Consortium (LHC) is a joint committee pursuant to section 101(5) of the Local Government Act 1972 and is a building procurement consortium for housing, schools and corporate buildings. The LHC is governed by a Board of Elected Members which comprises one voting Councillor representative from the each of the local authority members. The constituent authorities are: Buckinghamshire County Council and the London Boroughs of Brent, Ealing, Hackney, Haringey, Hillingdon, Islington, Lambeth, and Tower Hamlets

**Terms of Reference:** The terms of reference of the Committee are:

1. To provide specialist technical and procurement services related to building programmes undertaken by London Housing Consortium constituent authorities and other public sector bodies.
2. To establish, develop and manage framework agreements for the procurement of building components and services for the use and benefit of all constituent authorities and other public sector bodies.

## 9. Pensions CIV Sectoral Committee

**Membership:** Each London Local Authority participating in the arrangements shall appoint a representative to the Committee being either the Leader of the authority or the elected mayor as appropriate or a deputy appointed for these purposes.

**Summary Description:** The Pensions CIV Joint Committee will in practice be fulfilling two roles:

a) To consider and provide guidance on the direction and performance of the CIV (“Joint Committee Meetings”). Decisions can be taken at the committee relating to the operation and business of the ACS Operator but they will not be formal decisions of the ACS Operator unless either a general meeting of the ACS Operator (and not the committee) has been formally convened or a Board meeting of the ACS operator adopts the recommendations of the Joint Committee.

b) The formal shareholder meetings of the ACS Operator to take decisions on behalf of the participating London local authorities in their capacity as shareholders exercising the shareholder rights in relation to the ACS Operator (“Shareholder Meetings”).

Functions	Delegation of Functions
1. As set out in the Committee procedures (Constitution Part D Section 53)	

**Quorum:** As set out in the Standing Orders of London Councils

## 10. Transport and Environment Committee

**Membership:** This Committee was established under an Agreement dated 15 January 1998, which was varied by Agreements dated 13 December 2001 and 1 May 2003. The Committee is comprised of 1 councillor from each of the London Local Authorities and Transport for London

**Terms of Reference:** The terms of reference of the Committee are set out in full in the Agreements dated 13<sup>th</sup> December 2001 and 1<sup>st</sup> May 2003 and are summarised below:

1. Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.
2. Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.
3. Determine the rate of discount for early payment of penalty charge notices.
4. Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.
5. The publication and updating as necessary of the Code of Practice for Parking in London.
6. The co-ordination and maintenance of vehicle removal and clamping operations.
7. The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.
8. Ticket processing, general data collection and service monitoring.
9. The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.
10. The establishment of London-wide parking schemes.
11. Implementation and enforcement of the London Lorry Ban.
12. Managing the Concessionary Fares Scheme.
13. Managing the London Taxicard Scheme.

**Rules of Procedure:** See for the London Council's Committee above

## 22 Terms of Reference – The Executive

1. As set out in more detail in Section 8 the Council’s Executive has established a Cabinet and two Sub-Committees to discharge Executive responsibilities. Their terms of reference are set out below as follows:
2. Cabinet
3. Grants Determination Cabinet Sub-Committee
4. King George’s Field Board

### 4 Cabinet

<b>Summary Description:</b> The Cabinet is forum for the Mayor, in consultation with the Cabinet Members, to take decisions related to	
<b>Membership:</b> The Mayor and at least 2 and not more than 9 other Executive Councillors appointed by the Mayor.	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To discharge all functions not specified as the responsibility of the full Council or of any other Committee, where the Mayor has delegated his powers to the Cabinet as set out in the Executive Scheme of Delegation.	Chief Officers and other officers authorised by them have the delegated authority as set out in paragraph 3.2 above and 3.5 below.
2. In relation to any Executive function for which the Mayor has not delegated his powers to the Cabinet, to advise the Mayor on the discharge of that function.	No delegations
3. To refer to the Standards Advisory Committee for consideration any report which contains implications for the Council's ethical framework	No delegations
<b>Quorum:</b> 3 Members of the Cabinet	
<b>Additional Information:</b> <ul style="list-style-type: none"> <li>• Constitution Section 29 Executive Procedure Rules</li> </ul>	

**The Cabinet may establish Sub-Committees to discharge functions on its behalf but any Cabinet Sub-Committee may only include Cabinet Members.**

## 5. King George's Fields Charity Board

<b>Purpose:</b>	
[Insert content including explanation of charitable status / role.]	
<b>Membership:</b> All Members of the Cabinet	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To administer the affairs of the King George's Field, Mile End charity, registered number 1077859 and the King George's Field – Stepney (Tredegar Square, Bow) charity, registered number 1088999 and discharge all duties of the Council as sole trustee of these charities.	No delegations
2. To administer the affairs and discharge the duties of trustee of such other charities controlled by the Council as the Executive might authorise.	No delegations
<b>Quorum:</b> 3 Members of the Board	



## 6. **Grants Determination Sub-Committee**

<b>Membership:</b> The Mayor plus 3 other Executive Councillors as appointed by the Mayor – the remaining Members of the Executive are substitute Members.	
<b>Functions</b>	<b>Delegation of Functions</b>
1. To determine all applications for grant funding received by the Council.	No delegations
2. To determine all applications for corporate match funding received by the Council.	No delegations
3. The Sub-Committee may delegate decision making to individual officers, provided that the extent of this delegation is made clear and that it is minuted properly	No delegations
4. Where decision making has been delegated, to receive a report advising as to the exercise of a discretion at the next Sub-Committee meeting following the exercise of such discretion.	No delegations
5. To receive quarterly update reports against defined parameters in order for the Council to demonstrate either: that delivery is in line with the application and, therefore, the grant achieved its purpose; or to provide clear delineation where outcomes were not achieved and the reasons for such failure are apparent. Such Monitoring should therefore include measuring performance against the expected outcomes.	No delegations
6. To determine criteria under which grant applications will be considered.	No delegations
<b>Quorum:</b> 3 Members of the Committee	

## 23 Corporate Scheme of Delegation – The Chief Executive and Corporate Directors – Delegations

1. The Council may appoint such officers as it considers appropriate for the discharge of its functions. Currently the Council has appointed as its Corporate Leadership Team the following officers:-
  - Chief Executive
  - Corporate Director Governance
  - Corporate Director Resources
  - Corporate Director Place
  - Corporate Director Health, Adults and Community
  - Corporate Director, Children and Culture
2. The Council delegates to the Chief Executive and Corporate Directors authority to make decisions relating to any:
  - Executive function of the Council carried out by services under their management in accordance with the Mayor's Executive Scheme of Delegation other than key decisions, and those which are the responsibility of the Mayor, unless specifically delegated to be taken by the Mayor in Cabinet, a Cabinet Sub Committee or an Officer and
  - Any Council function carried out by services under their management other than those reserved in the terms of reference of the Council to the Council or to any Council Committee or Sub-Committee unless the Council or that Committee or Sub-Committee specifically delegates it to another officer of the authority.
3. The Chief Executive and the Corporate Directors may exercise any functions of the Council or the Executive which have been delegated to any other officer and may delegate decisions or functions to one or more officers in any of the Council's Directorates, except when prohibited to do so by this Constitution or by law.
4. Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made.
5. The Council's Scheme of Delegation to Officers is contained in Sections 23, 24 and 25 and supplementary documents contained in Part D of the Constitution.
  - Section 23 – Corporate Scheme of Delegation – The Chief Executive and Corporate Directors – Delegations (This Section)
  - Section 24 - the functions and responsibilities of the Chief Executive and the Corporate Directors;
  - Section 25 - Statutory Officers

#### Part D Documents

- Section 45 – Statutory and Proper Officer Appointments.
- Section 46 – the Councils Corporate Operating Procedures and which cover a general range of functions that apply to all the Council's Directorates; and

6. Corporate Directors may delegate decisions or functions for which they are responsible to one or more officers within their directorate provided that they maintain a Directorate Officer Scheme of Delegation which is notified to the Monitoring Officer.
7. The Corporate and Officer Schemes of Delegation are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation. They delegate all the powers and duties necessary for the discharge of the Council's functions and not specifically reserved to the Mayor or the Mayor in Cabinet, the Council or a Committee or Sub-Committee of Council to the Officers. The delegations include:
  - All functions powers and duties of the Authority, whether under any specific legislation identified in the scheme or not.
  - All powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972 and including management of the human and material resources made available for the service areas unless specifically reserved to Council, a Committee or Sub-Committee of the Council or to the Mayor, the Mayor in Cabinet or a Cabinet Sub-Committee .

An Officer may decline to exercise delegated powers and instead report to the Mayor, the Mayor in Cabinet, a Cabinet Sub-Committee or to the appropriate Council Committee/Sub-Committee.

8. The Corporate and Officer Schemes of Delegations do not delegate:
  - Any matter reserved to the Council by law or by Council's Constitution.
  - Any matter which is a function which cannot by law be discharged by an officer.
  - Any matter which is specifically excluded from delegation by this Scheme or by resolution of Council, a Committee or a Sub-Committee (in the case of a Council function), or the Mayor, Mayor in Cabinet or cabinet sub-Committee( in the case of an executive function)
  - Any matter where an Officer has declined to exercise delegated powers and instead reports to the Mayor, Executive or appropriate Committee

9. Delegated powers must always be exercised in accordance with

- The Council's Budget and Policy Framework.
- The Council's approved Budget.
- The relevant Procedure Rules set out in this Constitution.
- Policies, plans and programmes that have been approved by or on behalf of the Council.
- Any instructions given by the Chief Executive.

Officers exercising delegated powers should also have regard to:

- Any legal advice given by the Corporate Director, Governance.
- Any financial advice given by the Corporate Director, Resources.
- Any appropriate technical or other advice given by a suitably qualified Council officer.
- Any statutory codes of conduct or statutory guidance, and any other codes and protocols as may be approved by the Council or the Mayor and Executive.
- any previous decision of the Council on any relevant policies or procedures.
- All other parts of this Constitution.

10. Delegated powers must be exercised within the revenue and capital budgets for the relevant service as approved by Council, subject to any variation thereof permitted by the Council's Financial and Contract Procedure Rules, and, if appropriate, in accordance with the provisions of Section 3 (How Decisions are Made) in this Constitution.

a) Officers do not take "key decisions" as defined in Section 3 of this Constitution, however;

- Any officer decision which results in the local authority incurring expenditure which is, or the making of savings which are, below the threshold for a key decision (currently £1million) but are above £250,000 must be published on the Council's website 'as soon as practicable' (and following any guidance from the Monitoring Officer) after the decision has been taken.

11. In exercising any delegated function, the following principles apply:

- Corporate Directors must ensure that this Scheme is fully implemented, monitored, maintained and regularly reviewed and any changes required to Directorate Schemes are reported to the Monitoring Officer.
- Corporate Directors and Divisional Directors may further delegate their powers to officers within their Directorate or withdraw powers provided that
  - a) such action is in writing, is subsequently included in the Directorate's Officer Scheme of Delegation and the Monitoring Officer is notified in writing.

b) any such delegation, while being as near to the point of service delivery as possible, is only to officers within their Directorate that hold the appropriate level of responsibility

12. The Corporate and Directorate Schemes of Delegations will be superseded in any case where a Council or Mayoral decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently.
13. Where it is considered that in exercising a delegated power or duty a departure in policy, procedure or a significant change in financial practice is likely to be involved, the decision maker shall consult with the Corporate Director, Governance and/or the Corporate Director, Resources as appropriate, who shall, if necessary, refer the matter to the Mayor, the Mayor in Cabinet or the appropriate Council Committee/Sub-Committee.
14. Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer a matter to Council, the Mayor, the Mayor in Cabinet or relevant Council Committee as appropriate with the agreement of the appropriate Corporate Director. The criteria that officers may have to consider when determining whether to exercise a function could include-
  - Whether the decision may incur a significant social, economic reputational or environmental risk.
  - The likely extent of the impact of the decision both within and outside of the borough.
  - Whether the decision is likely to be a matter of political controversy.
  - The extent to which the decision is likely to generate substantial public interest.
15. If at any time, the Authority acquires a new duty, power or function, in the absence of any Member decision with regard to delegation, the Chief Executive and the Corporate Director with responsibility for the relevant service shall be deemed to have full delegated authority to discharge the duty, power or function on the authority's behalf unless it is expressly reserved to the Council, a Council Committee or Sub-Committee or the Mayor/Mayor in Cabinet either by law or in this Constitution.
16. Any function or power which may be discharged by a Corporate Director, may also be discharged by any person(s) formally "acting-up" into that post or an "interim" post holders or who is deputising (whether on a full, part time or on an ad hoc basis) for that post or occupies a successor post following any reorganisation, restructure or similar process.
17. The Mayor, Mayor in Cabinet, a Cabinet Sub-Committee or a Council Committee/Sub-Committee may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive of their intention to do so.

18. References in the Corporate and/or Officer Schemes of Delegations to any statute, statutory instrument, regulation, rule, circular, agency or other agreement or any such matter in respect of which a power or duty is delegated shall be deemed to include any modification or re-enactment of the same as may be made from time to time.

## 24 Functions of the Chief Executive and Corporate Directors

### 1. The Chief Executive

The Chief Executive is appointed as Head of Paid Service under s 4 of the Local Government and Housing Act 1989 to carry out the Council's statutory obligations to report to the Council as appropriate with regard to the way in which the overall discharge by the Council of its different functions is co-ordinated, the number and grades of staff required for the discharge of these functions, the way in which these people are organised and managed, and the way in which they are appointed under that Act. This post is responsible for the corporate and overall strategic management of the Council as a whole and is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the Council. Its overriding responsibility is to the Council and not to the Mayor, any party-political group, or other grouping of Members. It must report to and provide information for the Executive, the full Council, the Overview and Scrutiny Committee and other Committees. The Political neutrality of the office holder must be respected at all times.

- (a) **Working with the Mayor.** The Chief Executive works closely with the Mayor to assist in the development of the Mayor's strategic policy and to ensure that such is then put into practice and, in that regard, will:
  - (i) **Strategic direction.** Ensure that the Mayor and Council's priorities and goals can be implemented in a timely, efficient and innovative way through focused strategies, projects and programmes.
  - (ii) **Policy advice.** Act as the principal policy adviser to the Mayor and Members and will secure the best professional advice on all relevant matters in respect of the Council's functions and services.
  - (iii) **Partnerships (internal).** Develop a professional partnership with the Mayor and Members to ensure that the Council's vision, goals and core values are made reality and to provide a clear sense of direction, optimism and purpose and marshal the resources of the whole organisation to this end.
  - (iv) **Partnerships (external).** Assist the Mayor in partnership working by taking the lead in developing effective partnerships at management level with other public agencies, private companies and local community organisations to achieve better public services and improved results for local people.
- (b) **Emergency or Extreme Urgency**
  - (i) The Chief Executive may exercise any executive function in cases of emergency or extreme urgency whether or not reserved to the Mayor and following the exercise of such power will provide a written report to the Mayor

setting out the decision taken and the reason for it including the reasons for emergency or extreme urgency.

- (ii) The Chief Executive may exercise any non-executive function in cases of emergency or extreme urgency whether or not reserved to the Council and following the exercise of such power will provide a written report to the Council setting out the decision taken and the reasons for it, including the reasons for emergency or extreme urgency.

**(c) Ensuring overall correctness of decision making**

The Chief Executive is also responsible for ensuring that all decisions made by the Mayor and the reasons for them are made public and will ensure that Council Members are aware of decisions made by the Mayor and of those made by officers who have delegated executive responsibility.

If the Chief Executive considers that any proposal, decision or omission raises a significant concern it must be reported in writing to the Mayor in relation to an executive function or to the Council in relation to a non-executive function. Such a report will have the effect of immediately stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or the Mayor/Mayor in Cabinet as appropriate.

As soon as practicable after either the Council or the Mayor/Mayor in Cabinet has considered this report, it shall prepare and publish a report that will include;

- i. what action it has taken in response to the report
- ii. what action it proposes to take in response to the report and when it proposes to take that action;
- iii. the reasons for taking that action, or the reason for not taking any action.

The exercise of this function needs to be considered in conjunction with the Monitoring Officer ensuring lawfulness and fairness of decision making and the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making.

- (d) Management Structure.** The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
- (e) Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.



## 2. **Functions of the Corporate Director, Governance**

The Corporate Director, Governance is appointed under the provisions of s 5 of the Local Government and Housing Act 1989 to be the Council's Monitoring Officer and to carry out the Council's statutory functions under that Act in respect of matters of legality, conduct, and probity. The Monitoring Officer may not be the Head of Paid Service or the Chief Finance Officer, but will liaise as appropriate with the Head of Paid Service in the discharge of their functions.

- (a) **Maintaining and monitoring the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that each Member of the authority has access to a copy of this Constitution upon delivery of that individual's declaration of acceptance of office on the Member first being elected to the Council. The Monitoring Officer will ensure that the Constitution is published on the Council's website and that the Constitution can be purchased by members of the local press and the public on payment of a reasonable fee.

The Monitoring Officer will monitor and review the operation of the Constitution and may make recommendations to ensure that the aims and principles of the Constitution are given full effect. A key role is to be aware of the strengths and weaknesses of the Constitution and to make recommendations for ways in which it could be amended in order better to achieve the purpose of the Constitution. In undertaking this role the Monitoring Officer may:

- i. Observe meetings of different parts of the Member and officer structure.
- ii. Undertake an audit trail of a sample of decisions.
- iii. Record and analyse issues raised with them by Members, officers, the public and other relevant stakeholders.
- iv. Compare practices in this authority with those in other comparable authorities or national examples of best practice.

### (c) **Changes to the Constitution.**

The Monitoring Officer

- i. can approve all non-material changes to the Constitution including those that reflect decisions taken by the Council or changes in legislation or to correct matters of fact; and
- ii. can recommend to General Purposes Committee and /or Council for approval material changes to the Constitution.

(Note that Part D of the Constitution sets out its own delegated authorities to change Sections within that part of the document.)

- (d) Interpreting the Constitution.** The Monitoring Officer will advise as to the construction or application of the Constitution.
- (e) Ensuring lawfulness and fairness of decision making.** If The Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness; or if any decision or omission has given rise to maladministration, , after consulting with the Head of the Paid Service and Chief Finance Officer, they will report in writing to the Mayor in relation to an executive function or to Council in relation to a non-executive function. Such a report will have the effect of immediately stopping the proposal or decision being implemented until the report has been considered. The report must be considered within 21 days at a meeting of either Council or by the Mayor/Mayor in Cabinet as appropriate.

As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the Monitoring Officer's report, it shall prepare and publish a report that will include:

- i. what action it has taken in response to the report;
  - ii. what action it proposes to take in response to the report and when it proposes to take that action;
  - iii. the reasons for taking that action, or the reasons for not taking any action. (The exercise of this function needs to be considered in conjunction with the function of the Chief Executive to ensure lawfulness and fairness of decision making and the function of the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making).
- (f) Supporting the Standards Advisory Committee.** The Monitoring Officer is responsible for promoting and maintaining high standards of ethical conduct throughout the Council and will provide support to the Standards Advisory Committee, in particular by
- (g) Receiving reports.** receiving and having regard to recommendations from the Standards Advisory Committee regarding Member conduct.
- (h) Conducting investigations.** Where an investigation is required in accordance with the agreed arrangements for dealing with an alleged breach of the Code of Conduct by a Member, conducting or arranging for that investigation to be carried out and making reports or recommendations in respect of them to the Standards Advisory Committee or its Sub-Committee as appropriate.
- (i) Register of Interests.** Establishing and maintaining a Register of Interests of Members and Co-opted Members of the Council.
- (j) Advising whether Executive decisions are within the budget and policy framework.** Advising whether decisions of the Mayor/Mayor in Cabinet are in accordance with the budget and policy framework.
- (k) Providing advice.** Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to the Mayor, all Councillors and officers.
- (l) Determining Dispensations.** Determining applications for dispensations from the Code of Conduct where the number of Members otherwise precluded from

taking part in a decision would impede the conduct of business or interfere with the political balance of the decision-making body and also determining applications for dispensations made by individual Members. The Monitoring Officer will report at least annually to the Standards Advisory Committee on any dispensations granted.

**(m) The Governance** portfolio currently includes: Legal Services; Democratic Services; Executive Support; the Mayor's Office; Strategy Policy and Performance; Communications; Elections; and Registrars. These functions can be varied at any time by the Chief Executive who may also allocate to the role additional functions and responsibilities. The Corporate Director, Governance:

- (i) Is authorised to make or amend an appointment to a position on a Committee, Sub-Committee or Panel of the Council in accordance with the nomination by a political group, where the position has previously been allocated by the Council to that Group. Any nomination received by them after 5.00pm on any day will take effect no earlier than 9.00am on the next working day.
- (ii) Is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where such action is considered to be necessary to protect the Council's interests and may designate nominated officers to carry out this function on their behalf.
- (iii) Consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Mayor, Committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where formal representation is considered to be proper, including the incurring of such fees in respect thereof as may be appropriate.
- (iv) Is authorised to sign any document that is necessary to any legal procedure or proceedings on behalf of the Council, or to authorise another to sign, unless any enactment otherwise authorises or requires, or the Council has given specific authority to some other person.
- (v) Is authorised to sign contracts (and similar documents where intended to have legal binding effect) on behalf of the Council, either in their own name or on behalf of the Council, where any required authority or approval of the Mayor/Mayor in Cabinet, a Committee or a Sub-Committee has been obtained, or where such authority has been delegated to another officer of the Council and that officer has requested the Corporate Director Governance to do so.
- (vi) Will keep the Common Seal of the Council in a safe place. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which should be sealed. The affixing of the Common Seal will be attested by the Corporate Director Governance or any other duly authorised person.
- (vii) May authorise officers to appear on behalf of the Council in proceedings in the magistrate' courts, pursuant to section 223 of the Local Government Act 1972.

- (viii) May authorise officers to appear on behalf of the Council in any proceedings in the county court in relation to the recovery of possession of a house belonging to the Council or the recovery of any rent, mesne profits, damages or other sum claimed in respect of the occupation by any person of such a house, pursuant to section 60 of the County Courts Act 1984.
- (ix) The Corporate Director, Governance has authority to make or amend an appointment to a position on a committee or panel of the Council in accordance with the nomination by a political group, where the position has previously been allocated by the Council to that Group. Any nomination received by the Corporate Director, Governance in accordance with the above provision after 5.00 p.m. on any day will take effect no earlier than 9.00 a.m. on the next working day.

**(n) Restrictions on post.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

### 3. **Functions of the Corporate Director, Resources**

The Corporate Director, Resources has the statutory responsibilities defined in s 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988 as the Council's Chief Finance Officer to ensure the proper administration of the financial affairs of the Authority including:

- Ensuring the proper administration of the Council's financial affairs.
- Setting and monitoring compliance with financial management standards.
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.
- Providing financial information (in conjunction with Senior Managers).
- Ensuring that the annual statement of accounts is prepared in accordance with appropriate financial standards and within the statutory deadlines.
- Preparing the revenue budget and capital programme relating to the General Fund and the Housing Revenue Account

In Addition the role of the Corporate Director, Resources is:

- (a) **Ensuring lawfulness and financial prudence of decision-making.** If the Chief Finance Officer considers that any proposal, decision or course of action which would involve the Council incurring unlawful expenditure; or is unlawful and is likely to cause a loss or deficiency; or if the Council is about to enter an item of account unlawfully then after consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report in writing to the Mayor in relation to an executive function or to Council in relation to a non-executive function, and to the Council's external auditor. Such a report will have the effect of immediately stopping the proposal or decision being implemented until such time as the report has been considered. The report must be considered within 21 days at a meeting of either Council or the Mayor as appropriate.

As soon as practicable after Council or the Mayor/Mayor in Cabinet has considered the report, it shall prepare and publish a report that will include:

- (i) what action it has taken in response to the report;
- (ii) what action it proposes to take in response to the report and when it proposes to take that action;
- (iii) the reasons for taking that action, or the reasons for not taking any action.

The exercise of this function needs to be considered in conjunction with the function of the Monitoring Officer to ensure lawfulness and fairness of decision making and the function of the Chief Executive to ensure lawfulness and financial prudence of decision-making.

- (b) **Administration of financial affairs.** The Chief Finance Officer has responsibility for the proper administration of the financial affairs of the Council including:
- Determining the accounting procedures and records for the authority.

- Maintaining a continuous review of the Financial Regulations and issuing updates as necessary.
- Reporting breaches of the Financial Regulations to the Audit Committee

The Chief Finance Officer will also

- (c) **Contribute to corporate management.** In particular through the provision of professional financial advice.
- (d) **Provide advice** on the scope of powers and authority to take decisions, financial impropriety, probity (and budget and policy framework issues) to the Mayor and all Councillors and will support and advise the Mayor and Councillors and officers in their respective roles.
- (e) **Give financial information** provide financial information to the media, members of the public and the community.
- (f) **The Resources** portfolio currently includes: Finance, Procurement and Audit; HR and Transformation; IT; Revenues and Benefits; and Customer Services. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

#### 4. **Functions of the Corporate Director, Health, Adults and Community**

The Corporate Director, Health, Adults and Community is the Statutory Director of Adult Social care under s 6 of the Local Authority Social Services Act 1970 as amended by s18 of the Children Act 2004 and is responsible for the delivery of those local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, and the public health functions contained in the Health and Social Care Act 2012.

The Corporate Director Health Adults and Community is responsible for implementing and ensuring compliance with any statutory guidance issued by the Department of Health or other Government department and is currently required to:-

Assess local needs and ensure availability and delivery of a full range of local authority services;

- Give professional leadership, including workforce planning;
- Lead the implementation of standards;
- Manage cultural change;
- Promote local access and ownership and drive partnership working;
- Deliver an integrated whole systems approach to supporting communities; and
- Promote social inclusion and wellbeing.

The Health, Adults and Community portfolio currently includes Adult Social Care; Community Safety; Public Health (and the Director, Public Health reports to him/her); and Health and Integrated Commissioning. These functions can be varied at any time

by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

## **5. Functions of the Corporate Director, Children and Culture**

The Corporate Director, Children and Culture is the Council's Statutory Director of Children's services under s 18(7) of the Children Act 2004 with statutory duties to discharge the education and children's social services functions of the local authority including those detailed as follows:

- (a)** education functions conferred on or exercisable by the Council;
- (b)** functions conferred on or exercisable by the Council which are social services functions so far as those functions relate to children;
- (c)** the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (b));
- (d)** the functions conferred on the authority under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004;
- (e)** any functions exercisable by the Council under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children;
- (f)** the functions conferred on the Council under Part 1 of the Childcare Act 2006; and
- (g)** any function conferred on the authority under section 2 of the Childcare Act 2016.

The Children and Culture portfolio currently includes Children's Social Care; Education and Partnership, Sports, Leisure and Culture; and Youth and Children's Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

## 6. Functions of the Corporate Director, Place

The Place portfolio currently includes responsibility for discharging all the Council's duties, powers and functions in the following areas:-

Property and Major Programmes; Growth and Economic Development; Housing and Regeneration; Planning and Building Control; Public Realm (including Highways, Trading Standards and Environmental Health) and Tower Hamlets Homes and the award of contracts for capital projects. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

The Corporate Director, Place is also:

**(a) Determining applications for Licences.**

Authorised to consider and determine any applications for licenses not specifically reserved to the Licensing Committee under the Constitution and all applications for licences where no objections have been received.

**(b) Acquisitions and Disposals at full market value.**

Required to issue guidelines on best practice for the disposal of land based assets and to approve the purchase or sale of land if it has been declared surplus by the Mayor/Mayor in Cabinet and if authority to do so has been delegated to him/her.

**(c) Acquisitions and Disposals at below market value.**

Authorised to recommend to the Mayor/Mayor in Cabinet for acceptance, disposals which are proposed to be less than the unrestricted market value as defined by the General Disposal Consent (England) 2003 and/or where State Aid issues may arise. The report shall make the level of undervalue explicit and the report will need to set out the well-being benefits to be derived and provide a statement that the wellbeing "value" matches or exceeds the value foregone.

Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent of the Secretary of State may be sought as necessary, unless the sale falls within the General Housing Consents 2013 issued pursuant to powers contained in sections 32, 33 and 34 Housing Act 1985, 133 of the Housing Act 1988, which permit certain disposals to occur without the need to secure express consent.

**(d)** Is authorised to accept a late offer for land/property, with the prior agreement of the Corporate Director, Governance, if to do so, would ensure that the Council secures best consideration, provided other bids have not been opened.

**(e) Compulsory Disposals.**

Is Authorised to approve any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the relevant statutory procedures.



## 25 Statutory Officers

1. The Council is required to appoint a number of officers to undertake specific duties by statute. These are known as 'Statutory Officers'. In addition, the Council has a number of important duties which it designates to certain officers. These are called 'proper officer' roles.
2. The Council has designated the following statutory officer positions to the Chief Executive and Corporate Directors of the Council.
3. In the event of any Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in their absence, the Corporate Director, Governance, and in the absence of both, the Corporate Director, Resources, shall nominate an Officer to act in their stead.

<b>LEGISLATION</b>	<b>DESIGNATION</b>	<b>POST</b>
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Corporate Director, Governance
Section 151 Local Government Act 1972 (and section 114 of the Local Government Finance Act 1988)	Chief Finance Officer	Corporate Director, Resources
Section 6 Local Authority Social Services Act 1970	Director of Adult Social Services	Corporate Director, Health, Adults and Community
Section 18 Children Act 2004	Director of Children's Services	Corporate Director, Children and Culture

4. The Council has also allocated to other officers a number of statutory / proper officer roles which are set out in Part D Section 45 of this Constitution.

## 26 Council Procedure Rules

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## **1. ANNUAL MEETING OF THE COUNCIL**

- 1.1 Timing and Business.** In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a)** elect a person to preside if either the Speaker or the Deputy Speaker are not present;
- (b)** elect the Speaker of the Council;
- (c)** elect the Deputy Speaker of the Council;
- (d)** receive any declarations of interest;
- (e)** approve the minutes of the last meeting which will then be signed by the Speaker;
- (f)** receive any announcements/updates from the Speaker of the Council and/or the Chief Executive and/or the Young Mayor;
- (g)** note any appointment of Cabinet Councillors and/or the Deputy Mayor made by the Mayor;
- (h)** appoint at least 1 Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);
- (i)** agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (j)** approve a programme of Ordinary Meetings of the Council for the year (if not already agreed). In an election year the schedule of meetings may be reviewed at the Annual Meeting if it has already been agreed at Council prior to the first meeting in May;
- (k)** the Mayor shall report on any appointments of outside bodies;
- (l)** the Mayor shall report on circumstances where the Special Urgency provisions have been used during the year preceding the Annual Meeting;
- (m)** receive a report on any changes made to the Council's Constitution since the last Annual Meeting; and
- (n)** consider any business set out in the notice convening the meeting including the Annual State of the Borough Debate at 1.3.

## **1.2 Selection of Councillors on Committees**

At the Annual Meeting, the Council will:

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political proportionality rules;
- (d) receive nominations of Councillors to serve on each Committee; and
- (e) appoint to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive;
- (f) Elect Chairs to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive.

but this is without prejudice to the right of the Council at any time to establish or dissolve any non-Executive Committee or to review its size and terms of reference.

## **1.3** The Mayor will lead an `Annual State of Borough` debate to provide an opportunity for a discussion on policy matters and issues affecting the Council and the Borough; the following procedure shall apply:

- (a) The debate will last for up to 1 hour;
- (b) The debate will begin with a 15 minute introduction by the Mayor;
- (c) The remaining 45 minutes will be divided proportionally (to the nearest minute) between the political groups on the council (this is subject to a rule that the opposition group(s) must have a minimum of 5 minutes speaking time). It will be for each group to determine how much time each of their speakers will be designated subject to a minimum speech length of two minutes. There is no maximum speech length providing that group's overall time limit is not breached;
- (d) Lists of speakers must be provided to the Monitoring Officer before the start of the meeting;
- (e) The 45 Minute Debate will end with the Mayor or the Mayor's appointee;
- (f) The Mayor and the Group Leaders of the other political groups may speak twice should they wish. All other Councillors may speak only once;
- (g) There will be no motions, reports or votes on the debate.

## **2 BUDGET MEETING(S)**

### **2.1** A meeting will take place on a date decided by Council or the Chief Executive. The purpose of this meeting will be to determine the Council's budget and set the Council Tax for the following financial year. The Budget Meeting will be conducted in accordance with the provisions of this rule.

**2.2** The order of business at the Budget Meeting will be as follows:-

- (a)** As per Rules 1.1(a), (d) and (f);
- (b)** to receive any petitions which only relate to the Council's budget or to the setting of the Council Tax in line with the procedures set out in the Council's Petition scheme;
- (c)** to consider the report from the Mayor and Executive upon the Council's budget and setting of the Council Tax for the following year and any associated business; and
- (d)** any other business which by statute or in the opinion of the Chief Executive after consultation with the Speaker of the Council requires to be transacted at the meeting;

**2.3** Rules 10 and 11 of these Rules shall not apply to the Budget Meeting.

**2.4** Motions proposing amendments to the proposals shall be submitted in writing to the Monitoring Officer by no later than 9.30 a.m. on the working day prior to the Budget Meeting to enable the preparation of the advice of the Chief Finance Officer and any amendments shall be circulated to the Mayor and Councillors, with any officer comments, at least 24 hours, before the meeting.

**2.5** Other than amendments notified in advance as above, any Member must state the reason for urgency for their amendment and in particular why the need for the amendment could not reasonably have been foreseen prior to the deadline for submission of amendments set out in Paragraph 2.4 above and, when introducing the topic, the Speaker will remind Members of this provision. Following the above statement, the advice of the Monitoring Officer, Section 151 Officer and Chief Executive must be sought should Council wish to debate any further substantial amendment without notice.

**2.6** The Speaker will remind the Councillors at the start of the meeting of the importance, where possible, of all amendments being moved at the beginning of the debate or as soon as the need for the amendment is identified; and before moving to the 'right of reply' and voting stage of the meeting, the Speaker will give a final invitation for any further amendments. No new amendment may be proposed once the call for the vote has commenced.

**2.7** When moving the budget proposals of the Mayor and Executive, the Mayor and/or another Executive Councillor may speak for up to 10 minutes.

**2.8** Once the proposals of the Executive have been moved and seconded the other Political Group Leaders (or their nominee) shall then be invited to speak for up to 5 minutes. The order of speaking shall be commensurate with the number of Councillors in each group from the Leader of the largest group to the Leader of the smallest group. Where groups are of equal size, the order of speaking shall be at the Speaker of the Council's discretion.

**2.9** During the course of their speeches Group Leaders (or their nominees) shall move any amendments they have notified prior to the deadline.

- 2.10** Once each Group Leader (or their nominee) has been invited to speak the Speaker of the Council shall invite any other Councillor who has notified an amendment prior to the deadline to speak for up to 3 minutes and during the course of their speech that Councillor shall move their amendment.
- 2.11** The Council will then debate the matters before it for consideration. The order of speakers shall be at the discretion of the Speaker of the Council. Subject to Rules 2.12 and 2.13 below, a Councillor may speak only once during the debate and in the course of their speech may address the proposals of the Executive and/or any amendment(s) that may be moved. All speeches shall be limited to a maximum of 3 minutes.
- 2.12** At the discretion of the Speaker of the Council a Group Leader (or their nominee) who has previously spoken in accordance with Rule 2.8 of these Procedure Rules may speak again during the general debate and any such further speech by a Group Leader (or their nominee) or any other Councillor shall be in accordance with the time limits and procedural requirements of Rule 13 of these Rules.
- 2.13** At the conclusion of the general debate the Mayor or on his behalf any other Executive Councillor who may have moved the proposals of the Executive may exercise a right of reply for up to 3 minutes.
- 2.14** The Council will then vote on any amendments that have been moved and seconded and not withdrawn, in the order in which they were moved. Each amendment shall be disposed of in turn and in its entirety.
- 2.15** Following the voting on all amendments Council shall make its determination. Pursuant to the Budget and Policy Framework Procedure Rules if the Council adopts the proposals of the Executive without amendment the decision shall become effective immediately.
- 2.16** If Council wishes to make any objection or amendment to the Executive's proposals, it shall require the Mayor and Executive to re-consider in the light of those objections or amendments.
- 2.17** At the Budget Meeting Rules 12.1(k)(iii) (Motion without notice to suspend a Procedure Rule) and 23 (Suspension and amendment of Council Procedure Rules) of these Procedure Rules shall not apply.

### **3. ORDINARY MEETINGS**

- 3.1** Ordinary meetings of the Council will take place in accordance with the programme below:

**Introductions, Minutes, Declarations, Announcements:**

- (a)** As per Rules 1.1(a), (d), (e) and (f);

**Mayor's Report**

- (b)** receive the Mayor's report, who may speak for up to 6 minutes on the item;

- (c) the Speaker shall invite the other Political Group leaders to respond for up to 2 minutes each;
- (d) the Speaker shall invite the Mayor to respond to the other Political Group leaders for up to 2 minutes.

#### **Public Petitions**

- (e) this is limited to up to 4 Petitions and the Petition Scheme Procedures apply;
- (f) the relevant Councillor shall report the Council's response to Petitions received;
- (g) all other petitions that have been submitted will be noted and the Speaker will announce where the Petitions will be sent for a detailed response;

#### **Administration Motion Debate**

- (h) consider an Administration Motion in accordance with Rules 11 and 13;

#### **Opposition Motion Debate**

- (i) consider a Motion from an Opposition Group in accordance with Rules 11 and 13;

#### **Reports**

- (j) receive reports from the Executive and the Council's Committees requiring a decision and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;
- (k) to receive other reports as required; and

#### **Questions by Councillors on Notice**

- (l) to receive questions from Councillors; and

#### **Motions**

- (m) consider motions as set out in Rule 11.

## **4. EXTRAORDINARY MEETINGS**

**4.1** Those listed below may request the Chief Executive to call extraordinary Council or Committee meetings in addition to ordinary meetings:

- (a) Council by resolution;
- (b) The Speaker;
- (c) The Monitoring Officer; or
- (d) Any 5 Councillors of Council or a relevant Committee if they have signed a requisition that has been presented to the Speaker of the Council and they have refused to call a meeting or has failed to call a meeting within 7 days of such.

**4.2** When requested, the Monitoring Officer will in consultation with the Chief Executive shall call a meeting of the Council or Committee unless the Chief Executive is of the opinion that holding such a meeting would not be an efficient use of resources and the subject matter of the business can conveniently wait until the next Ordinary Meeting of the Council or Committee.

- 4.3 Only the business specified in the resolution, request or requisition which led to the calling of the Extraordinary Meeting can be conducted at this meeting.

## **5. TIME, PLACE, POSTPONEMENT AND CANCELLATIONS OF MEETINGS**

- 5.1 All Council meetings will commence at 7.00pm and take place at the Town Hall unless the Speaker or the Chair of the relevant Committee/Sub-Committee decides otherwise. This will be in consultation with the Monitoring Officer.
- 5.2 The Monitoring Officer in consultation with the Chief Executive is authorised to either cancel or postpone a meeting of Council or any meeting of Cabinet or a Committee/Sub-Committee if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation/ postponement.
- 5.3 The Monitoring Officer is authorised to vary the time, date and place of any meeting where there is good justification in consultation with the Chief Executive , the Speaker, the Mayor, Chair of the Committee/Sub-Committee and other Political Group Leaders as appropriate.

## **6. NOTICE OF AND SUMMONS TO MEETINGS**

- 6.1 The Monitoring Officer will give notice to the public of the time and place of any meeting of Council, Cabinet or Committee/Sub-Committee in accordance with the Access to Information Procedure Rules at Part 4.2 of the Constitution.
- 6.2 At least 5 clear working days before a meeting not including the day the notice is given and the day of the meeting, the Monitoring Officer will send a summons to the Mayor and Councillors giving the date, time and place of the meeting, specify the business to be transacted, and will be accompanied by any available reports. If necessary, addendum reports to the reports on the agenda will be permitted within the preceding five days to the meeting or at the meeting subject to the report setting out 'reasons for urgency'.

## **7. CHAIR OF MEETING**

- 7.1 Participation in a Cabinet, Committee, Panel or other formal meeting by a Councillor or other person who is not an appointed Councillor or substitute Councillor of the meeting shall be at the discretion of the person chairing the meeting.

## **8. QUORUM**

- 8.1 Subject to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Councillors or 3 voting Councillors, whichever is the greater.
- 8.2 Subject to any exceptions in Rule 25, if a quorum is not reached at the scheduled start time for a meeting, the Chair/Vice-Chair shall have the discretion to extend the start time by up to 15 minutes. If a quorum is not achieved at the scheduled start time, or after any extension, the meeting will stand adjourned.



- 8.3** During any meeting if the Chair counts the number of Councillors present and declares there is not a quorum, then the meeting will adjourn immediately. Remaining business will be considered at a time, date and place fixed by the Speaker, Chair or Monitoring Officer. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

- 9.1** Subject to any exceptions in Rule 26, all Council Meetings will end after a period of 3 hours but an extension may be agreed by resolution to extend the meeting for an additional period of up to 30 minutes.
- 9.2** If the business of a Council meeting has not been concluded after it has convened for 3 hours or 3½ hours (if the extension in rule 9.1 is applied), when the Councillor speaking has concluded their speech, the Chair will draw the attention of the meeting to this rule. If a matter is being debated, the debate shall immediately be concluded as if the motion, 'That the question be now put' had been moved and carried.
- 9.3** Any matters, (other than motions on notice) on the agenda that have not been dealt with by the end of the meeting shall be deemed formally moved and seconded together with amendments notified in writing to the Monitoring Officer by noon on the day of the meeting. They will be put to the meeting without any further discussion. A recorded vote under rule 16.4 will be taken, if called for and the requirements of that rule are met, on matters dealt with under this guillotine. During the process in this rule the only other matters which may be raised are points of order. When all matters have been dealt with, the Chair will declare the meeting closed. Any motions on notice under Rule 12 not dealt with before the guillotine is applied shall be deemed to have fallen with the exception of the motions for 'Administration and Opposition Motion Debates' which will be voted on along with any amendments received by noon on the day of the meeting.

## **10. QUESTIONS BY COUNCILLORS**

- 10.1** A Councillor may ask the Mayor or the Chair of a Committee/Sub-Committee questions without notice about an item in a report of the Executive or of that Committee/Sub-Committee when it is being considered.
- 10.2** Subject to rule 10.4, at an Ordinary meeting of Council a Councillor may ask the Speaker or the Mayor, a question about any matter in relation to which the Council has powers or duties or which affects the Borough. Questions can also be put to the Chair of any Committee/Sub-Committee in relation to any matters that is within the Committee/Sub-Committee's remit.
- 10.3** Questions at an Extraordinary Council meeting must relate to a matter on that agenda only.
- 10.4** Questions relating to Executive functions and decisions taken by the Mayor will be put to and should be answered by the person responsible for those decisions, namely the Mayor, unless he delegates such a decision to a Councillor who will therefore be responsible for answering the question. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor.

**10.4** A Councillor may only ask a question under Rule 10.2 above if either:

- (a) notice in writing of the question has been given by noon at least 9 clear working days before the meeting not including the day that notice is given and the day of the meeting to the Monitoring Officer; or
- (b) the question relates to an urgent matter; they have the consent of the Councillor to whom the question is to be put; and the content of the question is given to The Monitoring Officer by noon on the day of the meeting; or
- (c) at an Extraordinary Council meeting notice in writing has been given by noon at least 2 clear working days before the meeting to The Monitoring Officer.

**10.5** The Monitoring Officer may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility or which affects the Borough;
- (b) is defamatory, frivolous or offensive; is substantially the same as a question which has been put at a meeting of Council in the past 6 months;
- (c) requires the disclosure of confidential or exempt information; and/or
- (d) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.

**10.6** If a question is rejected, the Councillor who submitted it will be notified in writing before the meeting and given an explanation for the rejection.

**10.7** An answer may take the form of:

- (a) a written answer circulated to the questioner;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given in writing, a direct oral answer.

**10.8** A Councillor asking a question under Rule 10.2 may ask one supplementary question without notice, but the supplementary question must arise directly out of the original question or reply. The Speaker may reject a supplementary question on any of the grounds in Rule 10.5 above or if the question takes the form of a speech.

**10.9** The provisions of 10.2 above also apply to questions about the business of a joint authority of which the Council is a partner or questions about the activities of a company or external organisation to which the Council nominates and in these cases the question is put to the Councillor who has been appointed as the Council's representative.

**10.10** Questions are limited to 1 per Councillor per meeting, plus 1 supplementary question unless the Councillor has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. A question that requires

an answer in respect of 2 or more points (a multi-question) is not deemed to be 1 question.

- 10.11** Written responses will be published after the meeting. Where a question is put at the meeting, a time limit of 1 minute shall be applied to the question and to the oral response. Supplementary questions and responses will also be time-limited to 1 minute each.
- 10.12** Subject to time available at the Meeting, there will be a maximum time-limit of 30 minutes on Councillors' questions with no extension of time, and questions not dealt with in this time will be dealt with by written responses and which are to be provided within 28 days of the Meeting. Unless the Speaker decides otherwise, the order of Councillors' questions shall alternate between the administration and one of the other Political Groups, with the questions from other Political Groups drawn in turn, starting with the largest Group. The Speaker shall have discretion, within the 30 minutes allocated for Questions, to vary the printed order of questions to allow an 'ungrouped' Councillor to put their question or to ensure that at least one Councillor from each Political Group has the opportunity to put a question.
- 10.13** Councillors will confine their contributions to questions and answers and must not make statements or attempt to debate. The Speaker will decide whether a Councillor is contravening this rule and if so will stop the Councillor concerned and move on to the next question if necessary. The Speaker's ruling is final.

## **11. MOTIONS – ON NOTICE**

- 11.1** Except for motions which can be moved without notice under Rules 12 and 14, written notice of every motion, signed by the Member of Council proposing the motion and a seconder, must be delivered to the Monitoring Officer no later than noon seven clear working days before the meeting not including the day of delivery of the notice and the day of the meeting. The notice shall specify the Council meeting for which it is submitted. For any meeting, no Member of Council may propose more than one motion by way of written notice. A Member may second as many motions as they so wish.
- 11.2** A Member of Council who wishes to move the suspension of this Rule to enable a motion to be debated where prior notice has not been given as above must state the reason for urgency before the proposal to suspend this Rule is put to the meeting. If the Speaker does not accept the reason for urgency then the Motion will not be accepted.
- 11.3** Ungrouped Councillors may submit a motion under paragraph 11.1 without a named seconder.
- 11.4** Motions will be included on the agenda in order with the Administration Motion for debate first, followed by the Opposition Motion for debate. Any remaining motions shall be placed on the agenda to alternate between the administration and the other Political Groups, with the Opposition Group motions starting with the largest Political Group not to have that meeting's Opposition Motion Debate slot. It is for the Mayor/Administration Leader to select the Administration Motion for Debate. It is for

the Leader of the relevant Opposition Group to select the Opposition Motion for debate.

- 11.5** A motion must be about a matter for which the Council has a responsibility or which affect the area. The Monitoring Officer may reject a motion if it:
- (a)** is not about a matter for which the local authority has a responsibility either directly or with its partners;
  - (b)** does not contain a clear action or resolution which is within the power of the Authority to pursue.
  - (c)** is defamatory, frivolous or offensive or otherwise unsuitable;
  - (d)** is substantially the same as a motion which has been put at a meeting of the Council in the past 6 months and does not meet the requirements of Rule 13.2;
  - (e)** requires the disclosure of confidential or exempt information or a case which is currently under judicial scrutiny; and/or
  - (f)** seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
  - (g)** is not clear or to the point or includes repetition or does not have a clear recommendation.
- 11.6** If a motion is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection. The Speaker of the Council may also, on the advice of the Chief Executive, refuse any motion which contravenes these requirements.
- 11.7** At each ordinary meeting of Council there will be specific time set aside for one Administration and one Opposition Motion debate. The following rules will apply:
- (a)** The debates will be on the first administration and opposition motions set out in the Motions report included in the agenda.
  - (b)** Motions tabled without notice may not take the place of either of these motions.
  - (c)** Notice in writing of any amendment must be given to the Monitoring Officer by noon the day before the meeting.
  - (d)** The opposition motion debate will alternate in sequence between the opposition groups starting at the first ordinary meeting following the local elections with the largest opposition group and then going in sequence until the next local elections. Should there be changes to the number of political groups this sequence will be adjusted as necessary.
  - (e)** Both the administration and opposition motion debates will be for a maximum of 30 minutes each.
  - (f)** Standard procedures for a motion debate will apply to the debate itself (including on length of speeches and tabling amendments).
  - (g)** If the guillotine falls during or before the debate the motions and any amendments already tabled will be voted on along with any other amendments received by noon on the day before the meeting.

## **12. MOTIONS AND AMENDMENTS – WITHOUT NOTICE**

**12.1** Subject to Rule 11.2 the following motions and amendments may be moved without notice provided they do not contravene the requirements of Rule 11.5 above. Once such a motion or amendment has been moved, seconded and has been accepted by the Speaker it shall unless the Speaker decides otherwise be put and voted on without debate:-

- (a)** to appoint a Chair of the meeting at which the motion is moved;
- (b)** in relation to the accuracy of the Minutes;
- (c)** to change the order of business in the Agenda in circumstances where the Speaker is satisfied that there are exceptional circumstances to permit such change. In addition, the Councillor seeking to change the order must address such exceptional circumstances;
- (d)** to refer something to an appropriate body or individual;
- (e)** to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f)** to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g)** to withdraw a motion;
- (h)** to amend a motion;
- (i)** to proceed to the next business;
- (j)** that the question be now put;
- (k)** to adjourn a debate;
- (l)** to adjourn a meeting;
- (m)** to extend the meeting under Rule 9;
- (n)** to suspend a Procedure Rule to which Rule 23 applies;
- (o)** to exclude the public in accordance with the Access to Information Procedure Rules;
- (p)** not to hear a Councillor further because of misconduct (as set out in rule 22.2);
- (q)** to require a Councillor to leave the meeting for continued improper behaviour (as set out in rule 22.3); and
- (r)** to give the consent of Council where its consent is required by this Constitution.

## **13. RULES OF DEBATE**

**13.1** No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

**13.2** Unless notice of the motion has already been given in writing, the Speaker shall require any motion or amendment to a motion to be presented with enough copies for circulation to all Councillors. The Speaker can request the motion be handed to her/him so that it can be read out to Members of Council before it is discussed.

- 13.3** When seconding a motion or amendment, a Member of Council may reserve their speech until later in the debate.
- 13.4** No speech may exceed 3 minutes without the consent of the Speaker except for the proposer of any motion who shall be allowed up to 4 minutes.
- 13.5** Subject to these procedure rules, the order of speakers shall be determined by the Speaker. The Member of Council who wishes to speak shall indicate and shall wait until called by the Speaker. In determining the order of speakers the Speaker may take into consideration whether previous speakers have supported or opposed the motion under debate; the particular concerns of any ward councillors; and/or any notification by a political group of Members of Council of their group who wish to speak on the matter.
- 13.6** An amendment to a motion must be relevant to the motion and may:-
- (a)** refer the motion to an appropriate body or individual for consideration or re-consideration;
  - (b)** leave out words;
  - (c)** leave out words and insert or add others; and/or
  - (d)** insert or add words;
- as long as the effect is not to completely re-write or negate the motion.
- 13.7** If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 13.8** After an amendment has been carried, the Speaker may choose to read out the amended motion before putting it to the vote.
- 13.9** A Member of Council may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion. This amendment can be at the suggestion of another Member of Council at the meeting and is often referred to as a 'friendly amendment'.
- 13.10** A Member of Council may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 13.11** Only alterations which could be made as an amendment may be made under this rule.
- 13.12** A Member of Council may withdraw a motion or amendment before or after ~~which~~ they have moved it with the consent of both the meeting and the seconder. Consent will be signified without discussion. No Member of Council may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- 13.13** The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

**13.14** If an amendment is moved, the mover of the original motion also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.

**13.15** Where there is a debate on a report at Council. The Member who introduces the report shall have a right of reply in the same manner as if a motion was being debated.

## **14 PROCEDURAL MOTIONS**

**14.1** When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion
- (b) to amend the motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue for a further 30 minutes;
- (h) to exclude the press and public; and
- (i) that a Member of Council be not further heard or to exclude the Member of Council from the meeting.

**14.2** At the end of a speech by another Member of Council, a Member of Council may move without comment the following motions:

1. to proceed to next business;
2. that the question be now put;
3. to adjourn a debate; or
4. to adjourn a meeting.

**14.3** If a motion to proceed to next business is seconded and the Speaker thinks the item under discussion has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

**14.4** If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed, they will give the mover of the original motion a right of reply before putting her/his motion to the vote.

**14.5** If the Speaker considers that the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, they will adjourn the debate or adjourn the meeting without giving the mover of the original motion the right of reply.

**14.6** A Member of Council may raise a point of order at any time and the Speaker will hear them immediately. A point of order may only relate to the alleged breach of

these Council Procedure Rules or the law. The Member of Council must indicate the rule or law which must be specified at the outset and the way in which the Member of Council considers it has been broken. The ruling of the Speaker on the matter is final.

- 14.7** A Member of Council may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member of Council which may appear to have been misunderstood in the present debate. The ruling of the Speaker on the admissibility of a personal explanation is final.

## **15. PREVIOUS DECISIONS AND MOTIONS**

- 15.1** A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past 6 months cannot be moved unless the notice of motion is signed by at least twenty Members of Council.
- 15.2** A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least twenty Members of Council.
- 15.3** Once a motion or amendment to which this Rule applies has been dealt with, no Member of Council can propose a similar motion or amendment within the next four months.

## **16. VOTING**

- 16.1** The Mayor and all Councillors are entitled to vote unless exempted.
- 16.2** Unless this Constitution (or the law) provides otherwise, any matter will be decided by simple majority of the Mayor and Councillors present.
- 16.3** If there are equal numbers of votes for and against, the Speaker will have a second or casting vote. There will be no restriction on how the Speaker chooses to exercise a casting vote.
- 16.4** Unless a recorded vote is demanded the Speaker will take the vote by a show of hands, or any other of voting method that has been introduced. If there is no dissent this can be by simple affirmation of the meeting. A recorded vote must be requested before a vote is taken.
- 16.5** If 20 Members of Council present at the meeting request it the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 16.6** In relation to any debate at a Budget Council Meeting on the authority's budget and level of the Council Tax to be levied for each financial year, a recorded vote shall take place on any amendment that is put to the vote during that debate and on the substantive motion. Such votes to be undertaken in accordance with Procedure Rule 16.4.



**16.7** Where any Members of Council requests it immediately after a vote, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

**16.8** If more nominations are made than there are positions available, the meeting will vote in turn on each nomination separately, in the order in which they were nominated, until the vacant position(s) are filled. Before any vote is taken the Speaker of the Council or person presiding shall establish that each candidate nominated, if present, is willing to stand.

## **17. PETITIONS**

**17.1** The Council has adopted a Petition Scheme and which is attached at Appendix 1. All Petitions are considered in accordance with that Scheme.

## **18. STANDARDS ADVISORY COMMITTEE REPORTS**

**18.1** The Chair of the Standards Advisory Committee and the Independent Person shall both be entitled to address Council on any report referred to them by the Standards Advisory Committee.

## **19. EXCLUSION OF THE PUBLIC**

**19.1** Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part B Section 27 of this Constitution or Rule 24 (disturbance by the public).

## **20. COUNCILLORS' CONDUCT**

**20.1** When the Speaker of the Council stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

**20.2** If a Councillor persistently disregards the ruling of the Speaker, or behaves inappropriately, offensively, or is deliberately obstructing business, the Councillor will be provided with a warning by the Speaker. If the Councillor continues to behave in any such manner, the Speaker, in consultation with the Chief Executive and the Monitoring Officer, has the authority to order the Councillor in question to leave the meeting.

## **21. DISTURBANCE BY PUBLIC**

**21.1** If a member of the Public interrupts proceedings or is otherwise causing an annoyance, the Speaker of the Council will warn the person concerned and, if the interruption continues, will order the person's leave the Council Chamber. This includes behaviour during filming or otherwise recording the Meeting.

**21.2** If there is a general disturbance in any part of the Council Chamber open to the public the Speaker of the Council shall order that part to be cleared.

## **22. FILMING AND RECORDING**

- 22.1** Members of the public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If a person wishes to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Speaker or Chair is aware and those attending the meeting can be made aware of any filming taking place.
- 22.2** Filming is to be limited to the formal meeting area and must not extend to those in the public seating area.
- 22.3** The filming etc. must be done in such a way that does not cause a breach of health and safety or cause an annoyance. There may also be occasions where those filming may be asked not to film particular individuals where it is considered that there is good reason not to do so and which could allow the meeting to remain open to the press and public. The Speaker/Chair will make the final decision on all matters of dispute in regard to the use of social media audio-recording, photography and filming in the meeting.
- 22.4** The Council may publish a Filming Protocol in Part D of this Constitution.

## **23 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

- 23.1** Except where these rules provide otherwise, any of the Council Procedure Rules to which this Rule applies may be suspended for all or part of the business of a meeting at which suspension is moved by a motion.
- 23.2** Such a motion cannot be moved without notice unless at least ½ of the voting Councillors of the meeting are present.
- 23.3** This Rule applies to the Rules 10 to 13 and 17.

## **24 SPECIFIC EXEMPTIONS APPLYING TO OTHER MEETINGS/COMMITTEES AND SUB-COMMITTEES**

### **24.1 General**

- (a)** The person presiding at a meeting of any Committee or Sub-Committee may exercise any power or duty of the Speaker of the Council in relation to the proceedings of that meeting. Where these rules apply to meetings of Committees and Sub-Committees, references to the Speaker of the Council also include the Chairs of Committees and Sub-Committees
- (b)** Chairs of 'Committees of Council' will be elected the Council's Annual Meeting. Should a post of Chair of Committee be vacant at any other time during the year it would be for Council to consider that election at its next available meeting. Should Council fail to do that then the Committee may appoint a Chair from amongst its own Members. Different rules apply to Sub-Committees, Boards and other meetings.
- (c)** Rules 5 to 9, 13.1 to 13.3, 13.5, 13.6 and 16 to 23 apply to meetings of all Committees and Sub-Committees, except as specifically referred to below.

- (d) As well as allocating seats on Committees and Sub-Committees/Panels, the Council will allocate seats in the same manner for substitute Councillors.
- (e) For each Committee or Sub-Committee/Panel, the Council will appoint up to 3 substitute Councillors, nominated by each relevant Political Group.
- (f) Substitute Councillors will have all the powers and duties of any ordinary Councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
- (g) Substitute Councillors may attend meetings in that capacity only:
  - (i) to take the place of the ordinary Councillor for whom they are the designated substitute; and
  - (ii) after notifying the Monitoring Officer (or her/his representative at the meeting) by the time scheduled for the start of the meeting of the intended substitution
- (h) A substitute Councillor may, where necessary, take the place of the ordinary Councillor for part of a meeting or for only (a) specific agenda item(s), subject to prior notification as above and subject to any handover between the Councillors taking place at the beginning of a new agenda item.

#### **24.2 Appeals Committee/Sub-Committee, Development and Strategic Development Committees, and Licensing Committee/Sub-Committee**

- (a) After sitting for 3 hours, an extension may be agreed for up to a period of up to 1 hour so as to conclude the item/application under consideration, provided that the meeting does not extend beyond 11.30pm in any event.
- (b) Where any items on the agenda that have not been dealt with by the end of the meeting shall be dealt with either at a special meeting of the Committee/Sub-Committee convened to deal with those items or at the next normal meeting of the relevant Committee/Sub-Committee.

#### **24.3 Licensing Committee**

- (a) There are no substitutes permitted for the Licensing Committee.
- (b) In the case of a Licensing Committee/Sub-Committee being inquorate after 15 minutes the legal adviser to that such has the authority to agree an extension of up to an additional 30 minutes to proceed.

## Appendix to the Council Procedure Rules

### LONDON BOROUGH OF TOWER HAMLETS

#### PETITION SCHEME

##### 1. SUBMITTING A PETITION TO THE COUNCIL

Tower Hamlets Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

**Paper petitions** are those prepared in the traditional way: a petition organiser creates a paper document that includes a proposed action. Residents physically write their name, address and signature on this document to show their support of the proposed action.

To help you organise paper petition, the Council has prepared a template that is attached as Appendix 3.

Paper petitions can be sent to the Democratic Services Team on the details provided at Section 7 of this Scheme.

**e-Petitions** are created, signed, and submitted entirely online. The petition organiser uses a website to create their petition and residents can electronically add their name via the website to show their support of the action the petition organiser proposes.

It is recommended that e-petitions are created via the Council's e-petition facility [www.towerhamlets.gov.uk/petition](http://www.towerhamlets.gov.uk/petition). e-petitions created or submitted through third party websites may be accepted if they comply with the provisions of this scheme.

##### 2. GUIDELINES FOR SUBMITTING A PETITION

Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take.
- The names and signatures of each person supporting the petition, together with the full addresses (including postcode) at which they live, work or study in Tower Hamlets.
  - For Paper Petitions (see definition above) the original signed sheets must be submitted (scans/copies will not be accepted).
- Contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be published.
- If the petition does not identify a petition organiser, we will contact the first listed signatory to the petition to agree who should act as the petition organiser.

## **Scope of Petition**

The Monitoring Officer will review all petitions before they are accepted / actioned. Petitions may be rejected if it:

1. is not about a matter for which the local authority has a responsibility or which affects the borough;
2. is defamatory, frivolous; offensive; vexatious, abusive or otherwise inappropriate;
3. is substantially the same as a petition which has been put at a meeting of the Council in the past 6 months;
4. requires the disclosure of confidential or exempt information; or
5. seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.
6. Is otherwise unsuitable.

The Monitoring Officer will also consider any request received for the petition to be dealt with in a particular way (e.g. for submission to a particular Committee or to Council). Subject to the guidance within this Petition Scheme, the Monitoring Officer has absolute discretion on how the Council will deal with any petition received and may recommend an alternative course of action to that requested.

In addition, there are some circumstances where petitions will not be dealt with under this Scheme. These include any matters relating to planning or licensing applications; where a separate consultation process is active; or any other circumstances which, in the opinion of the Monitoring Officer would mean the petitions would be better dealt with using a different Council procedure.

The Council may seek to verify the authenticity of each entry on a petition by reference to existing information such as (where appropriate) the current electoral register or other relevant records. Entries which cannot be verified may not be counted for the purposes of determining whether a petition has exceeded a threshold set out in this scheme.

In the period immediately before an election or referendum, when certain legal restrictions apply, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

## **Signing a Petition**

### **School Children**

The Council welcomes petitions created and signed by school children and university students. It may be appropriate for young people to give the name of their school, college rather than home address when signing a petition.

## **Council Officers**

Petitioners are asked not to ask council officers to sign their petitions in relation to their service area. It is contrary to the Member / Officer Protocol for officers to lobby Councillors in respect of their specific service.

### **3. ACTION BY THE COUNCIL ON RECEIPT OF A PETITION**

An acknowledgement will be sent to the petition organiser within 10 working days of us receiving the petition. This will let them know what we plan to do with the petition and when they can expect to receive a formal response to it. If the petition needs more investigation, we will tell the petition organiser the steps we plan to take.

If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.

Petitions will receive a formal response from the relevant Corporate Director within 28 days of receipt. This will usually be the quickest way of addressing the issue.

If however, the petition meets the requirements to be presented/debated at a meeting of Councillors under the provisions of Section 4 of this scheme, the petition will receive a formal response within 28 days from the meeting. If you request this option, the relevant Corporate Director may still write to you. You may choose not to proceed with presentation at a meeting if you feel their response resolves the matter.

The acknowledgment will confirm when and how your response will be sent and tell you when and where the meeting will take place (if applicable and if known at that stage).

To ensure that people know what we are doing in response to the petitions we receive, the details of all petitions submitted to the Council will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

### **4. PRESENTATION OF A PETITION TO ELECTED COUNCILLORS**

Subject to your petition containing sufficient signatures as set out below, you may request to present the petition to a meeting of Councillors. There are several ways in which this can be done.

#### **(a) Presentation to a meeting of the Council, Cabinet or relevant committee**

If your petition includes the names, addresses and signatures of 30 persons who live, work or study in the borough it can be presented at an ordinary meeting of the Council or to a Council Committee.

The procedure for presenting a petition at full Council or Committee meetings is included in Appendix 1 of this scheme.

Separate to the above provision, the Mayor has agreed a scheme for public engagement at executive meetings (the Cabinet and Cabinet sub-committees), which provides a number of different ways that members of the public can make submissions relating to items on the agenda. The Cabinet public engagement scheme is set out at Appendix 2 of this Scheme.

### **(b) Debate at a Council Meeting**

If your petition includes the names, addresses and signatures of 2,000 persons who live, work or study in the borough, you may request that a debate be held about the petition at a full Council meeting.

The procedure for debating a petition at full Council meetings is included in Appendix 1 of this scheme.

### **(c) Officer evidence to the Overview and Scrutiny Committee**

If your petition includes the names, addresses and signatures of at least 1,000 persons who live, work or study in the borough, you may request that a relevant senior officer give evidence at a public meeting of the Council's Overview and Scrutiny Committee. For example, you may request that a senior officer explain progress on an issue, or the advice given to councillors to enable them to make a particular decision. The senior officers who may be called to give evidence under this procedure include the Head of the Paid Service (Chief Executive) and any of the Council's statutory or non-statutory Chief Officers (Corporate Directors).

You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee will also call the relevant Executive Councillor(s) to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Democratic Services team (see Section 7) up to three working days before the meeting.

### **General guidance on requesting your petition be presented or debated**

If you would like your petition to be presented/debated at a meeting, you must submit (1) the petition; (2) a request to present or debate the petition; and (3) any request for additional assistance such as an interpreter, to the Democratic Services Team (see Section 7) by noon, 9 clear working days (not including the day notice is given or the day of the meeting) before the relevant meeting. However, please note that there is likely to be a maximum number of petitions presented at any one meeting and these slots are normally allocated in order of receipt, so early submission is advised.

When determining whether a petition has met or exceeded a threshold set out in this scheme, the Council will only count signatories for which a local connection (i.e. that the

signatory either lives, works or studies in Tower Hamlets) can be evidenced from the information supplied. There is a risk that petitions created and/or submitted via third party e-petition websites may not satisfy this criterion so it is strongly recommended that e-petitions are created via the Council's own e-petition facility [www.towerhamlets.gov.uk/petition](http://www.towerhamlets.gov.uk/petition)

**Similar petitions:** In the event that 2 or more petitions which are substantially the same are received from different petition organisers, the Corporate Director, Governance may aggregate the number of valid signatures in each petition for the purpose of determining whether the threshold to trigger a Council debate of the matters raised has been reached if that is the wish of the petition organisers.

## **5. PETITIONS ON NON-COUNCIL FUNCTIONS**

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) it is unlikely you will be able to present it to a Council meeting, but we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible may liaise with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

If your petition is about something that a different authority is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other authority, but could involve other steps. In any event we will notify you of the action we have taken.

You can find more information on the services for which the Council is responsible on our website. [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

In all cases we will provide the written response as set out in Section 3.

## **6. IF YOU ARE NOT SATISFIED WITH THE COUNCIL'S RESPONSE**

If you feel that we have not dealt with your petition properly you may make a complaint under the Council's complaints procedure.

[https://www.towerhamlets.gov.uk/lqnl/council\\_and\\_democracy/complaints/complaints.aspx](https://www.towerhamlets.gov.uk/lqnl/council_and_democracy/complaints/complaints.aspx)

## **7. FURTHER INFORMATION**

Should you wish to submit a petition or require any further information, please contact:

Petitions,  
Democratic Services,  
1st Floor,  
Town Hall,  
Mulberry Place,



E14 2BG

020 7364 4651

Email: [committee.services@towerhamlets.gov.uk](mailto:committee.services@towerhamlets.gov.uk)

Website: <http://www.towerhamlets.gov.uk/committee>

e-petitions website: <http://www.towerhamlets.gov.uk/petition>



QR code for website:

Petition Scheme Appendix 1

## **PROCEDURE FOR HEARING PETITIONS AT MEETINGS OF THE FULL COUNCIL**

**Agenda order:** All petitions received within the deadline (see Section 4 of the Petition Scheme) will be listed on the Council agenda.

The agenda will list 4 petitions as 'to be heard', which will be listed in order of receipt, except that petitions for debate will take precedence. Any petitions listed as 'to be heard' for which the person(s) listed to present are absent, will be noted (see below).

All remaining petitions will be listed as 'to be noted'. These petitions will not be heard and the Speaker will state where they will go for a full response.

### Petition presentation procedure (for petitions of between 30 and 1,999 signatures)

1. Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough. Unless prior agreement from the Speaker of the Council has been obtained, the person(s) presenting the petition cannot include an elected Member of the Council.
2. The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.
3. Councillors may then ask the petitioners questions for a further 4 minutes;
4. The speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the matters raised for up to 2 minutes.

5. The petition will be referred to the relevant Corporate Director who will respond in writing within 28 days from the date of the meeting.

Petition debate procedure (for petitions in excess of 2,000 signatures):

1. Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough.
2. The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.
3. Councillors may then ask the petitioners questions for a further 4 minutes.
4. The petition will then be debated by Councillors for a maximum of 15 minutes. All speeches are limited to a maximum of 3 minutes. During his or her speech, any Councillor may move a motion for the Council's consideration relevant to matters in the petition (this does not require the suspension of the Council Procedure Rules).
5. Following the debate, the speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the matters raised, for up to 3 minutes.
6. Following the petition debate, any motions moved will be put to the vote in the order they were tabled.
7. If no motion is agreed, the petition will stand referred to the relevant Corporate Director for a written response within 28 days of the meeting.

### **General guidance on petition hearings at Council meetings**

Executive functions: In relation to executive functions, the Council does not have powers to override any executive decision of the Mayor or substitute its own decision. The Council may however pass a motion expressing a view on the matter or referring the matter to the Mayor, calling on him/her to take some action, or consider or reconsider a decision, with recommendations to inform that consideration. Officers will advise on the constitutional validity of any motion that may be moved.

**Limitation.** An individual or group may not submit a petition to a meeting of the Council if that individual or group has previously submitted a petition to either of the previous 2 Council meetings.

## **Presentation of Petitions at Non-Executive Committee Meetings (including Overview and Scrutiny Committees)**

Petitions can also be presented to any Non-Executive Committee meeting providing it is on a subject matter that is within that Committee's Terms of Reference.

Some Committees will have specific procedures for dealing with petitions and those must be followed where they exist. In any other case the petition will be dealt with at the next appropriate Committee meeting. If no other procedures are in place or agreed then the petition will be heard in the same manner as at Council (3 minute presentation, 4 minutes of questions from Members, 2 minutes for a response). The response may come from a Member or officer as appropriate. If the petition relates to an item on the agenda, it will be considered during the discussion of that particular agenda item.

### **Petitions presented by young people**

The Council welcomes petitions presented by young people including school children. Whilst the standard meeting procedures will be followed where possible, the Chair of the meeting shall have the discretion to vary the procedures to ensure the young people are properly able to represent themselves at the meeting.

## **Petition Scheme Appendix 2**

### **PROCEDURE FOR HEARING PETITIONS AT MEETINGS OF THE CABINET**

The procedure for hearing petitions at meetings of the Cabinet is contained in the Executive Procedure Rules at Section 30 of the Council's Constitution. The relevant provision is replicated below:

#### **Public Engagement at Cabinet**

Whilst the main focus of Cabinet is as a decision-making body, there is an opportunity for the public to contribute through making submissions that specifically relate to the reports that are set out on the agenda. Members of the public may therefore make written submissions in any form (for example; Petitions, letters, written questions) and which are to be submitted to the Clerk to Cabinet (whose details are on the Cabinet agenda front sheet) by 5 pm the day before the meeting. The consideration of such written submissions will be at the discretion of whosoever presides at the meeting.

**PETITION TEMPLATE**

To Democratic Services,  
Tower Hamlets Council  
1st Floor, Town Hall  
Mulberry Place  
London E14 2BG  
[committee.services@towerhamlets.gov.uk](mailto:committee.services@towerhamlets.gov.uk)  
020 7364 4207

**Petition to Tower Hamlets Council**

Dear Democratic Services, please find attached a petition relating to...

...for your attention. The petition statement, which explains what action we would like the Council to take, and the names, addresses and signature of each person supporting the petition, can be found on the attached pages.

**Details of petition organiser**

Name:	Address:
Email:	Telephone No:

Tick this box if you are also running a linked petition on the Council's website at [www.towerhamlets.gov.uk/petition](http://www.towerhamlets.gov.uk/petition)

I believe this petition contains .....signatures;

<b>Preferred response:</b> I would like (tick 1 ONLY):	
For this petition to be referred to a senior Council officer who will arrange for a response to be sent within 28 days of receipt by the Council;	
To present this petition in person at a future meeting of the Council or a committee <i>[if the petition includes at least 30 valid signatures]</i>	
For this petition to be debated by Councillors at a future meeting of the Council <i>[if the petition includes at least 2,000 valid signatures]</i>	

(note to petition organiser – please complete this cover page in full and print 1 copy. Please complete and then print as many copies of the following signature sheet as you feel necessary. All signature sheets must also include the petition statement. Combine all pages and return to the address above.)



## 27 Access to Information Procedure Rules

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## **1. SCOPE**

- 1.1** These rules apply to all meetings of Council, Overview and Scrutiny Committee, Scrutiny Sub-Committees and Panels, the Standards Advisory Committee, regulatory and other Committees, Sub-Committees and public meetings of the Executive (together called “meetings”).

## **2. ADDITIONAL RIGHTS TO INFORMATION**

- 2.1** These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## **3. RIGHTS TO ATTEND MEETINGS**

- 3.1** Members of the public may attend all meetings subject only to the exceptions in these rules.

## **4. NOTICE OF MEETING**

- 4.1** The Council will give at least five clear working days’ notice not including the day that notice is given or the day of any meeting by posting details of the meeting at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG (the designated office).
- 4.2** If the meeting is convened at shorter notice than five clear working days, notice is to be given by the Council in the same manner set out above at the time the meeting is convened.

## **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

- 5.1** The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting except;
- 5.2** Where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened, and
- 5.3** Where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be open to inspection from the time the item is added to the agenda.

## **6. ITEMS OF BUSINESS**

- 6.1** An item of business may not be considered at a meeting unless either:
  - (a) a copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
  - (b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 6.2** “Five clear working days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.
- 6.3** “Special circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for inspection for five clear days before the meeting.
- 6.4** Where the item of business relates to a key decision Rules 14-19 also apply.

## **7. SUPPLY OF COPIES**

- 7.1** The Council will supply copies of:
  - (a) any agenda and reports which are open to public inspection;
  - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - (c) if the Corporate Director, Governance thinks fit, any other documents supplied to Councillors in connection with an item,



to any person who makes a request to view copies of these documents on payment of a charge for postage and any other costs.

## **8. ACCESS TO MINUTES ETC. AFTER THE MEETING**

**8.1** The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken together with reasons, for all meetings excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **9. BACKGROUND PAPERS**

**9.1 List of Background Papers.** The Corporate Director, Governance will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in her/his opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report,

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11) or in respect of reports to the Executive, the advice of a political adviser or assistant.

**9.2 Publication and Public Inspection of Background Papers.** The Council will publish background papers on the Council's website and will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **10. SUMMARY OF PUBLIC'S RIGHTS**

**10.1** A written summary of the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the designated office.

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

- 11.1 Confidential Information – Requirement to Exclude Public.** The public *must* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (as defined in Rule 11.4 below) would be disclosed in breach of the obligation of confidence.
- 11.2 Exempt Information – Discretion to Exclude Public.** The public *may* be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined in Rule 11.5 below) would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 11.3** Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 11.4 Meaning of Confidential Information.** *Confidential information* means information given to the Council by a Government Department on terms which forbid its public disclosure or information which the disclosure of which to the public is prohibited by or under any enactment or by the order of a court. This includes information excluded under the Freedom of Information Act 2000 or the Data Protection Act 2018.
- 11.5 Meaning of Exempt Information.** *Exempt information* is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely:
1. Information relating to any individual
  2. Information which is likely to reveal the identity of an individual
  3. Information relating to the financial or business affairs of any particular person (including the authority handling the information) [**Information is not exempt under this category if it is required to be registered under the Companies Acts 1985 and 2006, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Co-operative and Community Benefit Societies Act 2014 or the Charities Acts 1993 and 2011.**]
  4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
  5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes:-
  - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

**11.6** Information falling within any of the categories 1-7 of Rule 11.5 above are not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

**11.7 Excluding the public to prevent disorder.** Under Reg 4(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, members of the public can be excluded from a meeting in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

## **12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

**12.1** If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his/ her opinion relate to items during which, in accordance with Rule 11, the meeting or those part or parts of the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed (see Rule 11.5 above for the categories).

## **13. APPLICATION OF RULES TO EXECUTIVE**

**13.1** Rules 14-25 apply to the Executive and its Committees (and which term includes Sub-Committees and other decision making meetings). If the Executive or one of its Committees meets to take a key decision or meets in public then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. A key decision is defined in Part A Section 3 of this Constitution.

**13.2** If the Executive or one of its Committees meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within twenty-eight days of the date by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

## **14. PROCEDURE BEFORE TAKING KEY DECISIONS**

**14.1** Subject to Rule 18 (urgency - general exception) and Rule 19 (urgency - special urgency), a key decision shall not be taken unless:

- (a) a notice has been published in connection with the matter in question at both the offices of the Council and on the Council's website;
- (b) at least twenty-eight days have elapsed since the notice has been published; and
- (c) where the decision is to be taken at a meeting of the Executive or a Committee of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meeting).

## **15. NOTICE OF KEY DECISIONS**

**15.1** A notice shall be published under Rule 14 in respect of any matter which the Mayor has reason to believe will be the subject of a key decision to be taken by the Mayor, the Executive, a Committee of the Executive, an individual member of the Executive, an officer or under joint arrangements in the course of the discharge of an executive function.

**15.2** In addition, a notice shall be published under Rule 14 in respect of those items of business which the Executive intends to consider and which form part of the policy framework and where the Executive will be making recommendations to Council.

## **16. CONTENT OF KEY DECISION NOTICES**

**16.1** Each notice published under Rule 14 shall contain the below details as far as reasonably practicable:

- (a) that a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, her/his name and title, if any; and, where the decision maker is a decision making body, its name and a list of its members;
- (d) the date on which or the period within which the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and

- (h) the procedure for requesting details of those documents (if any) as they become available.

**16.2** Where, in relation to any matter-

- (a) the public may be excluded under Rule 21.2 below from the meeting at which the matter is to be discussed; or
- (b) documents relating to the decision need not, because of Rule 17, be disclosed to the public,

then the document referred to in 16.1 must contain particulars of the matter but may not contain any confidential, exempt information or particulars of the advice of a political adviser or assistant.

**17. KEY DECISION NOTICES – EXEMPT AND CONFIDENTIAL INFORMATION**

**17.1** Nothing in these Rules (or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the 2012 Regulations”)) is to be taken to authorise or require the disclosure of confidential information in breach of the obligation of confidence.

**17.2** Nothing in these Rules or the 2012 Regulations-

- (a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain confidential information; or
- (b) requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the proper officer, that document or part of a document contains or is likely to contain exempt information or the advice of a political adviser or assistant.

**18. URGENCY - GENERAL EXCEPTION**

**18.1** If a matter which is likely to be a key decision is to be considered and the matter has not been published in advance in accordance with Rule 14 then, subject to Rule 19 (urgency - special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until public notice of at least twenty-eight days has been given;
- (b) the Corporate Director, Governance has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each

member of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made;

- (c) the Corporate Director, Governance has made copies of that notice available to the public at the offices of the Council for inspection; and
- (d) at least five clear days have elapsed following the day on which the Corporate Director, Governance complied with 18.1(b) and 18.1(c).

Where such a decision is taken collectively, it must be taken in public unless it involves consideration of confidential or exempt information.

## **19. URGENCY - SPECIAL URGENCY**

**19.1** If by virtue of the date on which a decision must be taken Rule 18 (urgency - general exception) cannot be followed, then a decision can only be taken if the decision taker (or the Chair of the body making the decision) has obtained from:

- (a) the Chair of the Overview and Scrutiny Committee ; or
- (b) if there is no such person, or if the Chair is unable to act, the Speaker; or
- (c) where there is no Chair of the Overview and Scrutiny Committee or Speaker, the Deputy Speaker;

and the agreement that the taking of the decision cannot reasonably be deferred.

**19.2** The Mayor will submit an annual report to Council on the executive decisions taken under this Rule in the preceding year. The report will include the number of decisions so taken and a summary of the matters in respect of which each decision was made.

## **20. RIGHTS OF OVERVIEW AND SCRUTINY**

### **20.1 When the Overview and Scrutiny Committee can Require a Report**

If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) published in advance in accordance with Rule 14, or
- (b) the subject of the urgency - general exception procedure (see Rule 18), or
- (c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Speaker under Rule 19;

the Committee may require the Executive to submit a report to Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Committee when so requested in writing by:

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) three (3) Members of the Overview and Scrutiny Committee.

Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

## **20.2 The Executive's Report to Council**

- (a) The Executive will prepare a report setting out the date of the decision, particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision, the reasons for that opinion. There should also be details of any alternative decisions that were considered and why they were rejected, and the names of any member who has declared a conflict of interest in relation to the decision (if any).
- (b) The report will be submitted to the next ordinary meeting of Council. However, if the next meeting of Council is within ten days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the Council meeting after that.

## **21. MEETINGS OF THE EXECUTIVE AND ITS COMMITTEES TO BE HELD IN PUBLIC**

- 21.1** Any meeting of the Executive or a Committee of the Executive shall be open to the public except to the extent that the public are excluded under Rule 21.2
- 21.2** The public must be excluded from a meeting during an item of business whenever—
  - (a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;
  - (b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or
  - (c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

- 21.3** A resolution under Rule 21.2 (b) must—
- (a) identify the proceedings, or the part of the proceedings to which it applies; and
  - (b) state, by reference to the descriptions in Rule 11.5 the description of exempt information giving rise to the exclusion of the public.
- 21.4** The public may only be excluded under sub-paragraph (a) or (b) of Rule 21.2 for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.
- 21.5** Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the Executive and its Committees do not have the power to exclude members of the public from a meeting while it is open to the public.
- 21.6** While a meeting of the Executive or one of its Committees is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.
- 21.7** The Council must ensure that members of the public are aware that a meeting is to be broadcast where the council or a person attending the meeting for the purpose of reporting proceedings intends to use facilities to record or broadcast the proceedings.

### **Procedures prior to private meetings**

- 21.8** Any decision made by the Executive or one of its Committees to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the Local Government Act 2000 (regulations requiring prescribed information about prescribed decisions).
- 21.9** At least twenty-eight clear days before a private meeting of the Executive of one of its committees, the Executive must—
- (a) make available at the offices of the Council a notice of its intention to hold the meeting in private; and
  - (b) publish that notice on the Council's website.
- 21.10** A notice under Rule 21.9 must include a statement of the reasons for the meeting to be held in private.



**21.11** At least five clear days before a private meeting of the Executive or one of its committees, the Executive must—

- (a) make available at the offices of the Council a further notice of its intention to hold the meeting in private; and
- (b) publish that notice on the Council's website.

**21.12** A notice under Rule 21.11 must include—

- (a) a statement of the reasons for the meeting to be held in private;
- (b) details of any representations received by the Executive about why the meeting should be open to the public; and
- (c) a statement of its response to any such representations.

**21.13** Where the date by which a meeting must be held makes compliance with Rules 21.9 to 21.12 impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from—

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the Chair of the Overview and Scrutiny Committee is unable to act, the Speaker; or
- (c) where there is no Chair of the Overview and Scrutiny committee or Speaker, the Deputy Speaker,

that the meeting is urgent and cannot reasonably be deferred.

**21.14** As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 21.13 to hold a private meeting, it must—

- (a) make available at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

**21.14** The Executive or one of its Committees may meet in private if it meets with officers for the purposes only of briefing.

**21.15** The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place. A meeting of the Executive may not meet to take any decisions unless the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or their nominee

are present or have waived their entitlement to attend. The meeting may only take a decision if there is an officer present with responsibility for recording and publishing the decision.

## **22. RECORD OF DECISIONS**

**22.1 Executive Decisions made at Meetings.** As soon as is reasonably practicable after a meeting of a decision-making body at which an executive decision has been made, whether held in public or private, the Corporate Director, Governance or nominated officer shall ensure that a written statement is produced in respect of every executive decision made at that meeting including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at the meeting by the decision making body at which the decision was made;
- (d) a record of any conflict of interest relating to the matter which is declared by any Member of the decisions making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

Decisions taken at a meeting may only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, Governance or their nominee is present.

### **22.2 Executive Decisions made by Individual Members of the Executive**

**22.3** All decisions taken individually by Members of the Executive must be based on written reports setting out key legal, financial, service and corporate implications and may not be taken unless the Corporate Director, Governance (or an officer nominated by them) has agreed the report.

**22.4** When an officer prepares a report which is to be given to an individual Member for decision, they must first give a copy of that report to the Corporate Director, Governance (or an officer nominated by them).

**22.5** The Corporate Director, Governance will publish the report to the Overview and Scrutiny Committee, the Chief Executive, Chief Finance Officer and Monitoring Officer. The report will be made publicly available as soon as reasonably practicable.

- 22.6** Individual decisions by Members of the Executive can only be taken in the presence of an officer.
- 22.7** Subject to Rules 18 and 19, the individual decision maker may not make any key decision until notice of the decision has been available for public inspection for at least twenty-eight days before the decision is made.
- 22.8** As soon as is reasonably practicable after an individual Member has made an executive decision they shall produce, or cause to be produced, a written statement including:
- (a) a record of the decision including the date it was made;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and rejected at the time by the Member when making the decision;
  - (d) a record of any conflict of interest declared by any Executive Member who was consulted by the Member which relates to the decision; and
  - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 22.9** A copy of the written statement setting out the decision must be sent to the Corporate Director, Governance. All decisions of the Executive must be published on the Council's website and will be subject to call in as set out in Part B Section 30 of this Constitution.
- 22.10** Nothing in these rules relating to the taking of decision by individual Members shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

## **23 DECISIONS MADE BY OFFICERS**

### **Key Decisions**

- 23.1** Where officers are taking delegated key decisions, they must follow the procedure set out above for decisions taken by Individual Members of the Executive. This includes ensuring the decision is taken on the basis of a written report setting out key legal, financial and corporate implications.
- 23.2** Any officer decisions taken in accordance with Rule 23.1 will be subject to call-in as set out in Section 30 of this Constitution.

## **Other Executive Decisions (Non-Key Decisions)**

- 23.3** As soon as is reasonably practicable after an officer has made a non-key decision delegated to the officer by a specific decision of the Executive, or another decision which incurs expenditure or savings over the threshold specified in Section 3 (currently £250k) the officer must produce a written statement including:
- (a) a record of the decision including the date it was made;
  - (b) a record of the reasons for the decision;
  - (c) details of any alternative options considered and rejected at the time by the officer when making the decision;
  - (d) a record of any conflict of interest declared by any Executive Member who was consulted by the officer which relates to the decision; and
  - (e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.
- 23.4** Non-key decisions taken by officers are not subject to call in.
- 23.5** Nothing in these rules relating to the taking of a decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.
- 23.6** Rule 23 must be read in conjunction with the Recording of Officers' Decisions Procedure Rules at Section 30 of this Constitution.

## **24. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS - AFTER A DECISION HAS BEEN MADE**

- 24.1** Subject to Rule 24.2 below, any member of the Overview and Scrutiny Committee or of a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Executive or any of its Committees, and contains material relating to:
- (a) any business which has been transacted at a public or private meeting of the Executive or its Committees; or
  - (b) any decision taken by an individual Member of the Executive;
  - (c) any key decision that has been taken by an officer in accordance with executive arrangements.

**24.2 Limits on Rights.** Overview and Scrutiny Committee Members and Scrutiny Panel Members shall not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information unless;
  - (i) it is relevant to an action or decision that they are reviewing or scrutinising or intends to review or scrutinise; or
  - (ii) which is relevant to any review contained in any programme of work of an Overview and Scrutiny Committee or Scrutiny Panel;
- (c) any document or part of a document that contains the advice of a political assistant.

## **25. ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS**

**25.1 Material Relating to Council and Committee Meetings.** All Members are entitled to inspect any document which is in the possession or under the control of the Council and contain material relating to any business to be transacted at a meeting of Council or its Committees or Sub Committees unless 25.1.1 below applies:

- (a) it contains exempt information falling within categories 1, 2, 3 (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 4, 5 or 7 as set out at Rule 11.5 above.

**25.2 Material Relating to Executive Meetings.** All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business to be transacted at a public meeting unless either 25.2.1 or 25.2.2 below applies:

- (a) It contains exempt information falling within categories 1, 2, 3, (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) 4, 5 or 7 as set out in rule 11.5 above.
- (b) It contains the advice of a political assistant.

**25.3** After the conclusion of a private meeting of the Executive at which an Executive decision has been made, all Members are entitled to inspect any document which is in the possession or under the control of the Executive and contain material relating to business transacted at the meeting in the terms set out at 25.2 above.

**25.4 Material Relating to Key Decisions.** All Members are entitled to inspect any document which is in the possession or under the control of the Executive and

contains material relating to any key decision in the terms set out at 25.2 above.

**25.5 Nature of Rights.** These rights are additional to any rights of access to information a Member may have

## 28 Budget and Policy Framework Procedure

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2	Process for Developing the Framework
3	Decisions Outside the Budget or Policy Framework
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6	In-Year Changes to Policy Framework
7	Call-In of Decisions Outside the Budget or Policy Framework
8	Suspension

### SUMMARY

Only Council can agree the Authority's budget for the year and the specified plans and strategies that are included in the Budget and Policy Framework. The Mayor and Executive will make proposals to Council in relation to the budget and those plans and strategies, for adoption by Council. If Council does not agree with those proposals of the Mayor/ Executive, a dispute resolution process as set out in section 2 below (but summarised here) applies:-

Where Council wishes to amend the Executive's proposals it may, by a majority vote, send the budget, plan or strategy back to the Executive, who must consider whether or not to make any amendments before re-submitting the item to Council.

When the item is re-submitted, if Council still wishes to amend the proposals, it can do so providing there are at least two-thirds of the Councillors present and voting at the meeting in favour of the amendment(s). Where a two-thirds majority in favour of Council's amendment(s) is not achieved, then the Executive's proposals stand agreed and shall be deemed to be adopted by the Authority.

## **1. THE FRAMEWORK FOR EXECUTIVE DECISIONS**

**1.1** Council will be responsible for the adoption of its budget and policy framework as set out in Section 28. In relation to the budget and the plans and strategies listed in Section 7:-

- (a) The adoption or approval of the plan or strategy is the responsibility of Council;
- (b) The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to Council; and
- (c) If 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 sets out the dispute resolution procedure to be followed. 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, starting on the day following the meeting, to reconsider his proposals and re-submit them (amended or not, with reasons) to a further Council meeting. If at this further meeting 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.
- (d) Once a budget or a policy framework document has been agreed, it is the responsibility of the Mayor, the Executive and officers to implement it.

## **2. PROCESS FOR DEVELOPING THE FRAMEWORK**

**2.1** The process by which the budget and policy framework shall be developed is:

- (a) The Executive will publicise, by publishing a notice in accordance with the Access to Information Procedure Rules at Part B Section 27 of this Constitution, a timetable for making proposals to Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.
- (b) The Chair of Overview and Scrutiny Committee will be notified of proposals referred to in Rule 2.1.(a) and which shall be referred to Overview and Scrutiny Committee.
- (c) For the purposes of these Procedure Rules the consultation in each instance shall be in line with the Council's normal consultation time periods except where there is an urgent need to reduce the consultation period. The period for Overview and Scrutiny Committee to respond to consultation shall be not less than ten clear working days unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.



- (d) At the end of the consultation period, having taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee, the Executive will submit recommendations to Council.
- (e) Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration or substitute its own proposals in their place.
- (f) If Council adopts the Executive's proposals without amendment, the decision shall become effective immediately. However, if, having considered a draft plan or strategy, it has any objections to it Council must take the action set out in 2.1(g).
- (g) Before Council-
  - (i) amends the draft plan or strategy;
  - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
  - (iii) adopts (with or without modification) the plan or strategy

it must inform the Mayor of any objections which it has to the draft plan or strategy and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must require the Executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- (h) Where Council requires reconsideration in accordance with 2.1(g) above, it must specify a period of at least five working days beginning on the day after the date on which the requirement is made within which the Mayor may:
  - (i) Submit a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
  - (ii) Inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.

If the specified period would prohibit Council from making determinations under Rule 2.1(i) within the statutory deadline for the setting of Council Tax, Council may specify such lesser period as is necessary to ensure compliance.

- (i) Subject to Rule 2.1(j), when the period specified by Council, referred to in Rule 2.1(h), has expired Council must, when:
  - (i) amending the draft plan or strategy or, if there is one, the revised plan or strategy;

(ii) approving for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft or a revised draft) of which any part is required to be so submitted; or

(iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of Council's objections and the Executive's reasons for that disagreement, which the Mayor submitted to Council, or informed Council of, within the period specified.

(j) Where Council proposes to –

(i) amend the draft plan or strategy or, as the case may be, the revised draft plan or strategy;

(ii) approve, for the purpose of its submission to the Secretary of State or any Minister of the Crown for her/his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

(iii) adopt with modifications the plan or strategy,

and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph 2.1(k).

(k) The question referred to in Rule 2.1(j) must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.

(l) Subject to Rule 2.1(r), where, before 8 February in any financial year, the Executive submits to Council for its consideration in relation to the following financial year:

(i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 (calculation of budget requirement etc.); or

(ii) estimates of other amounts to be used for the purposes of such a calculation; or

(iii) estimates of such a calculation; or

(iv) is required to be stated as a precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts),

and following consideration of those estimates or amounts Council has any objections to them, it must take the action set out in Rule 2.1(m).

- (m) Before Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1(l) or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive's estimates or amounts and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must require the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with Council's requirements.
- (n) Where Council requires reconsideration in accordance with Rule 2.1(m), it must specify a period of at least five working days beginning on the day after the date on which the requirement is received, the Mayor may:
  - (i) Submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts") which have been reconsidered in accordance with Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to Council for Council's consideration; or
  - (ii) Inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.
- (o) Subject to Rule 2.1(p), when the period specified by Council referred to in Rule 2.1(n) has expired, Council must, when making calculations (whether originally or by way of a substitute) in accordance with any of the sections referred to in Rule 2.1(m) or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:
  - (i) Any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (ii) The Executive's reasons for those amendments;
  - (iii) Any disagreement that the Executive has with any of Council's objections; and
  - (iv) The Executive's reasons for that disagreement,which the Mayor submitted to Council, or informed Council of, within the period specified.
- (p) Where Council, for the purposes of making the calculations or issuing the precept, proposes to use estimates or amounts ('the different estimates or amounts') which are not in accordance with the Executive's estimates or amounts or, as the case may be, the Executive's revised estimates or amounts, the question whether to use the different estimates or amounts must be decided in accordance with Rule 2.1(q).
- (q) The question referred to in Rule 2.1(p) must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.

- (r) Rules 2.1(l) to 2.1(q) shall not apply in relation to:
- (i) Calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 (limitation of council tax and precept); and
  - (ii) Amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act.

### **3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 3.1** Subject to the provisions of Rule 5 (virement) the Mayor, Executive, Committees of the Executive and any officers or joint arrangements may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by Council, subject to Rule 4 below.
- 3.2** If the Mayor, Executive, a Committee of the Executive, any officer or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 4 (urgent decisions outside the budget and policy framework) shall apply.

### **4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 4.1** The Mayor, Executive, a Committee of the Executive, an officer or joint arrangements may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:
- (a) if it is not practicable to convene a quorate meeting of Council; and
  - (b) if the Chair of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.
- 4.2** The reasons why it is not practicable to convene a quorate meeting of Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny

Committee, the consent of the Speaker, and in the absence of both, the Deputy Speaker, will be sufficient.

- 4.3** Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

**4.4 Urgent Action**

- (a) Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Proper Officer, after consultation with the Mayor or the Cabinet Member in respect of which the matter is associated, shall have power to act and shall report the action to the next meeting of the Executive.
- (b) Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.
- (c) Where the Proper Officer considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of Council or the appropriate committee can be called; the Proper Officer, after consultation with the Speaker or Deputy Speaker, shall have power to act and shall report the action to the next meeting of Council or the relevant Committee.

**5. VIREMENT**

- 5.1** Steps taken by the Mayor, the Executive, a Committee of the Executive, an officer, or joint arrangements to implement Council policy shall not exceed the budgets allocated to each relevant budget head. However, such bodies or individuals shall be entitled to vire across budget heads within such limits as shall be laid down in the Financial Procedure Rules. Beyond those limits, approval to any virement across budget heads shall require the approval of the Council.

**6. IN-YEAR CHANGES TO BUDGET AND POLICY FRAMEWORK**

- 6.1** The responsibility for agreeing the budget and policy framework lies with Council, and decisions by the Mayor, the Executive, a Committee of the Executive, officers, or joint arrangements must be in line with it. No changes to any budget, plan or strategy which comprises part of the budget and policy framework may be made by those bodies or individuals except those changes:
- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
  - (b) which are necessary to ensure compliance with the law, ministerial direction or government guidance;

- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

## **7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 7.1** Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 7.2** In respect of functions which are the responsibility of the Mayor or the Executive, the report of the Monitoring Officer and/or Chief Finance Officer shall be to the Mayor and Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet within twenty-one days of receiving the report to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 7.3** If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until Council has met and considered the matter. Council shall meet within twenty-one days of the request from the Overview and Scrutiny Committee (or within twenty-eight days if a meeting of Council is scheduled within that period). At the meeting Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 7.4** Council may either:
  - (a) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of Council be minuted and circulated to all Councillors in the normal way; or
  - (b) amend the budget, financial rule or policy concerned to encompass the decision or proposal of the body or individual responsible for that function and agree to the decision with immediate effect. In this case, no further

action is required save that the decision of Council be minuted and circulated to all Councillors in the normal way; or

- (c) where Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Mayor or Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Finance Officer.

- 7.5** If Council does not meet, the decision will become effective on the date of Council or expiry of the period in which Council should have been held, whichever is the earlier: providing that the Monitoring Officer and/or the Chief Finance Officer is/are satisfied that the decision is within the budget and policy framework or falls within Rules 6.1(a) – 6.1(d).

## **8. SUSPENSION**

- 8.1** Provided it is not contrary to law, these rules may be suspended by Council or, in so far as they are applicable to either body, the Cabinet or the Overview and Scrutiny Committee.

## 29 Executive Procedure Rules

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Rule	Subject
1	How Does the Executive Operate?
2	How are Executive Meetings Conducted?
3	The Mayor's Executive Scheme of Delegation

#### 1. HOW DOES THE EXECUTIVE OPERATE?

##### 1.1 Who May Make Executive Decisions?

In law, functions which are the responsibility of the Executive may be exercised by

- (a) The Mayor
- (b) The Executive as a whole (the Cabinet) ;
- (c) A Committee of the Executive;
- (d) An individual Member of the Executive;
- (e) The Chief Executive, a Chief Officer or an officer;
- (f) An area Committee; or a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007;
- (g) joint arrangements; or
- (h) another local authority;

subject to the Mayor or this Constitution giving delegated authority to the person/meeting listed to discharge the particular function.

The arrangements for the discharge of executive functions at Tower Hamlets are set out in the executive arrangements adopted by the Council (as set out in Part A, Section 8 of this Constitution) and the Executive Scheme of Delegation at Rule 3 of these Rules.



Currently decisions on executive functions are taken by the Mayor, either at the Cabinet meeting or separately, unless the Mayor has delegated either a function as set out in those parts of the Constitution or a specific executive decision.

## **1.2 The Executive Scheme of Delegation and Executive Functions**

At the Annual Meeting of the Council the Mayor will present to the Council a written record of delegations made by the Mayor ('The Executive Scheme of Delegation') for inclusion in the Council's Constitution. The document presented by the Mayor 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.
- (d) The nature and extent of any delegation of executive functions to officers not already specified in Part B of this Constitution, with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

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

The Executive Scheme of Delegation shall be included at Rule 3 of these Rules.

Within five working days of agreeing any change to the Executive Scheme of Delegation, a Cabinet appointment or portfolio, the Mayor shall present a written record of the change that they have agreed, together with the reasons for that change, to the Monitoring Officer.

Whenever the Monitoring Officer receives notification from the Mayor of any change(s) to the Executive Scheme of Delegation, Cabinet appointment(s) or portfolio(s), the Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.

### **1.3 Sub-Delegation of Executive Functions**

- (a) Where the Mayor, the Executive, a Committee of the Executive or an individual Member of the Executive is responsible for an executive function, they may delegate further to an area Committee, joint arrangements or an officer.
- (b) Unless the Mayor directs otherwise, if the Mayor delegates functions to the Executive then the Executive may delegate further to a Committee of the Executive or an officer.
- (c) Unless the Mayor directs otherwise, a Committee of the Executive to whom functions have been delegated may delegate further to an officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

### **1.4 The Council's Scheme of Delegation and Executive Functions**

- (a) Subject to (b) below, the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Part A, Section 8.
- (b) The Mayor may amend the Scheme of Delegation of executive functions at any time during the year. To do so, the Mayor must give written notice to the Monitoring Officer and the person, body or Committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body or Committee or the Executive as a whole. The Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor.
- (c) Where the Mayor seeks to withdraw or amend delegations to a Committee, notice will be deemed to be served on that Committee when it has been served on its Chair.

## **1.5 Interests**

- (a) Where a Member of the Executive has a disclosable pecuniary interest this should be dealt with as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.
- (b) If every Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Members' judgement being or likely to be impaired by the interest then this also should be dealt with as set out in the Council's Code of Conduct for Members in Part C Section 31 of this Constitution.
- (c) Where a Member of the Executive has either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of the Member's judgement being or likely to be impaired by the interest then this should be dealt with as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.
- (d) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should a disclosable pecuniary interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.
- (e) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should either a registerable or non-registerable interest and either interest might appear to a fair and informed observer that there was a real possibility of that person's judgement being or likely to be impaired by the interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part C Section 31 of this Constitution.

## **1.6 Meetings of the Cabinet**

- (a) Meetings of the Cabinet will be determined by the Mayor or Chief Executive. The Cabinet shall normally meet at the Council's main offices or at another location as appropriate.
- (b) Meetings of the Cabinet will be subject to the Access to Information Procedure Rules and any other relevant procedure rules in this Constitution.

## **1.7 Quorum**

The quorum for a meeting of the Executive shall be three Members

## **1.8 How are Decisions to be taken by the Executive?**

- (a) Executive decisions which are the responsibility of the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part B of the Constitution.
- (b) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

## **2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

### **2.1 Who Presides?**

If the Mayor is present they will preside. In their absence, then the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor, then a person appointed by those present shall preside.

### **2.2 Who may Attend?**

- (a) Meetings of the Cabinet will normally be open to the public unless confidential or exempt information is to be discussed.
- (b) Subject to the Access to Information Procedure Rules in Part B Section 27 of this Constitution, meetings may occasionally be private.

### **2.3 What Business?**

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of disclosable pecuniary interest, if any;
- (c) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in Part B Section 27 of this Constitution.
- (d) consideration of reports from the Overview and Scrutiny Committee;
- (e) matters referred to the Executive (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part B Section 28 of this Constitution;

The Mayor or other person presiding at a meeting of the Cabinet may at their discretion allow persons other than Cabinet members to contribute to the meeting. This may include an informal 'question time' to the Mayor and/or Cabinet Members.

## **2.4 Community Engagement/ Consultation**

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of community engagement or consultation with stakeholders, Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of community engagement or consultation required will be appropriate to the nature of the matter under consideration having due regard to the Council's Community Engagement Strategy.

## **2.5 Who can put Items on the Executive Agenda?**

The Mayor and Chief Executive may put on the agenda of any Cabinet meeting any Executive matter which they wish, whether or not authority has been delegated to the Cabinet, a Committee of it, any Member, the Chief Executive, a Chief Officer or officer in respect of that matter. The Corporate Director, Governance will comply with their requests in this respect.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two (2) of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly call a meeting and include an item on the agenda of that meeting or of a Cabinet meeting which has already been called. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

## **2.6 Application of Council Procedure Rules**

Rules 5 – 9, 16.1 to 16.3 and 17 to 24 of the Council Procedure Rules (Part B Section 26 of this Constitution) shall also apply to meetings of the Cabinet.

## **2.7 Public Engagement at Cabinet**

Whilst the main focus of Cabinet is as a decision-making body, there is an opportunity for the public to contribute through making submissions that specifically relate to the reports that are set out on the agenda. Members of

the public may therefore make written submissions in any form (for example; Petitions, letters, written questions) and which to be submitted to the Clerk to Cabinet (whose details are on the agenda front sheet) by 5 pm the day before the meeting. The consideration of such written submissions will be at the discretion of whosoever presides at the meeting.

### **3. THE MAYOR'S EXECUTIVE SCHEME OF DELEGATION**

**With effect from 15<sup>th</sup> May 2019**

#### **PART A - EXECUTIVE SCHEME OF DELEGATION**

##### **1. PURPOSE**

1.1 The purpose of this Executive Scheme of Delegation is to:-

- (a) be clear about who can make which executive decisions including Key Decisions;
- (b) facilitate the smooth running of Council business;
- (c) 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 Council Procedure Rules (Section 26) and Access to Information Procedure Rules (Section 27) 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 Rule 1.2 of the Executive Procedure Rules.

##### **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 (10) people, namely the Mayor and nine (9) Councillors as set out below:-

<b>Name</b>	<b>Portfolio</b>
Deputy Mayor for Housing (Statutory Deputy Mayor)	Cllr Sirajul Islam
Deputy Mayor for Planning, Air Quality and Tackling Poverty	Cllr Rachel Blake
Deputy Mayor for Community Safety and Equalities	Cllr Asma Begum
Children's, Schools and Young People	Cllr Danny Hassel
Adults, Health and Wellbeing	Cllr Amina Ali
Resources and the Voluntary Sector	Cllr Candida Ronald
Culture, Arts and Brexit	Cllr Sabina Akhtar
Work and Economic Growth	Cllr Motin Uz-Zaman
Environment	Cllr David Edgar



## **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 Rule 1.2 of the Executive Procedure Rules, appoint such committees of the Executive as he considers appropriate from time to time and he appoints the following at this time:
- King George's Fields Charity Board
  - The Grants Determination Sub-Committee
- 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 B and D 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 section 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 Part A, Section 12 and Part B Section 21 of the Council's Constitution
- 8.3 Subject to paragraph 8.2 above, the Mayor has not delegated any powers to any other local authority.

**9. PROCESS FOR EXECUTIVE DECISION MAKING BY THE MAYOR OR A CABINET MEMBER**

- 9.1 The process for taking individual executive decisions, including Key Decisions, is set out in Part D Section 53.

## 30 Overview and Scrutiny Procedure Rules

### STATUTORY SCRUTINY OFFICER

1. As required under Section 9FB Local Government Act 2000, the Council will appoint a Statutory Scrutiny Officer whose role is to oversee the arrangements for the Overview and Scrutiny function.
2. The Statutory Scrutiny Officer shall be the officer holder of the following post:
  - Divisional Director, Strategy, Policy and Performance.

### THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

3. Council will appoint an Overview and Scrutiny Committee (OSC) to discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).
4. There will be one standing Scrutiny Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 and OSC may also appoint such other Sub-Committees as the Committee considers appropriate to carry out its work programme.
5. The role of Overview and Scrutiny is to:
  - (i) Any officer decision resulting in (revenue or capital) expenditure or savings of over £250,000 must be published on the Council's website 'as soon as practicable' (and following any guidance from the Monitoring Officer) after the decision has been taken.
  - (ii) Review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.
  - (iii) Make reports or recommendations to Council and/or the Mayor or the Executive in connection with the discharge of any functions which are the responsibility of the Executive.
  - (iv) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive.
  - (v) Make reports or recommendations to Council and/or the Mayor or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive.
  - (vi) Make reports or recommendations to Council and/or the Mayor or the Executive on matters affecting the Council's area or its inhabitants.

- (vii) Exercise the right to call in for reconsideration decisions made but not yet implemented.
- (viii) Refer any report it receives with implications for ethical standards to the Standards Advisory Committee for its consideration.

## **THE OVERVIEW AND SCRUTINY COMMITTEE**

- 5. The Overview and Scrutiny Committee will comprise nine Members of the Council and up to six co-opted members. Up to three substitutes per political group may be appointed. Its terms of reference are set out in detail in Section 19 of the Constitution but they include:
  - (a) The performance of all overview and scrutiny functions on behalf of the Council.
  - (b) The appointment of such Scrutiny Sub-Committees as it considers appropriate to fulfil those functions; determining those Sub-Committees' composition (including any co-opted Members); and the terms of reference of those Sub-Committees/ Panels.
  - (c) To have a strategic and co-ordinating role over the Council's scrutiny function and to approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Sub-Committees it appoints to ensure that there is efficient and effective use of the Committee's time and the time of its Scrutiny Sub-Committees.
  - (d) To advise the Mayor and Cabinet of key issues/questions to be considered in relation to reports due to be considered by the Executive.
  - (e) To exercise the right to call in for reconsideration any executive decisions taken but not yet implemented.
  - (f) To determine whether to request Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.
  - (g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.
  - (h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.
  - (i) To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007.
  - (j) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

## **SCRUTINY SUB-COMMITTEES**

6. The Overview and Scrutiny Committee may establish such Sub-Committee as it considers appropriate. At this time the following sub-committees have been established:
  - Children and Education Scrutiny Sub-Committee
  - Health and Adults Scrutiny Sub-Committee
  - Housing and Regeneration Scrutiny Sub-Committee
  
7. The Health and Adults Scrutiny Sub-Committee will undertake the Council's functions under the National Health Service Act 2006 and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:
  - (a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;
  - (b) To respond to consultation exercises undertaken by an NHS body; and
  - (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.
  
8. The membership of individual Scrutiny Sub-Committees and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:
  - (a) To investigate, scrutinise, monitor and advise in relation to:
    - (i) How services are being delivered and the Council's functions discharged.
    - (ii) How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, antipoverty and crime and disorder).
    - (iii) The development of relevant policy.
    - (iv) How resources are being used, spent and managed.
    - (v) Any other matter, relevant to the specific remit of the Scrutiny Panels, which affects the Council's area or any of its inhabitants.
  
9. it is expected that Scrutiny Sub-Committees would meet at least four times a year.

## **WHO CHAIRS THE OVERVIEW AND SCRUTINY COMMITTEE AND THE SCRUTINY SUB-COMMITTEES**

10. The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Sub-Committees will be drawn from among the Councillors sitting on the Committee.
11. Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If Council does not, and subject to the requirement at 10. above, the Committee may appoint such a person as it considers appropriate as Chair.
12. The Overview and Scrutiny Committee will appoint the Chair and Members of any Sub-Committees. The Vice-Chair of each Committee and Sub-Committee shall be appointed by the Committee or Sub-Committee itself.

## **SCRUTINY LEAD MEMBERS**

13. The Overview and Scrutiny Committee will select from among its Councillor Members lead Scrutiny Members, one for each of the following portfolios:-

Overview and Scrutiny Committee's Chair's Portfolio  
Children & Education\*  
Community Safety and Environment  
Health & Adults\*  
Housing & Regeneration\*  
Resources and Finance

\*To Chair the related Scrutiny Sub-Committee.

These themes may be subject to change from time to time.

## **WHO MAY SIT ON OVERVIEW AND SCRUTINY?**

14. All Councillors except Members of the Executive may be Members of the Overview and Scrutiny Committee and Scrutiny Sub-Committees. However, no Member may be involved in scrutinising a decision in which they have been directly involved.

## **CO-OPTees**

15. The Overview and Scrutiny Committee will be responsible for approving co-opted Members for the Scrutiny Sub-Committees. Co-opted Members will be non-voting except in relation to Education matters only (see 'Education Representatives' below).

## **EDUCATION REPRESENTATIVES**

16. The Children and Education Scrutiny Sub-Committee must include in its membership the following voting representatives in respect of education matters:
  - (a) 1 Church of England diocese representative;
  - (b) 1 Roman Catholic diocese representative; and
  - (c) 3 parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.
17. The Committee may also include a Muslim representative who can also vote in respect of education matters.
18. These Members may speak but not vote on any other (i.e. non educational) matters.
19. Rules 16 to 18 also apply to any other Scrutiny meeting where an education matter is to be discussed.
20. These Members may also receive the same Executive unrestricted and restricted agenda papers in relation to executive decision making as the Councillor Members of the Committee/Sub-Committee to which they are appointed.

## **MEETINGS**

21. The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules (see Section 27 of the Constitution).
22. The Scrutiny Sub-Committees shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of the Overview and Scrutiny Committee may decide to lead any Scrutiny Sub-Committees.
23. The Overview and Scrutiny Committee and its Sub-Committees will generally meet in public and will conduct their proceedings in accordance with these procedure rules and the Access to Information Rules at Section 27.

## **QUORUM**

24. The quorum for the Overview and Scrutiny Committee and the Scrutiny Sub-Committees shall be three voting Members.

## **WORK PROGRAMME**

25. The Overview and Scrutiny Committee will be responsible for agreeing the overview and scrutiny work programme for the year.

## **AGENDA ITEMS**

26. Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Sub-Committee shall be entitled to give notice to the Monitoring Officer that they wish an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request the Monitoring Officer will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.
27. The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two meetings following receipt of the report. If the matter is relevant to the Council only then will they consider the report at their next meeting.
28. Any Council Member may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to Council or the Executive on the matter.
29. A “local government matter” at 28 above is one that:
  - (a) relates to the discharge of any function of the authority;
  - (b) affects all or part of the Member’s electoral area or any person who lives or works in that area; and
  - (c) is not an excluded matter.



Excluded matters are:

- any matter relating to a planning decision;
  - any matter relating to a licensing decision;
  - any matter relating to an individual in respect of which the individual has a right of appeal; and
  - any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Sub-Committee.
30. If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 28 above, it shall notify the Member who referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the authority or the executive on the matter referred, it shall provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Local Government Act 2000 regarding confidential or exempt information.

### **SPECIFIC ROLE OF THE SCRUTINY COMMITTEE AND SUB-COMMITTEES**

- a) Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and/or particular service areas.
- b) Question the Mayor, members of the Executive and/or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.
- c) Make recommendations to the Mayor/Executive as well as appropriate Committees and/or Council arising from the outcome of the scrutiny process.
- d) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant scrutiny body and local people about their activities and performance.
- e) Question and gather evidence from any person.
- f) **Pre-Scrutiny.** The Overview and Scrutiny Committee may consider a matter prior to its consideration and make comments in connection with the issue so that such comments can be taken into account by the decision maker when making the decision on the matter.
- g) **Finance.** The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.
- h) **Petitions.** The Overview and Scrutiny Committee will consider requests for reviews on petitions as set out in the Council's Petitions Scheme.
- i) **Annual Report.** The Overview and Scrutiny Committee must report annually to Council on its work.

## **POLICY REVIEW AND DEVELOPMENT**

31. The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules (see Part B Section 28 of the Constitution). A summary is set out below:
  - (i) Assist the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues.
  - (ii) Conduct research, consultation with the community and other consultation in the analysis of policy issues and possible options.
  - (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
  - (iv) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.
  - (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
32. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Mayor or Executive for developments in so far as they relate to matters within its terms of reference.
33. The Overview and Scrutiny Committee or any Scrutiny Sub-Committee established for this purpose may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **REPORTS FROM OVERVIEW AND SCRUTINY**

34. The Overview and Scrutiny Committee will report to Council, Cabinet or the Mayor or appropriate Cabinet Member and make recommendations as appropriate. All reports from Scrutiny Sub-Committees must first be considered by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Mayor or Executive (if the proposals are consistent with the existing budgetary and policy framework) or to Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

35. The Executive shall consider the report of the Overview and Scrutiny Committee at one of its next two meetings following submission of the report to the Monitoring Officer. The Council will consider the report at its next ordinary meeting if appropriate.

### **SCRUTINY TASK GROUPS**

36. The following rules apply to reports prepared by Scrutiny Task Groups replacing the general rules set out above. The Overview and Scrutiny Committee or its Sub-Committee may set up a 'Task Group' to examine a particular service or issue. The Task Group will incorporate Scrutiny Members and internal and external experts as required. At the conclusion of its work the Task Group will report back to its parent Committee/Sub-Committee with its findings and recommendations.
37. The parent Committee/Sub-Committee will then consider those findings and recommendations. It may, should it wish then refer those recommendations to the Mayor and Executive or the Council for a response.
38. If, following consultation with the Mayor and Executive, officers are in agreement with the proposed recommendations set out, then the report shall be accepted by the relevant Corporate Director under delegated authority. This determination must take place within one month of receipt of the report.
39. If no decision under 38 is taken, there is a challenge to the recommendations, or the Mayor and Executive specifically wish to comment on the report, then the Executive shall consider the report of the Overview and Scrutiny Committee at one of its next two meetings following submission of the report to the Monitoring Officer. The Council will consider the report at its next ordinary meeting if appropriate.

### **MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE**

40. Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Monitoring Officer who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.
41. If the Monitoring Officer refers the matter to Council, they may first refer it to the Mayor or Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations. The Mayor or Executive will then refer the report, along with their own additional comments and recommendations, to Council. When Council does meet to consider any referral from an Overview and Scrutiny Committee, it shall also consider any additional comments or

recommendations of the Mayor or Executive to the Overview and Scrutiny Committee proposals.

42. For the avoidance of doubt, the Mayor or Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if Council does not agree with the Mayor's or Executive's recommendations, the disputes resolution procedure in Rule 2 of the Budget and Policy Framework Procedure Rules (see Section 28 of the Constitution) will apply.
43. If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the Monitoring Officer, the Mayor or Executive will have two weeks in which to consider the matter and respond to the overview and scrutiny report.
44. Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the Mayor or Executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or Mayor or Executive:-
  - (a) to consider the report or recommendations;
  - (b) to respond to the Overview and Scrutiny Committee indicating what (if any) action the authority propose, or the Mayor or Executive proposes, to take;
  - (c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,
  - (d) if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules then it is to provide that Member with a copy of the response, and to do so within two months beginning with the date on which the authority or Mayor or Executive received the report or recommendations or (if later) the notice.
45. It is the duty of the authority or Mayor or Executive to which a notice is given under 44 above to comply with the requirements specified in the notice.

#### **RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS**

46. In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Sub-Committee have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules (see Part B Section 27 of the Constitution).

47. Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

### **MEMBERS AND OFFICERS GIVING ACCOUNT**

48. The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling their role, they may require the Mayor, any other Member of the Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
  - (b) the extent to which the actions taken implement Council policy; and/or
  - (c) their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.
  - (d) any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.
49. Where the Mayor, any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Sub-Committee under this provision, the Chair of the Committee or Sub-Committee will inform the Chief Executive. The Chief Executive shall inform the Mayor, Member or officer in writing giving at least fifteen working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee or Sub-Committee. Where the account to be given to the Committee will require the production of a report, then the Mayor, Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
50. Where, in exceptional circumstances, the Mayor, Member or officer is unable to attend on the required date, then the Committee or Sub-Committee shall in consultation with the Mayor, Member or officer arrange an alternative date for attendance, to take place within a maximum of twenty-one working days from the date of the original request.
51. Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure.

## **ATTENDANCE BY OTHERS**

52. The Overview and Scrutiny Committee or a Scrutiny Sub-Committee may invite people other than those people referred to in 'Members and Officers Giving Account' above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

## **CALL-IN**

53. When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within five working days of being made. Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
54. The decision publication and call-in deadlines are all published in advance on the Council's website. Decisions will come into force, and may then be implemented at 5pm on the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Monitoring Officer calls the decision in.
55. During that period, the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:
- (a) Not fewer than five Members of the Council; or
  - (b) Two voting church, faith or parent governor representative in respect of any education matters only;
  - (c) The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.
56. The Monitoring Officer shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as they may determine, where possible after consultation with the Chair of the Committee, and in any case within five clear working days of the decision to call-in. However, the Monitoring Officer will not call-in:
- (a) Any decision which has already been the subject of call-in;
  - (b) A decision which is urgent as defined in Rule 64 below and has to be implemented prior to the completion of any review. In such

circumstances the decision-taker(s) shall give reasons to the Overview and Scrutiny Committee; and

- (c) Decisions by regulatory and other Committees discharging non-executive functions;
  - (d) Day to day management and operational decisions taken by officers;
  - (e) A resolution which merely notes the report or the actions of officers;
  - (f) A resolution making recommendations to Council.
57. Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.
58. The Monitoring Officer shall then notify the decision taker of the call-in, who shall suspend implementation of the decision.
59. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Mayor or Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to Council. If referred to the decision-maker they shall then reconsider within a further five clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.
60. For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.
61. If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five working day period, whichever is the earlier.
62. If the matter was referred to Council and Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if Council does object, then Council will refer any decision to which it objects back to the decision-making person or body together with Council's views on the decision. That decision-making person or body shall decide whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five clear working days of the request. Where the decision was made by an individual, the individual will also reconsider within five clear working days of the request.

63. If Council does not meet, or it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of Council or expiry of the period in which the meeting should have been held, whichever is the earlier.

### **CALL-IN AND URGENCY**

64. The call-in procedure set out above shall not apply where the decision being taken by the Mayor, the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
65. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
66. The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Speaker's consent shall be required. In the absence of both, the consent of the Deputy Speaker or the Head of Paid Service or her/his nominee shall be required.
67. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.
68. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### **THE PARTY WHIP**

69. The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Sub-Committees is inappropriate and should not be used.
70. In this rule "a party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before Council or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should they speak or vote in any particular manner.

### **PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

71. The Overview and Scrutiny Committee and the Scrutiny Panels shall consider the following business:



- (a) Minutes of the last meeting;
  - (b) Declarations of interest;
  - (c) Consideration of any matter referred to the Committee for a decision in relation to call-in;
  - (d) Responses of the Executive to reports of Overview and Scrutiny;
  - (e) The business otherwise set out on the agenda for the meeting.
72. Where the Overview and Scrutiny Committee or a Scrutiny Sub-Committee conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:
- (a) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
73. Following any investigation or review, the Committee or Sub-Committee shall prepare a report, for submission to the Mayor/Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

## **SUSPENSION**

74. Any part of these Rules may be suspended in accordance with Council Procedure Rule 23 of Part B Section 26 of this Constitution provided such suspension is not contrary to the law.