

Part D – Supplementary Documents

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Document Owner: Matthew Mannion

Post Holder: Head of Democratic Services

42 Introduction and List of Delegations

Introduction

1. Part D of the Constitution contains documents which hold information which is supplementary to, and should be read in conjunction with, the information contained in Parts A to C of the Constitution.
2. For example, Part B contains Terms of Reference for all the Council's Committees. Where additional procedures are useful for a particular committee, they will be published here in Part D.
3. To enable efficient updating and control of Part D information, each Section within Part D has its own agreed delegation for making changes to that Section. For the most part this means that the changes are agreed by the relevant Officer/Body and then forwarded to the Monitoring Officer for publication. However, it is for the General Purposes Committee to agree whether new Sections should be added or existing Sections deleted entirely.
4. At the appropriate time the Monitoring Officer will report any changes made to the General Purposes Committee for information.

Individual Delegations

5. The following table lists the agreed delegations to make changes to each Section within Part D of the Constitution.

Section	Title	Delegation
Council Wide Decision-Making		
43	Council Functions	Monitoring Officer (following changes in law)
44	Local Choice and Local Act Functions	Council
45	Statutory and Proper Officer Appointments	Council
46	Corporate Operating Procedures (delegations applicable to all Directorates)	Chief Executive
47	Scheme of Financial Delegations (Council-Wide Financial Delegations)	Corporate Director, Resources
Directorate Schemes of Delegation		
48	Scheme of Delegation – Children and Culture Directorate	Corporate Director, Children and Culture
49	Scheme of Delegation – Governance Directorate	Corporate Director, Governance

50	Scheme of Delegation – Health, Adults and Community	Corporate Director, Health, Adults and Community
51	Scheme of Delegation – Place	Corporate Director, Place
52	Scheme of Delegation – Resources	Corporate Director, Resources
53	Executive, Committee and Partnership Procedure Rules	
	Individual Mayoral Decision Procedures	Mayor
	Children and Education Scrutiny Sub-Committee Procedures	Statutory Scrutiny Officer
	Health and Adults Scrutiny Sub-Committee Procedures	Statutory Scrutiny Officer
	Housing and Regeneration Scrutiny Sub-Committee Procedures	Statutory Scrutiny Officer
	Licensing Committee – Rules of Procedure governing applications for Premises Licenses and other permissions under the licensing act 2003	Licensing Committee
	Licensing Committee – Rules of Procedure Governing Applications for Sex Establishment Licenses under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982	Licensing Committee
	Pensions Committee procedures	Pensions Committee
	Pensions CIV Sectoral Committee	Corporate Director, Resources
	Standards Advisory Committee Procedures	Standards Advisory Committee
	Strategic Development / Development Committees – Council Guidelines for Determining Planning Applications under the Town and County Planning Act 1990	Strategic Development Committee
	Strategic Development / Development Committees – Development Procedure Rules	Strategic Development Committee
54	Panel and Board Procedure Rules	
	Adoption Panel	Monitoring Officer (following consultation with the appropriate Corporate Director)

	Fostering Panel	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Children's Safeguarding Board	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Pensions Board	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Private Fostering Panel	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Safeguarding Adults Board	Monitoring Officer (following consultation with the appropriate Corporate Director)
	Schools Admissions Forum	Monitoring Officer (following consultation with the appropriate Corporate Director)
55	Miscellaneous Documents	
	Any documents added to Part D which do not fit in the above Sections will be added here.	Monitoring Officer

43 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 20.
3. These functions derive from specific legislation. When changes to legislation require it, the Monitoring Officer will update the Council Functions' Section necessary.

1. A Functions relating to Town and Country Planning

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. -	-	-
2. -	-	-
3. -	-	-
4. -	-	-
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990	Strategic Development and Development Committees/ Corporate Director, Place
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
7. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
8. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22	Strategic Development and Development Committees/ Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	<p>and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.</p> <p>[Section 76 has been repealed and the Regulations have been revoked and replaced with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (S.I. 2010/2184)]</p>	
<p>10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.</p>	<p>Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).</p>	<p>Strategic Development and Development Committees/ Corporate Director, Place</p>
<p>11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</p>	<p>Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).</p>	<p>Strategic Development and Development Committees/ Corporate Director, Place</p>
<p>12. Power to enter into agreement regulating development or use of land.</p>	<p>Section 106 of the Town and Country Planning Act 1990.</p>	<p>Development Committee/ Corporate Director, Place</p>
<p>13. Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>	<p>Strategic Development and Development Committees/ Corporate Director, Place</p>
<p>14. Power to serve a completion notice.</p>	<p>Section 94(2) of the Town and Country Planning Act 1990</p>	<p>Corporate Director, Place</p>
<p>15. Power to grant consent for the display of advertisements.</p>	<p>Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements)</p>	<p>Strategic Development and Development Committees/ Corporate Director, Place</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	Regulations 1992. [The Regulations have been revoked and replaced with the Town and Country Planning (Control of Advertisements) (England) Order 2007 (S.I. 2007/783)]	
16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
18A. Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.	Corporate Director, Place
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.	Licensing Committee/ Corporate Director, Place
22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of	Strategic Development and Development Committees/ Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
mineral permissions relating to mining sites, as the case may be, are to be subject.	Schedule 14 to that Act.	
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
24. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990	Strategic Development and Development Committees/ Corporate Director, Place
25. -	-	-
26. Duties relating to applications for listed building consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 and 26 of the Department of the Environment Transport and the Regions Circular 01/01.	Strategic Development and Development Committees/ Corporate Director, Place
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Strategic Development and Development Committees/ Corporate Director, Place
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act	Strategic Development and Development Committees/ Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	1990.	
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Corporate Director, Place

1. B - Licensing and Registration Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960	Corporate Director, Place
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	Corporate Director, Place
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office)
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office)
5. Power to license drivers of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Not applicable to London borough councils - this function is performed by Transport for London (the Public Carriage Office)

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (c) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions) Order 2006 (hereafter called the Gambling Act Order). [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
7. Power to grant track betting licenses	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (d) and 4 of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3 (3) (d) and 4 of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by article 3 (3)(e) of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2)(a) and (3) of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the lotteries and Amusements Act 1976 as saved for certain purposes by article 5(2) (d) and (5) of the Gambling Act Order. [This area of law is now governed by the Gambling Act 2005]	If objection - Licensing Committee If no objection - Corporate Director, Place
12. Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place
13. Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
14. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933, section 52 of, and Schedule 12 to, the London Government Act 1963, section 79 of the Licensing Act 1964, sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place
14A. Any function of a licensing authority.	Licensing Act 2003 and any regulations or orders made under that Act.	Council/Licensing Committee/Licensing Sub-Committee/ Corporate Director, Place
14AZA. Powers and functions relating to late night levy requirements	Chapter 2 and Part 2 of the Police Reform and Social Responsibility Act 2011 and any regulations made under that Chapter	Council
14AA. Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the Gambling Act 2005.	Corporate Director, Place
14AB. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.	Corporate Director, Place
14AC. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005	Corporate Director, Place
14B. Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.	Licensing Committee

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
14C. Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.	Corporate Director, Place
14CA. Power to make Order disapplying Section 279 or 282(1) of the Gambling Act 2005.in relation to specified premises.	Section 284 of the Gambling Act 2005.	Corporate Director, Place
14D. Power to institute criminal proceedings	Section 346 of the Gambling Act 2005.	Corporate Director, Governance
14E. Power to exchange information.	Section 350 of the Gambling Act 2005.	Corporate Director, Place
14F. Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479).	Corporate Director, Place
14G Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the Gambling Act 2005	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>15. Power to license sex shops and sex cinemas.</p>	<p>The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 [On 26 March 2014 the Council resolved that Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by section 27 of the Policing and Crime Act 2009 shall apply in the London Borough of Tower Hamlets area and which shall come into force on 1 June 2014 and therefore this power relates to all sex establishments (i.e. a sexual entertainment venue, sex cinema, a hostess bar, or a sex shop)]</p>	<p>If objection - Licensing Committee If no objection - Corporate Director, Place</p>
<p>16. Power to license performances of hypnotism.</p>	<p>The Hypnotism Act 1952</p>	<p>If objection - Licensing Committee If no objection - Corporate Director, Place</p>
<p>17. Power to license premises for acupuncture, tattooing, ear- piercing and electrolysis</p>	<p>Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982 [The Council has adopted the provisions of Part II of the London Local Authorities Act 1991 to become effective from 13 July 1992 and therefore it is this legislation that contains the power to Licence]</p>	<p>If objection - Licensing Committee If no objection - Corporate Director, Place</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
18. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.	Not applicable to London borough councils - this function is performed by the Port of London Authority
19. Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995	Not applicable to London borough councils – this function is performed by the Security Industry Authority
20. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982, Part III of the London Local Authorities Act 1990 and section 6 of the London Local Authorities Act 1994 [The Council adopted the provisions of Part III of the London Local Authorities Act 1990 to become effective from 11 March 1991 and therefore it is this legislation that contains the power to Licence]	Corporate Director, Place
21. Power to license night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969, Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994 [This area of law is now governed by the Licensing Act 2003]	If objection - Licensing Committee If no objection - Corporate Director, Place
22. -		

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>23. Power to license dealers in game and the killing and selling of game.</p>	<p>Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860, section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874, and section 213 of the Local Government Act 1972 [These provisions have been repealed and this is no longer a function undertaken by local authorities]</p>	<p>Not a local authority function</p>
<p>24. Power of register and license premises for the preparation of food.</p>	<p>Section 19 of the Food Safety Act 1990.</p>	<p>Corporate Director, Communities, Place</p>
<p>25. Power to license scrap yards.</p>	<p>Section 1 of the Scrap Metal Dealers Act 1964 [This area of law is now governed by the Scrap Metal Dealers Act 2013]</p>	<p>Corporate Director, Place</p>
<p>26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</p>	<p>The Safety of Sports Grounds Act 1975</p>	<p>Corporate Director, Place</p>
<p>27. Power to issue, cancel, amend or replace safety certificates (whether general or special) for sports grounds.</p>	<p>Part III of the Fire Safety and Safety of Places of Sport Act 1987.</p>	<p>If objection - Licensing Committee If no objection - Corporate Director, Place</p>
<p>28. Power to issue fire certificates</p>	<p>Section 5 of the Fire Precautions Act 1971 [This Act has been repealed and this is no longer a function undertaken by local authorities.]</p>	<p>Not a Local Authority function</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
29. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999	If objection - Licensing Committee If no objection - Corporate Director, Place
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970 (1964 and 1970; section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	If objection - Licensing Committee If no objection - Corporate Director, Place
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	Corporate Director, Communities, Place
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	If objection - Licensing Committee If no objection - Corporate Director, Place
33. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976	Corporate Director, Place
34. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646). [These provisions have been repealed and this is no longer a function undertaken by local authorities]	Not a local authority function
35. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 byelaws made under that Part, and Part II of the Children and Young Persons Act 1963	Corporate Director of Children's

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>36. Power to approve premises for the solemnisation of marriages.</p>	<p>Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S. I. 1995/510). [The Regulations were revoked by the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S.I. 2005/3168)]</p>	<p>Chief Executive</p>
<p>37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).</p>	<p>Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843). [The Regulations have been revoked and such applications are now under the Commons Registration (England) Regulations 2014 (S.I. 2014/3038)]</p>	<p>Corporate Director, Place</p>
<p>38. Power to register variation of rights of common.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).</p>	<p>Corporate Director, Place</p>
<p>39. Power to license persons to collect for charitable purposes and other causes.</p>	<p>Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and section 2 of the House to House Collections Act 1939.</p>	<p>Not a Local Authority function</p>
<p>40. Power to grant consent for the operation of a loudspeaker.</p>	<p>Schedule 2 to the Noise and Statutory Nuisance Act 1993</p>	<p>Corporate Director, Place</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
41. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991	Corporate Director, Place
42. Power to licence agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957. [This Act has been repealed]	Not a Local Authority function
43. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11). [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function
44. Power to license the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995. [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function
45. Power to license collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995. [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function
46. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871). [These Regulations have been revoked and this is no longer a function undertaken by local authorities]	Not a local authority function

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
46A. Power to grant permission for provision, etc. of services, amenities, recreation and refreshment facilities on highway, and related powers.	Sections 115E, 115F and 115K of the Highways Act 1980.	Corporate Director, Place
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980	Corporate Director, Place
47A. Duty to publish notice in respect of proposal to grant permission under section 115E of the highways Act 1980.	Section 115G of the Highways Act 1980.	Corporate Director, Place
48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Corporate Director, Place
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Corporate Director, Place
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.	Corporate Director, Place
51. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	Corporate Director, Place
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Corporate Director, Place
53. Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	Corporate Director, Place
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	Corporate Director, Place
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
56. Power to sanction use of parts of buildings for storage of celluloid	Section 1 of the Celluloid and Cinematograph Act 1922. [This Act has been repealed and this is no longer a function undertaken by local authorities]	Not a local authority function
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.</p>	<p>Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763). [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>62. Power to approve fish products premises.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994). [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>63. Power to approve dispatch or purification centres.</p>	<p>Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>64. Power to register fishing vessels on board which shrimps or molluscs are cooked.</p>	<p>Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>65. Power to approve factory vessels and fishery product establishments.</p>	<p>Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>66. Power to register auction and wholesale markets.</p>	<p>Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>67. Duty to keep register of food business premises.</p>	<p>Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828). [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>
<p>68. Power to register food business premises.</p>	<p>Regulation 9 of the Food Premises (Registration) Regulations 1991. [This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]</p>	<p>Corporate Director, Place</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
69. Power to issue near beer licence.	Sections 16 19 and 21 of the London Local Authorities Act 1995 and, to the extent that it does not have effect by virtue of regulation 2(3), section 25 of that Act [Repealed by virtue of section 35 of the London Local Authorities Act 2007 as Council resolved under section 2 of the Local Government (Miscellaneous Provisions) Act 1982 that Schedule 3 to the Act of 1982 as amended by section 27 of the Policing and Crime Act 2009 is to apply to its area]	If objection - Licensing Committee If no objection - Corporate Director, Place
70. Power to register premises or stalls for the sale of goods by way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984	Corporate Director, Place
71. Power to register motor salvage operators	Part 1 of the Vehicles (Crime) Act 2001 [This area of law is now governed by the Scrap Metal Dealers Act 2013]	If objection - Licensing Committee If no objection - Corporate Director, Place
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (SI 2008/1961) [The Regulations have been revoked and the Commons Registration (England) Regulations 2014 (S.I. 2014/3038) are now the appropriate Regulations]	Corporate Director, Place

1 C - Functions relating to health and safety at work

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974	Corporate Director, Place

1 D - Functions relating to elections

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2).	General Purposes Committee
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
3. Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.	Council
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972	Council
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972	Council

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
6. Duty to appoint returning officer for local government elections.	Section 35 Representation of the People Act 1983	General Purposes Committee
7. Duty to provide assistance at European Parliamentary elections.	Section 6 (7) and (8) of the European Parliamentary Elections Act 2002.	General Purposes Committee
8. Duty to divide constituency into polling districts.	Section 18A to 18E of and Schedule A1 to the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Chief Executive (as Returning Officer, Electoral Registration Officer)
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Not applicable to London borough councils
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Acts 1972.	Chief Executive (as Returning Officer, Electoral Registration Officer)
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Chief Executive (as Returning Officer, Electoral Registration Officer)
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.	Not applicable to London borough councils
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215)	Corporate Director, Governance

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).	Chief Executive (as Returning Officer, Electoral Registration Officer)
18. Duty to consult on change of scheme for elections	Section 33(2), 38(2) and 40(2) of the Local Government and Public Involvement Health Act 2007 (the 2007 Act)	Chief Executive (as Returning Officer, Electoral Registration Officer)
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	Chief Executive (as Returning Officer, Electoral Registration Officer)
20. Duties relating to notice to Electoral Commission	Section 36 and 42 of the 2007 Act	Chief Executive (as Returning Officer, Electoral Registration Officer)
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	Not applicable
22. Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Chief Executive (as Returning Officer, Electoral Registration Officer)

1. E - Functions relating to name and status of areas and individuals

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	Council
2. Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	Not applicable to London borough councils
3. Power to confer title of honorary alderman or to admit to be an	Section 249 of the Local Government Act 1972.	Council

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
honorary freeman.		
4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.	Council

1. EB - Functions relating to community governance

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duties relating to community governance reviews	Section 79 of the 2007 Act	Chief Executive
2. Functions relating to community governance	Sections 80, 83 to 85 of the 2007 Act	Chief Executive
3. Functions relating to terms of reference review	Section 81 (4) to (6) of the Act 2007	Chief Executive
4. Power to undertake a community governance review	Section 82 of the 2007 Act	Chief Executive
5. Functions relating to making of recommendations	Section 87 to 92 of the 2007 Act	Chief Executive
6. Duties when undertaking review	Section 93 to 95 of the 2007 Act	Chief Executive
7. Duty to publicise outcome of review	Section 96 of the 2007 Act	Chief Executive
8. Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98 (1) of the 2007 Act	Chief Executive
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Chief Executive

1. F - Byelaws

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to make, amend, revoke, enforce, or re-enact byelaws.	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30).	General Purposes Committee to recommend to Council

1. FA - Functions relating to smoke-free premises

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Duty to enforce Chapter 1 and Regulations made under it	Section 10(3) of the Health Act 2006	Corporate Director, Place
2. Power to authorise officers	Section 10(5) of and paragraph 1 of Schedule 2 to the Health Act 2006	Corporate Director, Place
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760)	Corporate Director, Place
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcements) Regulations 2006 (SI 2006/3368)	Corporate Director, Place

1. - G Local or Personal Bills

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Power to promote or oppose local or personal Bills.	Section 239 of the Local Government Act 1972.	Council

1. H Functions relating to pensions etc.

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).	Pensions Committee
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947	Section 26 of the Fire Services Act 1947	Not applicable to London borough councils

1. I - Miscellaneous functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Part I: functions relating to public rights of way		
1. Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980 (c. 66).	Corporate Director, Place
2. Power to create footpaths, bridleways, and restricted byways.	Section 26 of the Highways Act 1980.	Corporate Director, Place
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	Corporate Director, Place
4. Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980.	Corporate Director, Place
5. Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	Corporate Director, Place
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.	Corporate Director of Place
8. Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980	Corporate Director, Place
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	Corporate Director, Place
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.	Corporate Director of Place
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.	Corporate Director, Place
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.	Corporate Director, Place
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	Corporate Director, Place
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
15. Power to decline to determine certain applications.	Section 121C of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
16. Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.	Corporate Director, Place
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	Corporate Director, Place
18. Power to apply for variation of order under section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.	Corporate Director, Place
19. Power to authorise temporary disturbance	Section 135 of the Highways Act 1980.	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
of surface of footpath, bridleway or restricted byway.		
20. Power temporarily to divert footpath or bridleway	Section 135A of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
21. Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980. [This area of law is not currently in force]	Corporate Director, Place
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	Corporate Director, Place
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c. 67).	Corporate Director, Place
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	Corporate Director, Place
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	Corporate Director, Place
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.	Corporate Director, Place
28. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.	Corporate Director, Place
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c. 38).	Corporate Director, Place
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68). [The correct year of the Act is 1985 and not 1981 as cited in the Local	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	Authorities (Functions and Responsibilities) (England) Regulations 2000]	
30A. Power to authorise stopping up or diversion of highway.	Section 247 of the Town and Country Planning Act 1990.	Corporate Director, Place
31. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway.	Section 257 of the Town and Country Planning Act 1990.	Corporate Director, Place
32. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.	Corporate Director, Place
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c. 37).	Corporate Director, Place
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	Corporate Director, Place
Part II: other miscellaneous functions		
35 Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966. [This area of law is now governed by the Marine and Coastal Access Act 2003]	Not applicable to London borough councils
36. Power to make standing orders.	Section 106 of, and para 42 of Schedule 12 to, the Local Government Act 1972 (c.70).	Council
37. Power to appoint staff, and subject to compliance with major policy determinations, to determine the terms and conditions on which they hold office (including procedures	Section 112 of the Local Government Act 1972.	Chief Executive except for those chief officer and deputy chief officer appointments reserved to the Appointments Sub-Committee

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
for their dismissal).		
38. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972.	Council
40. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.	Council
41. Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).	Corporate Director, Place
42. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c. 30). [This area of law is now governed by the Licensing Act 2003]	Corporate Director, Place
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42).	Council
44. Duty to designate officer as the monitoring officer, and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Council
44A. Duty to provide staff etc. to person nominated by monitoring officer.	Sections 82A(4) and (5) of the Local Government Act 2000.	Council
44B. Powers relating to overview and scrutiny committees (voting rights of co-opted members).	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000. [This area of law is now governed by the Paragraphs 11 and 13A of Schedule 1A to the Local Government Act 2000]	Council
45. Duty to approve authority's statement of accounts, income and	The Accounts and Audit Regulations 1996 (S.I. 1996/590).	Audit Committee

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
expenditure and balance sheet, or record of payments and receipts (as the case may be).	[This area of law is now governed by the Accounts and Audit Regulations 2015 (S.I. 2015/ 234)]	
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Corporate Director, Place
47. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892). [The correct name of the Regulations is the Town and Country Planning (Trees) Regulations 1999 and not as cited in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000]	Chief Executive
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003.	Corporate Director, Health, Adults and Community
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Corporate Director, Governance
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001. [Replaced by public place protection orders under section 59 of the Anti-social Behaviour, Crime and Policing Act 2014]	Council
50. Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 [Repealed by the Police Reform and Social Responsibility Act 2011]	General Purposes Committee
51. Power to apply for an enforcement order	Section 41 of the Commons Act 2006	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
against unlawful works on common land		
52. Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference	Section 45(2) (a) of the Commons Act 2006	Corporate Director, Place
53. Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens	Section 45(2) (b) of the Commons Act 2006	Corporate Director, Governance

44 Local Choice Functions and Local Act Functions

4. 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.
5. 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 20.
6. Any changes to whether these are Executive or Non-Executive functions must be agreed by Council.

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
Any function 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	Various as listed below	As listed below in respect of each function
1. Licensing of Buskers.	London Local Authorities Act 2000 – Part V	If objection – Licensing Committee If no objection - Corporate Director, Place
2. Removal of distribution containers on the highway.	London Local Authorities Act 1991 – Section 22	Corporate Director, of Place
3. Licensing of special treatment premises.	London Local Authorities Act 1991 – Part II	If objection – Licensing Committee If no objection - Corporate Director, Place
4. Crime Prevention Measures.	London Local Authorities (No. 2) Act 1990	Chief Executive
5. Consent for demolition works under street.	Greater London Council (General Powers) Act 1986 – Section 5	Corporate Director, Place
6. Consent for construction which causes obstruction to	Greater London Council (General Powers) Act 1986 – Section 6	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
access to vaults and cellars.		
7. Consent for infilling of vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 7	Corporate Director, Place
8. Powers relating to certain retaining walls.	Greater London Council (General Powers) Act 1986 – Section 8	Corporate Director, Place
9. Registration of sleeping accommodation.	Greater London Council (General Powers) Act 1984 – Part IV	Corporate Director of Health, Adults and Community
10. Provision relating to the sale of goods by competitive bidding – including registration of premises or stalls.	Greater London Council (General Powers) Act 1984 – Part VI	Corporate Director, Place
11. Removal of occupants of buildings in vicinity of dangerous structures etc. – apply to court.	Greater London Council (General Powers) Act 1984 – Section 38	Corporate Director, Place
12. Control of overcrowding in certain hostels including the ability to serve notices.	Greater London Council (General Powers) Act 1981 – Part IV	Corporate Director, Health, Adults and Community
13. Closure of unsanitary food premises/stalls – Council to seek an order from the court.	Greater London Council (General Powers) Act 1973 – Section 30	Corporate Director, Place
14. Licenses to erect scaffolding.	Greater London Council (General Powers) Act 1970 – Section 15	Corporate Director, Place
15. Walkways.	Greater London Council (General Powers) Act 1969 – Section 11	Corporate Director, Place
16. Byelaws as to artificial lighting of common staircases	London County Council (General Powers) Act 1956 – Section 63	Council
17. Gratuities to non-pensionable employees	London County Council (General Powers) Act 1930 – Section 61	Chief Executive
18. Power to register premises or stalls for the sale of goods by	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)	If objection - Licensing Committee If no objection - Corporate

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
way of competitive bidding		Director, Place
19. Cleansing relevant land of refuse and litter.	London Local Authorities Act 2000 – Section 19	Corporate Director, Place
20. Making special temporary prohibitions within a special parking area.	London Local Authorities Act 1995 – Section 9	Corporate Director, Place
21. Making of regulations relating to dangerous structure fees.	London Local Authorities Act 1994 – Section 8	The Council
22. Approval of policies in respect of special treatment licenses.	London Local Authorities Act 1991 – Part II	The Council
24. Determination of charges for London Building Acts consents etc.	Greater London Council (General Powers) Act 1982 – Section 3	Corporate Director, Place
25. Control of Brown Tail Moth.	Greater London Council (General Powers) Act 1979 – Section 8	Corporate Director, Place
26. Power to extinguish rights of interment in cemeteries.	Greater London Council (General Powers) Act 1976 – Section 9	Corporate Director, Place
27. Prohibition of person entering upon grass verge.	Greater London Council (General Powers) Act 1974 – Section 14(2)	Corporate Director, Place
28. Authorisation of parking on verges.	Greater London Council (General Powers) Act 1974 – Section 15(4)	Corporate Director, Place
29. Removal of vehicles for street cleaning.	Greater London Council (General Powers) Act 1974 – Section 21	Corporate Director, Place
30. Contributions in respect of railings.	Greater London Council (General Powers) Act 1972 – Section 18	Corporate Director, Place
31. Restoration of gas, water and electricity services.	Greater London Council (General Powers) Act 1972 – Section 19	Corporate Director, Place
32. Boundary walls.	London County Council (General Powers) Act 1963 – Section 6	Corporate Director, Place
33. Acquisition of easements etc.	London County Council (General Powers) Act 1963	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
	– Section 8	
34. Underpinning of houses near a street improvement.	London County Council (General Powers) Act 1963 – Section 9	Corporate Director, Place
35. Approval of trade refuse disposal facilities.	London County Council (General Powers) Act 1963 – Section 11	Corporate Director, Place
36. Provision of shops etc. in subway.	London County Council (General Powers) Act 1963 – Section 14	Corporate Director, Place
37. Power to provide illumination, floodlighting etc.	London County Council (General Powers) Act 1963 – Section 17	Corporate Director, Place
38. Restriction of vehicular access to and from street improvements.	London County Council (General Powers) Act 1960 – Section 13	Corporate Director, Place
39. Acquisition of land for the purpose of providing facilities for storage etc. of horticultural produce.	London County Council (General Powers) Act 1959 – Section 12	Corporate Director, Place
40. Provision of accommodation and charges.	London County Council (General Powers) Act 1959 – Section 13	Corporate Director, Place
41. Power to lease and enter into agreements.	London County Council (General Powers) Act 1959 – Section 14	Corporate Director, Place
42. Provision of advances for erection etc. of buildings.	London County Council (General Powers) Act 1957 – Section 78	Corporate Director, Place
43. Removal of bottles from streets.	London County Council (General Powers) Act 1957 – Section 81	Corporate Director, Place
44. Powers of borough councils to maintain burial grounds.	London County Council (General Powers) Act 1955 – Section 36	Corporate Director of Place
45. Return of library books	London County Council (General Powers) Act 1955 – Section 37	Corporate Director, Children and Culture
46. Recovery of expenses of fencing certain lands.	London County Council (General Powers) Act 1955 – Section 39	Corporate Director, Place
47. Defacement of streets with slogans etc.	London County Council (General Powers) Act 1954 – Section 20	Corporate Director of Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
48. Powers of sanitary authority to cleanse aged and feeble persons in their homes	London County Council (General Powers) Act 1953 – Section 43	Corporate Director, Health, Adults and Community
49. Expenses of councils in connection with ceremonies etc.	London County Council (General Powers) Act 1951 – Section 32	Chief Executive
50. Improvement of roadside amenities etc.	London County Council (General Powers) Act 1951 – Section 33	Corporate Director, Place
51. Supply of heat.	London County Council (General Powers) Act 1949 – Part II	Corporate Director, Place
52. Maintenance of forecourts to which public have access and power to serve improvement notices	London County Council (General Powers) Act 1948 – Section 43	Corporate Director, Place
53. Fencing of dangerous land in or near streets.	London County Council (General Powers) Act 1948 – Section 44	Corporate Director, Place
54. Recovery of expenses and costs.	London County Council (General Powers) Act 1948 – Section 45	Corporate Director, Place
55. Power to provide concert halls etc.	London County Council (General Powers) Act 1947 – Section 4	Corporate Director, Children and Culture
56. Power to provide entertainment.	London County Council (General Powers) Act 1947 – Section 5	Corporate Director, Children and Culture
57. Contributions to cultural bodies.	London County Council (General Powers) Act 1947 – Section 59	Corporate Director, Children and Culture
58. Acquisition of buildings or places of historic interest.	London County Council (General Powers) Act 1947 – Section 61	The Council/ Corporate Director, Place
59. Enclosure of unenclosed land adjoining streets.	London County Council (General Powers) Act 1925 – Section 33	Corporate Director, Place
60. Compensation to persons in the Council's service on abolition of office.	London County Council (General Powers) Act 1921 – Section 31	Chief Executive

Responsibility for Council Functions – Other Local Choice Functions

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
1. The determination of an appeal against any decision made by or on behalf of the Authority.	As per paragraph 2 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended	Corporate Director, Governance or Licensing Committee in relation to Licensing matters. Corporate Director, Governance or Appeals Committee in relation to other matters
2. The making of arrangements in respect of appeals against the exclusion of pupils from maintained schools.	Section 51A of the Education 2002 and Regulations made thereunder	Corporate Director, Governance
3. The making of arrangements in respect of school admission appeals.	Sections 94(1), 1A and (4) of the School Standards and Framework Act 1998.	Corporate Director, Governance
4. The making of arrangements in respect of appeals by a school governing body of a requirement that they take a pupil excluded from another school.	Section 95(2) of the School Standards and Framework Act 1998	Corporate Director, Governance
5. Any function relating to contaminated land.	Environmental Protection Act 1990 – Part IIA	Corporate Director, Place
6. The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1999; Environment Act 1995 (Part IV); Environmental Protection Act 1990 (Part I); Clean Air Act 1993	Corporate Director, Place
7. The service of an abatement notice in respect of a statutory nuisance.	Environmental Protection Act 1990 – Section 80(1)	Corporate Director, Place

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
<p>8. In relation to or in support of Council functions only, or in relation to any appointment of a Councillor to a paid position except that of Cabinet Member, 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"> • the authority; • a joint committee of two or more authorities; or <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 & Responsibilities) Regulations 2000 (SI 2853) as amended.</p>	<p>General Purposes Committee</p> <p>NB: This function in relation to or in support of an Executive function is allocated to the Executive, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member (see Part 3.2.2).</p>
<p>9. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.</p>	<p>As per paragraph 20 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended</p>	<p>All Chief Officers</p>
<p>10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.</p>	<p>Noise and Statutory Nuisance Act 1993 – Section 8</p>	<p>Council</p>

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
11. The inspection of the authority's area to detect any statutory nuisance.	Environmental Protection Act 1990 – Section 79	Corporate Director, Place
12. The investigation of any complaint as to the existence of a statutory nuisance.	Environmental Protection Act 1990 – Section 80	Corporate Director, Place
13. The obtaining of information as to interests in land.	Town and Country Planning Act 1990 – Section 330	Corporate Director, Place
14. The obtaining of particulars of persons interested in land.	Local Government (Miscellaneous Provisions) Act 1976 – Section 16	All Corporate Directors
15. The making of agreements for the execution of highways works	Highways Act 1980 – Section 278 (substituted by the New Roads and Street Works Act 1991 – Section 23	Corporate Director, Place

45 Statutory and Proper Officer Appointments

1. In addition to those set out in Section 26 of the Constitution, the Council has a number of statutory and proper officer designations to officers. Statutory officer designations to the Chief Executive and Corporate Directors are set out in Section 26 of the Constitution. Below are tables setting out further Statutory Officer posts and the Council's Proper Officer designations to the Chief Executive, Corporate Directors and other posts.

Statutory Officers

LEGISLATION		DESIGNATION	POST
1.	Section 30 Health and Social Care Act 2012	Director of Public Health	Director, Public Health
2.	Section 9FB Local Government Act 2000	Scrutiny Officer	Divisional Director, Strategy, Policy and Performance

Proper Officers

NO.	STATUTE & FUNCTION	OFFICER
National Assistance Act 1948 and National Assistance (Amendment) Act 1951		
1.	Proper officer to seek an order for removal of persons into care	Corporate Director, Health, Adults and Community
Registration Service Act 1953		
2.	Sections 9(1) and (2), 13(2)h and (3)b and 20 (b) - Proper officer for Births, Deaths and Marriages	Corporate Director, Governance
Local Government Act 1972		
3.	Section 83(1) – The officer to whom a person elected to the office of the Mayor or a Councillor shall deliver a declaration of acceptance of office on the prescribed form	Chief Executive
4	Section 84 – The officer to whom written notice of resignation of office shall be delivered	Chief Executive
5.	Section 86 - To declare any vacancy in any office under the Section	Chief Executive
6.	Section 88(2) - The officer who may call a Council meeting for the election to the vacant office of Chair of Council	Chief Executive
7.	Section 89(1)(b) - The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the borough	Chief Executive
8.	Section 100B(2) - The officer authorised to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Corporate Director, Governance
9.	Section 100B(7)(c) - The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	Corporate Director, Governance
10.	Section 100C(2) - The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded	Corporate Director, Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
11.	Section 100D(1)(a) - The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Corporate Director, Governance
12.	Section 100D(5) – The Officer to determine which documents constitute background papers and section 100H - ability to charge for the provision of such documents	Corporate Director, Governance
13.	Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Corporate Director, Governance
14.	Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Corporate Director, Governance
15.	Section 115 – The officer to whom money properly due from officers shall be paid	Corporate Director, Resources
16.	Section 137A – The officer to receive statements in connection with the provision of financial assistance	Corporate Director, Resources
17.	Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Corporate Director, Resources
18.	Section 223 Authorising officers to attend court and appear on behalf of the Council under Local Government Act 1972 and the County Courts Act 1984	Corporate Director, Governance
19.	Section 225(1) – The officer to receive and retain statutory documents on behalf of the Authority	Corporate Director, Governance
20.	Section 229(5) – The officer to certify copies of documents	Corporate Director, Governance
21.	Section 233 – The officer to receive documents required to be served on the Authority	Corporate Director, Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 1972		
22.	Section 234(1) and (2) – The officer to authenticate documents on behalf of the Authority	Corporate Director, Governance
23.	Section 238 – The officer to certify printed copies of bylaws	Corporate Director, Governance
24.	Section 248 – The officer responsible for the keeping of the roll of freemen	Corporate Director, Governance
25.	Schedule 12 (paragraphs 4(2)(b)) – The officer responsible for signing summonses to attend meetings	Chief Executive
26.	Schedule 12 (paragraphs 4(3)) – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Corporate Director, Governance
27.	Schedule 14 (paragraph 25(7)) – The officer responsible for the certification of true copies of resolutions	Corporate Director, Governance
Local Government Act 1974		
28.	Section 30(5) – The officer responsible for giving notice of Local Government Ombudsman Report	Corporate Director, Governance
Local Government (Miscellaneous Provisions) Act 1976		
29.	Section 41 - The officer to certify as evidence of resolutions of proceedings	Corporate Director, Governance
Highways Act 1980		
30.	Section 59(1) – The officer to certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight or extraordinary damage	Divisional Director, Public Realm
31.	Section 205(3) – The officer to prepare a specification of the street works referred to in the resolution, with any necessary plans and sections, an estimate of the probable expenses of the works, and a provisional apportionment apportioning the estimated expenses between the premises liable to be charged with them under the private street works code	Divisional Director, Public Realm

NO.	STATUTE & FUNCTION	OFFICER
Highways Act 1980		
32.	Section 205(5) – The officer to certify copies of resolution and approved documents	Divisional Director, Public Realm
33.	Section 210(2) – The officer to certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Divisional Director, Public Realm
34.	Section 211(1) – The officer to make the final apportionment of costs under the private street works code	Divisional Director, Public Realm
35.	Section 216(2) and (3) – The officer to settle the proportion of the amount of costs under the private street works code in respect of railway undertakers or canal undertakers	Divisional Director, Public Realm
36.	Section 259 – The officer to issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Divisional Director Public Realm
37.	Section 321 – The officer to authenticate notices, consents, approvals, orders, demands, licenses, certificates or other documents	Divisional Director Public Realm
38.	Schedule 9 (paragraphs 4) – The officer responsible for signing plans showing proposed prescribed improvement or building lines	Divisional Director Public Realm
Representation of the People Act 1983		
39.	Section 8 – Person appointed as Registration Officer	Chief Executive
40.	Section 28 – Person appointed as Acting Returning Officer	Chief Executive
41.	Section 35 – Person appointed as Returning Officer	Chief Executive
42.	Section 37(7)(b) – The officer to receive declarations and give public notice of election agents' appointments	Chief Executive
43.	Section 131(1) – The officer to provide accommodation for holding election court	Chief Executive

NO.	STATUTE & FUNCTION	OFFICER
Building Act 1984		
44.	Section 93 – The officer to sign any notice, order or other document which the Council is authorised or required to give, make or issue under this Act, to authorise any officer in writing to do so, and to authenticate any such document	Divisional Director Planning and Building Control
Public Health (Control of Disease) Act 1984		
45.	Section 45F(2)(a) and (b) and 45P(2) – The proper officer for the purposes of the Health Protection (Notification) Regulations 2010	Divisional Director Public Realm
Weights and Measures Act 1985		
46.	Section 72(1) – Person appointed as Chief Inspector of Weights and Measures	Divisional Director Public Realm
Local Government Finance Act 1988		
47.	Section 116(1) – The officer to notify the external auditor of a meeting under the Act to consider a report from the Chief Finance Officer	Corporate Director, Resources (s151 Officer)
Local Government and Housing Act 1989		
48.	Section 2(4) – The officer to hold on deposit the Council's list of politically restricted posts	Corporate Director, Governance
49.	Section 3A – The officer who, in consultation with the Monitoring Officer, determines applications for exemption from political restriction or for designation of posts as politically restricted	Chief Executive (in consultation with the Monitoring Officer)
50.	Section 15 to 17 (and Regulations made thereunder) – the officer to receive and give notices relating to the membership of political groups	Chief Executive
Freedom of Information Act 2000		
51.	Section 36 – The 'qualified person'	Corporate Director, Governance

NO.	STATUTE & FUNCTION	OFFICER
Local Government Act 2000		
52.	Section 9G and 9GA(4) – The proper officer for the purposes of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	Corporate Director, Governance
Regulation of Investigatory Powers Act 2000		
53.	Part I, Chapter II (acquisition and disclosure of communications data) and Part II (directed surveillance and use of covert human intelligence source) – The officers who are designated to grant authorisation	Divisional Director Public Realm
Data Protection Act 2018		
54.	Requirement under Art 37(1) GDPR – incorporated into domestic legislation through s.69 Data Protection Act 2018	Head of Information Governance

46 Corporate Operating Procedures

1. The Operating Procedures apply to the operation and management of all Council directorates. The procedures authorise relevant officers to exercise delegated functions of the Council as set out in these procedures and the Constitution.
2. The procedures allow the Chief Executive and Managers to carry out the functions of the Council as set out in this document. The procedures repeal and replace all previous schemes of delegation and apply in addition to the Council's Corporate Scheme of Delegation and individual Directorate Schemes of Delegation.
3. All powers in these procedures may also be exercised by the Chief Executive or any other officer designated by the Council as Acting/Interim Chief Executive on a temporary basis.
4. In relation to all delegated authority given to officers by these procedures, the Chief Executive may allocate or re-allocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as they think fit.
5. Where there is doubt over the responsibility for the exercise of a delegated power under these procedures, the Chief Executive and the Monitoring Officer or any person nominated/appointed to act on their behalf, is allowed to act.
6. All further delegations conferred under these procedures must be recorded in writing. Any decision taken under such authority shall remain the officer's responsibility, and must be taken in their name.
7. In exercising their delegated powers under these procedures the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's constitution, including its contract and financial procedures and regulations, and overall Council policy, to use the most efficient effective and economic means available, including the deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council.
8. For the avoidance of doubt anything which is not covered by these procedures or the Council's constitution, including the appointment of a proper officer for the purpose of any statutory function, will (subject to any statutory prohibition) be determined by the Chief Executive in consultation with the Monitoring Officer.

Operating Procedures – General Principles

9. For the purposes of these procedures, a service manager is defined as a manager reporting to a Divisional Director and a line manager is defined as a postholder who has line management responsibility for at least one employee.
10. All procedures referred to in this section are available to all staff on the Council's intranet. Different levels of authorisation may apply to some procedures and if so the levels of authorisation are specified within the procedure.
11. The table below explains who has the authority to make the type of decision.

Decision	CED	DD	SM	LM	Notes
Type of Decision	√				The Chief Executive or Corporate Director only has the authority to make the decision. A Divisional Director, Service Manager or Line manager does not have the authority to make the decision.
Type of Decision	√	√			A Divisional Director has the authority to make the decision. It does not mean that the Chief Executive/ Corporate Director has to approve the decision made by the Divisional Director unless other applicable Council procedures require this. A Service Manager or Line Manager does not have the authority to make the decision.
Type of Decision	√	√	√		A Service Manager has the authority to make the decision. It does not mean that the Chief Executive/Corporate Director and/or Divisional Director have to approve the decision made by the Service Manager unless other applicable Council procedures require this. A Line Manager does not have the authority to make the decision.
Type of Decision	√	√	√	√	A Line Manager has the authority to make the decision. It does not mean that the Chief Executive/Corporate Director and/or Divisional Director and/or Service Manager have to

					approve the decision made by the Line Manager unless other applicable Council procedures require this.
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Corporate Operating Procedures

1. Establishment

Decision		CED	DD	SM	LM	Notes
1.1	Establishment Control: Creating posts	√	√			New posts must be funded within the Divisional Director's approved budget and authorised in accordance with the Establishment Control Procedure. See also relevant HR Procedures: Establishment Control Procedure Handling Organisational Change Procedure
1.2	Making all other changes to the establishment	√	√	√	√	All changes must be authorised in accordance with the Establishment Control Procedure and other HR procedures where appropriate. Different levels of authorisation may apply and these are clearly defined in every procedure. See also relevant HR Procedures: Handling Organisational Change Procedure JE Evaluation Procedure

2. Appointments

Decision		CED	DD	SM	LM	Notes
2.1	Taking a decision to advertise and recruit to a vacant post	√	√			All decisions in relation to recruitment and appointments must comply with the HR recruitment processes and procedures referred to below. Each procedure states the applicable authorisation levels. See also relevant HR Procedure: Recruitment and Selection Standards

Decision		CED	DD	SM	LM	Notes
2.2	Making decisions in relation to recruitment activities (including interview panels; offers and terms of appointments; pre – employment checks; probation)	√	√	√	√	<p>All decisions in relation to recruitment and appointments must comply with the HR recruitment processes and procedures referred to below. Each procedure states the applicable authorisation levels.</p> <p>See also relevant HR Procedures: Recruitment and Selection standards DBS Procedure DBS Risk Assessment Procedure Reference Procedure Probation Procedure</p>
2.3	Determine the outcome of a DBS Risk Assessment	√	√			<p>The outcome may be to withdraw an offer of employment, continue employment or terminate employment in line with the following HR Procedures.</p> <p>See also relevant HR Procedures: Recruitment and Selection standards DBS Procedure DBS Risk Assessment Procedure</p>
2.4	Probation – Termination of contract following unsuccessful probation	√	√			<p>Decision must comply with the following HR procedures and advice sought where appropriate.</p> <p>See also relevant HR Procedures: Probation Procedure Standards for Managing Employee Performance</p>
2.5	Procuring/engaging agency workers and contractors	√	√			<p>Decisions must be taken in line with the Temporary Worker Guidelines</p> <p>See also relevant HR Procedure: Temporary Worker Guidelines</p>

3. Remuneration

Decision		CED	DD	SM	LM	Notes
3.2	Authorising acting up and honoraria payments	√	√			<p>Decisions must be taken in line with the Acting up and Honoraria Procedure.</p> <p>See also relevant HR Procedure: Acting up and Honoraria Procedure</p>

Decision		CED	DD	SM	LM	Notes
3.3	Authorising additional payments/allowances/expenses	√	√	√	√	Decisions must be taken in line with Terms and Conditions of Employment and HR Procedures. See also relevant HR Procedures: Subsistence and expenses Work Related Travel Expenses Schemes Guidance
3.4	Authorising market supplement payment	Y	Y			Decisions must comply with the Market Supplement Procedure. See also relevant HR Procedure: Market Supplement Procedure

4. Discipline, capability, sickness and grievance

Decision		CE D	DD	SM	LM	Notes
4.1	Suspending a member of staff	√	√	√		In exceptional circumstances a service manager may suspend an employee. All suspensions must be regularly reviewed by the commissioning manager. See also relevant HR Procedure: Disciplinary Procedure
4.2	Instructing a member of staff to leave the premises	√	√	√		With advice from HR. See also relevant HR Procedure: Disciplinary Procedure
4.3	Instructing a member of staff to leave premises outside normal working hours	√	√	√	√	In exceptional circumstances and where this has to happen outside normal hours it may be undertaken by the line manager in conjunction with HR. See also relevant HR Procedure: Disciplinary Procedure
4.4	Disciplinary - Initiating proceedings/confirming disciplinary charges, action taken and outcomes including dismissal	√	√			Decisions must comply with the Disciplinary Procedure and HR advice sought where appropriate. See also relevant HR Procedure: Disciplinary Procedure

Decision		CE D	DD	SM	LM	Notes
4.3	Disciplinary - Initiating proceedings/confirming disciplinary charges, action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with the Disciplinary Procedure and HR advice sought where appropriate. Different level of authorisations may apply depending on seriousness of allegations. See also relevant HR Procedure: Disciplinary Procedure
4.6	Performance/ Capability – initiating proceedings/confirming action taken and outcomes including dismissal	√	√			See also relevant HR Procedures: Standards for Managing Performance and Probation Procedure Standards for Managing Employee Performance
4.5	Performance/ Capability – initiating proceedings/confirming action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with Performance Management procedures and HR advice sought where appropriate. See also relevant HR Procedures: Probation Procedure Standards for Managing Employee Performance
4.8	Sickness Management Procedure – initiating proceedings/confirming action taken and outcomes including dismissal	√	√			Decisions must comply with Sickness Management Procedure and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant HR Procedure: Sickness Management Procedure
4.7	Sickness Management Procedure – initiating proceedings/confirming action taken and outcomes (except where may lead to dismissal)	√	√	√	√	Decisions must comply with Sickness Management Procedure and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant HR Procedure: Sickness Management Procedure

Decision		CE D	DD	SM	LM	Notes
4.9	Grievance and Harassment Procedures – initiating proceedings/confirming action taken and outcomes	√	√	√	√	<p>Decisions must be comply with relevant HR procedures and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure.</p> <p>See also relevant HR Procedures: Combatting Harassment & Discrimination Procedure Grievance Resolution Procedure</p>

5. Attendance

Decision		CED	DD	SM	LM	Notes
5.1	Dealing with requests for changes to contractual hours / flexible working	√	√	√	√	<p>Decisions must comply with Flexible Working and other relevant HR procedures. Different levels of authorisation may apply and these are clearly defined in the procedure.</p> <p>See also relevant HR Procedure: Flexible Working Policy</p>
5.2	Agreeing hours of working	√	√	√	√	<p>Different levels of authorisation may apply and these are clearly defined in the procedures</p> <p>See also relevant HR Procedures: Flexible Working Policy Flexi Time Scheme</p>

Decision		CED	DD	SM	LM	Notes
5.3	Approving leave (including annual, special, flexi, paid, unpaid)	√	√	√	√	<p>Decisions must comply with relevant HR Leave procedures. Different levels of authorisation may apply and these are clearly defined in the procedures.</p> <p>See also relevant HR Procedures: Annual Leave and Special Leave Procedure Career Break Scheme Extended Leave Scheme Flexi Time Scheme Guide to Adoption Leave Guide to Maternity Entitlements Parental Leave Scheme Shared Parental Leave Policy Staggered Hours Scheme Term Time Only</p>

6. Leavers

Decision		CE D	DD	SM	LM	Notes
6.1	Confirming resignations	√	√	√	√	<p>To be confirmed in line with the Guidance for Leavers.</p> <p>See also relevant HR Procedure: Guidance for Leavers</p>
6.2	Agreeing terms on which staff leave the Council e.g. outstanding leave, notice periods	√	√	√	√	<p>Decisions must comply with Terms and Conditions of Employment and relevant HR procedures. Note: Where appropriate HR will authorise payment of statutory/ contractual entitlements.</p> <p>See also relevant HR Procedures: Annual Leave and Special Leave Procedure And see Employee's Terms and Conditions of Employment</p>

Decision		CE D	DD	SM	LM	Notes
6.3	Providing references	√	√	√	√	References must be provided in line with relevant recruitment procedures and processes and HR advice sought where appropriate. Relevant HR Procedure: Reference Procedure
6.4	Designating a member of staff as a redeployee	√	√			Decisions must comply with relevant HR organisational change processes. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant HR Procedure: Handling Organisational Change Procedure
6.5	Agreeing redundancy / early retirement	√	√			Decisions must comply with relevant HR organisational change and sickness management processes. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant HR Procedures: Handling Organisational Change Procedure Sickness Management Procedure

Other Matters

A. Managing budgets

Decision		CE D	DD	SM	LM	Constraint	Notes
A.1	Incurring revenue expenditure within approved budget limits	√	√	√	√		May be delegated further to designated line managers with budget responsibility See also relevant Procedure: FM1 Financial Management Standards

Decision		CE D	DD	SM	LM	Constraint	Notes
A.2	Incurring Capital expenditure only within terms of agreed capital programme	Which level?				Complying with Financial regulations	See also relevant Procedure: FP2 Capital Strategy
A.3	Authorising virements within approved service budget	√	√	√		Provided no additional overall budget liability	May be delegated further to designated budget managers within agreed limits See also relevant Procedure: FM2 Virement
A.4	Authorising virements between approved service budgets up to £250,000	√				Except i) Capital Financing ii) support services/Internal charges iii) Rates iv) Insurance v) pensions which require specific approval of Corporate Director Resources	Corporate Director – Resources to be advised of virements over £100,000 and reported to Cabinet for noting See also relevant Procedure: FM2 Virement
A.5	All virements	√	√	√		Consider whether “key decision” required.	See also: Constitution Key decisions

B. Payroll

Decision		CE D	DD	SM	LM	Constraint	Notes
B.1	Authorising payroll submissions	√	√	√	√	Only if within existing budget/establishment	Including authority to include a new employee on the payroll See also relevant procedure: CR9 Staffing FA4 Payments to employees and Members
B.2	Authorising payroll corrections	√	√	√			See also relevant Procedure: CR3 Internal Control

C. Income

Decision		CE D	DD	SM	LM	Constraint	Notes
C.1	Determining whether income is due	√	√	√	√		See also relevant Procedure: FM5 Budgetary Control and FA 2 Income
C.2	Collecting all income due	√	√	√	√	And banking promptly	May be delegated further. See also relevant Procedure: FM5 Budgetary Control and FA 2 Income
C.3	Determining local fee rates	√				Annually [Except where the fee is required to be set by either Council or the Executive]	As part of budget setting. See also relevant Procedure: FM5 Budgetary Control

Decision		CE D	DD	SM	LM	Constraint	Notes
C.4	Initiating debt recovery action	√	√	√	√		See also Relevant Procedure: FM5 Budgetary Control FA2 income
C.5	Cancelling and reversal of debts including where debt raised in error	√	√	√		If raised in error and within approved limits	Only with a documented audit trail. See also relevant Procedure: CR3 Internal Control FA2 Income
C.6	Writing off debts	√	√	√			See also relevant Procedure: CR3 Internal Control FA2 Income
C.7	Making claims for grant payments	√	√	√	√	By due date with claims properly evidenced and payment banked promptly.	See also relevant Procedure: CR3 Internal Control FA2 Income

D. Purchasing and Procurement

Decision		CE D	DD	SM	LM	Constraint	Notes
D.1	Contracts and procurement Corporate Director retains ultimate responsibility for all contracting procedures	√				Compliance with Contracts and procurement procedure rules	See also relevant Procedure: FA3 Ordering and Paying for work goods and services Contract Procedure Rule 8

Decision		CE D	DD	SM	LM	Constraint	Notes
D.2	Seeking tenders and quotations	√	√	√		Within approved limits according to management level and Executive approval required if over £250,000 (goods and services) and £5,000,000 (works)	See also relevant Procedures: Using e procurement system unless waiver granted. Contract Procedure Rule 6 Financial thresholds Rule 2 E Procurement Rules and EU procedures
D.3	Waiving competition requirements for contracts and orders (RCDAs, novations etc) I think we need to add that this is under review?	√				Up to EU threshold and in accordance with procurement procedures	Liaising with Corporate Director Procurement and Corporate Director Governance and reporting to Executive if over £100,000. See also relevant Procedures: Procurement Rule 6 and Financial thresholds

Decision		CE D	DD	SM	LM	Constraint	Notes
D.4	Awarding contracts following the appropriate procurement Procedure	√	√	√		Within approved limits	See also relevant Procedures: Executive approval required if contract for services over £250,000 and capital works over £5,000,000. Procurement Rule 6 contract award
D.5	Placing orders	√	√	√			
D.6	Authorising variations / extensions to contracts	√	√	√		If provided for within original contract	After taking legal and procurement advice and, over specified financial levels approval of the Executive required. See also relevant Procedure: Procurement Rule 7 Extensions and variations
D.7	Authorisation of the execution of non procured contracts including contracts derived from framework agreements	√	√	√		Services between £0 and £250,000, works below £5,000,000	See also relevant Procedures: Procurement Rule 6 Financial thresholds Procurement rule 10 Waiving procurement procedures

Decision		CE D	DD	SM	LM	Constraint	Notes
D.8	Signing Contracts	√	√			Above £250,000 (services) and £5,000,000 (works)	<p>Only after decision by the Executive and specific delegation.</p> <p>See also relevant Procedure: Procurement Procedure Rule 48 limits</p>
D.9	Terminating contracts	√	√	√			Subject to advice from the Corporate Director, Governance or their nominee
D.10	To advertise concession opportunities	√	√	√			<p>Executive approval required if over £250,000 goods and services Award to be noted if value greater than 100,000.</p> <p>See also relevant Procedures: Financial procedure EA 1 External arrangements Contract Procedure Rule 8</p>

Decision		CE D	DD	SM	LM	Constraint	Notes
D.11	To award contract for concession	√	√	√			Executive approval required if over £250,000 goods and services Noting Executive procedure if value greater than £100,000. See also relevant Procedure: Contract Procedure Rule 6
D.12	Varying terms of concession	√	√	√		If provided for within original contracts	After taking legal and procurement advice, and with Executive approval if over £250,000. See also relevant Procedure: Procurement Rules 7
D.13	Terminating the award of a concession	√	√	√			Subject to advice from the Corporate Director, Governance or their nominee
D.14	Where Tower Hamlets Homes entering into contract it has negotiated on its own behalf _ I think this needs approval from the CD of Place as they should not be entering contracts without our consent???	N/A	N/A	N/A	N/A	Follow THH governance and procedures	

Decision		CE D	DD	SM	LM	Constraint	Notes
D.15	If contract between London Borough of Tower Hamlets and supplier/provider and procured by Tower Hamlets Homes	√	√			In accordance with Contracts and Procurement Procedures contained in the Council's Constitution	In accordance with Procedure Rules as detailed above.
D.16	Where London Borough of Tower Hamlets making grant to Tower Hamlet Homes	√	√			In accordance with Contracts and Procurement Procedures contained in the Council's Constitution	In accordance with Procedure Rules as detailed above.
D.17	Contracts generally Authorising invoices	√	√	√	√		May be delegated further to designated budget managers within agreed limits. See also Relevant Procedures: Financial Procedure FA 3 Ordering and Paying for goods and services
D.18	Maintaining an inventory of assets	√	√	√	√		See also relevant Procedure: CR8 Inventories
D.19	Disposal of Equipment/furniture and other obsolete assets	√	√	√	√	After consultation with Corporate Director Resources	See also relevant Procedure: In compliance with Financial CR10 Disposal of property and obsolete assets

E. Authorisations

Decision		CE D	DD	SM	LM	Constraint	Notes
E.1	Signing off reports to Executive and committee	√	√			With input from legal and resources	See also relevant Procedure: In compliance with FM9 Comments for reports
E.2	Signing off Government and other returns	√	√	√			See also relevant Procedure: FA8 Grants
E.3	Signing off bids and applications for funding	√				With Cabinet approval/"key decision" if necessary	See also relevant Procedure: FA8 Grants
E.4	Approving service and business plans	√	√				See also relevant Procedure: FM5 Budgetary Control

F. Complaints

Decision		CE D	DD	SM	LM	Constraint	Notes
F.1	To receive, investigate and respond to complaints at Stage 1 of the Corporate Complaints Procedure			√		With oversight from Divisional Director	See also relevant Procedure: Corporate Complaints Procedure
F.2	To receive, investigate and respond complaints at Stage 2 of the Corporate Complaints Procedure	√	√	√		With advice from Corporate Director on terms of response where appropriate	See also relevant Procedure: Corporate Complaints Procedure
F.3	To agree Local Settlement with the Local Government Ombudsman	√	√			Within compensation limits	See also relevant Procedure: Corporate Complaints Procedure
F.4	Authorising compensation	√	√	√		Subject to financial limits - Divisional Director up to £25,000 and Service Manager up to £3,000	See also relevant Procedure: Corporate Complaints Procedure

G. Engaging Specialists

Decision		CE D	DD	SM	LM	Constraint	Notes
G.1	Engaging legal advice and entering into legal actions	√	√			After consultation with the Corporate Director Governance or their nominee.	
G.2	Engaging consultants to provide other specialist advice	√	√				

H. Legal Matters

Decision		CE D	DD	SM	LM	Constraint	Notes
H.1	To authorise the issue of a Simple Caution where criminal offences are admitted by adult offenders having regard to the Council's Enforcement Policy and all other relevant Policies and Guidelines	√	√	√		After consultation with the Corporate Director Governance or her nominee if necessary	See also relevant Procedure: Constitution Chapter 15
H.2	To take the action necessary to comply with any Court Order made against the Council (including an Order agreed by consent)	√	√	√			See also relevant Procedure: Constitution Chapter 15
H.3	Manage all information (including Confidential information)	√	√	√		in accordance with the Council's Information Management and Retention Policies	

I. Companies / Partnerships and other collaboration agreements

	Decision	CD	DD	SM	LM	Constraints	Notes
I.1	To propose the formation of a company jointly with third parties	√	√			Supported by a Council or Executive decision	Taking appropriate professional advice
I.2	Form any company with its shareholders named as the Council's Executive	√	√			Making provision for the Council's Executive to agree any reserved matters	and to delegate such agreement to the Chief Executive or Corporate Director

	Decision	CD	DD	SM	LM	Constraints	Notes
I.3	To ensure that any company formed A) Makes provision for any changes in the Company's Memorandum and Articles of Association to be approved by the Council's Executive B) Makes provision for the company to report on an annual basis to the Council's Executive.	√	√	√		Taking appropriate professional advice	
I.4	Enter into a partnerships "ie arrangements designed to secure some shared or mutual operational benefit" or other collaboration agreements	√	√	√		Risk appraisal required	Fully documented and with appropriate advice (including legal advice) and after informing Corporate Director Resources. See also relevant Procedure: In compliance with Financial procedure EA1 Partnerships

47 Corporate Scheme of Financial Delegations

This scheme sets out Council-wide financial delegations.

(to follow)

48 Children and Culture Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

49 Governance Directorate Scheme of Delegation

1. Ceremonial and name/status of areas and individuals

Decision		Corporate Director	Divisional Director	Head of Service	Other
1.1	To keep the roll of Freeman (Section 248, Local Government Act 1972)	Corporate Director, Governance		Democratic Services	
1.2	Power to incur expenditure of a reasonable sum for the purposes of presenting an address or casket to a person on whom the title of freeman has been conferred. (as above, Section 249)	Corporate Director, Governance		Democratic Services	

2. Councillors/Appointment of Committees etc

Decision		Corporate Director	Divisional Director	Head of Service	Other
2.1	Appointment of Members to ad-hoc committees and sub-committees for Appeals, Appointments and Licensing hearings in accordance with the requirements of the Constitution.	Corporate Director, Governance/ Monitoring Officer	Employee Appeals & Appointments: Divisional Director Human Resources	Licensing: Democratic Services	Licensing: Democratic Services Officer

3. Meetings of Committees

Decision		Corporate Director	Divisional Director	Head of Service	Other
3.1	Cancelling or amending the date, time or place of a meeting following discussion with the Chair and any further consultation as set out in the Constitution.	Corporate Director, Governance/ Monitoring Officer	Appointment Sub-Committee and Employee Appeals Sub-Committee: Divisional Director Human Resources	Licensing: Democratic Services	Licensing: Democratic Services Officer

4. Registration

Decision		Director	Divisional Director	Head of Service	Other
4.1	Power to approve premises for the solemnisation of marriages (Section 46A, Marriage Act 1949)	Corporate Director, Governance		Superintendent Registrar	
4.2	To exercise functions under Sections 9(1) and (2), 13 (2)h and (3)b and 20(b) of the Registration Service Act 1953.	Corporate Director, Governance		Superintendent Registrar	

5. General

Decision		Corporate Director	Divisional Director	Head of Service	Other
5.1	To deputise for the Corporate Director, Governance in their absence as directed by the Chief Executive or Corporate Director, Governance.		Legal Services As Monitoring Officer: Deputy Monitoring Officers		

GOVERNANCE DIRECTORATE DELEGATIONS - (LEGAL SERVICES)

6. Appointment of Committees etc

Decision		Corporate Director	Divisional Director	Head of Service	Other
6.1	Recruiting and recommending to the Council the appointment of Independent members to the Standards Committee.	Corporate Director, Governance			

7. Legal Proceedings

Decision		Director	Divisional Director	Head of Service	Other
7.1	Instituting Proceeding - Taking a decision to commence proceedings in a particular case	Corporate Director, Governance	Legal Services	Litigation Safeguarding	
7.2	Issuing proceedings/ application - including signing and finalising any instituting summons or application pursuant to court rules	Corporate Director, Governance	Legal Services	Litigation Safeguarding	Principal Lawyers , Seniors and Lawyers
7.3	Laying of Information/ Complaint	Corporate Director, Governance	Legal Services	Litigation Safeguarding	Principal Lawyers, Seniors and Lawyers
7.4	Appear on behalf of the Local Authority in proceedings	Corporate Director, Governance	Legal Services	Litigation Safeguarding	Principal Lawyers Senior Lawyers Lawyers Legal Assistants

Decision		Director	Divisional Director	Head of Service	Other
					Trainee Solicitor
7.5	Settle Proceedings- Generally	Corporate Director, Governance	Legal Services	Litigation (Up to 20K costs or damages) save own cases).	<i>Principal Lawyer Civil Litigation</i> (Up to 8k costs or damages) save own cases).
7.6	Settling by way of <ul style="list-style-type: none"> - signing or administering simple cautions - License appeals by consent - Market license revocations appeals by consent 	Corporate Director, Governance	Legal Services	Litigation	Principal Lawyer (Enforcement)
7.7	Providing undertakings to Court or parties (other than an undertaking as to fees)	Corporate Director, Governance	Legal Services	Litigation	
7.8	Providing Undertakings as to payment of an application fee	Corporate Director, Governance	Legal Services	Litigation	Principal Lawyers

8. Property

Decision		Director	Divisional Director	Head of Service	Other
8.1	Release of restrictions and grant of consents where required by operation of law or effluxion of time.	Corporate Director, Governance	Legal Services	Commercial & Contracts	Principal Lawyer – Property & Regen

9. Authentication of Documents

Decision		Director	Divisional Director	Head of Service	Other
9.1	Sign legal Documents	Corporate Director, Governance	Legal Services	Litigation Safeguarding Commercial & Contracts	Practice Manager
9.2	Signing Claim Forms includes Statement of Truth		Legal Services	Litigation Safeguarding	Principal Lawyers Civil Litigation , Senior lawyers , lawyers

10. Common Seal of Council

Decision		Director	Divisional Director	Head of Service	Other
10.1	Attest seal.	Corporate Director, Governance	Legal Services	Litigation Safeguarding Commercial & Contracts	Practice Manager
10.2	Signing documents on behalf of the Council.	Corporate Director, Governance	Legal Services	Litigation Safeguarding Commercial & Contracts	Practice Manager

50 Health, Adults and Community Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

51 Place Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

52 Resources Directorate Scheme of Delegation

The existing schemes of delegation are available here:

<http://democracy.towerhamlets.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13590&path=0>

Any new/updated scheme will be placed at this point in the Constitution.

53 Executive, Committee and Partnership Procedure Rules

Procedure for Executive Decision Making by the Mayor or a Cabinet Member

1. Where an Executive decision, including a Key Decision, falls to be made and either:-
 - (a) authority to make that decision has not been delegated by the Mayor under this Executive Scheme of Delegation; or
 - (b) authority has been delegated but the person or body with delegated powers declines to exercise those powers; or
 - (c) authority has been delegated but the Mayor nevertheless decides to take the decision himself,

the decision shall be made by the Mayor individually, after consultation with the Monitoring Officer, the Chief Finance Officer and such other Corporate Director(s), the Head of Paid Service or Cabinet Member(s) as required.

2. Executive decisions (including Key Decisions) to be taken by the Mayor in accordance with paragraph 1 above shall either be taken:-
 - (a) at a formal meeting of the Executive, notice of which has been given in accordance with the Executive Procedure Rules (Section 29) of the Constitution and to which the Access to Information Rules (Section 27) of the Constitution shall apply; or
 - (b) in accordance with the procedure at paragraph 5 below.
3. In the case of a decision taken at a formal meeting of the Executive, the Mayor will take the decision having received written and oral advice from appropriate officers and consulted those members of the Executive present. In the event that a meeting of the Executive is not quorate, the Mayor may still take any necessary decisions having consulted any Executive members present. All Mayoral decisions taken at a formal meeting of the Executive shall be recorded in the minutes of the meeting.
4. The Cabinet Meeting is not authorised to exercise the Mayor's powers in the absence of the Mayor. If the Mayor is unable to act for any reason, and only in those circumstances, the Deputy Mayor is authorised to exercise the Mayor's powers.
5. The Mayor may at his discretion make a decision in relation to an Executive function, including a Key Decision, alone and outside the context of a meeting of the Executive. In relation to any decision made by the Mayor under this provision:-

- (a) The decision may only be made following consideration by the Mayor of a full report by the relevant officer(s) containing all relevant information, options and recommendations in the same format as would be required if the decision were to be taken at a meeting of the Executive;
- (b) The provisions of the Overview and Scrutiny Procedure Rules in relation to call-in, including the rules regarding urgent decisions, shall apply;
- (c) In the case of a Key Decision as defined in Section 3 of the Constitution, the provisions of the Access to Information Procedure Rules in relation to prior publication on the Forward Plan shall apply; and
- (d) The decision shall not be made until the Mayor has confirmed his agreement by signing a Mayoral Decision Proforma (example attached) which has first been completed with all relevant information and signed by the relevant Chief Officers.


6. All Mayoral decisions taken in accordance with paragraph 5 above shall be:-

- (a) Recorded in a log held by the Head of Democratic Services and available for public inspection; and
- (b) Published on the Council's website;

save that no information that in the opinion of the Corporate Director, Governance is 'exempt' or 'confidential' as defined in the Council's Access to Information Procedure Rules (Section 27) shall be published, included in the decision notice or available for public inspection.

7. Any decision taken by an individual Cabinet Member in relation to any matter delegated to them in accordance with paragraph 6 of the Mayor's Executive Scheme of Delegation shall:-

- (a) be subject to the same process and rules as a Mayoral decision in accordance with paragraphs 5 and 6 above; and
- (b) not be made until the Mayor has confirmed in writing that he has no objection to the decision.

Individual Mayoral Decision Proforma	 TOWER HAMLETS
Decision Log No: (To be inserted by Democratic Services)	
Report of: [Insert name and title of corporate director]	Classification: [Unrestricted or Exempt]
[Insert title here]	

Is this a Key Decision?	Yes / No (Report author to delete as applicable)
Decision Notice Publication Date:	(Report author to state date of decision notice – either individual notice or within the Forward Plan)
General Exception or Urgency Notice published?	Yes (give details) / Not required (Report author to delete as applicable)
Restrictions:	(If restricted state which of the exempt/confidential criteria applies)

EXECUTIVE SUMMARY

(To be completed by Chief Officer seeking the decision)

.....
.....
.....

Full details of the decision sought, including reasons for the recommendations and (where applicable) each of the options put forward; other options considered; background information; the comments of the Chief Finance Officer; the concurrent report of the Corporate Director, Governance; implications for Equalities; Risk Assessment; Background Documents; and other relevant matters are set out in the attached report.

DECISION

(Proposed decision to be entered here)

.....
.....

APPROVALS

1. (If applicable) Corporate Director proposing the decision or their deputy

I approve the attached report and proposed decision above for submission to the Mayor. I confirm that the Mayor and/or Lead Member have agreed to this decision being taken using this process.

Signed Date

2. Chief Finance Officer or their deputy

I have been consulted on the content of the attached report which includes my comments.

Signed Date

3. Monitoring Officer or their deputy

I have been consulted on the content of the attached report which includes my comments.

(For Key Decision only – delete as applicable)

I confirm that this decision:-

(a) has been published in advance on the Council's Forward Plan OR

(b) is urgent and subject to the 'General Exception' or 'Special Urgency' provision at paragraph 18 or 19 respectively of the Access to Information Procedure Rules.

Signed Date

4. (If the proposed decision relates to matters for which the Head of Paid Service has responsibility) Head of Paid Service

I have been consulted on the content of the attached report which includes my comments where necessary.

Signed Date

5. Mayor

I agree the decision proposed at above for the reasons set out in paragraph of the attached report.

Signed Date

Children and Education Overview and Scrutiny Sub-Committee

MEETING PROCEDURE AND SCHEDULE OF MEETING DATES

1. Chair and Membership

- 1.1 Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Lead Scrutiny Member for Children and Education. The membership of the Children and Education Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

2. Frequency of meetings

- 2.1 The Children and Education Scrutiny Sub-Committee will meet 5 times a year. Dates will be published on the Council's website.
- 2.2 Meetings are scheduled to take place at 6.30pm. The Sub-Committee may arrange other meetings as and when necessary to consider any urgent issues as well as arranging meetings for detailed scrutiny reviews and challenge sessions.

Support to the Sub-Committee

- 3.1 The Divisional Director for Strategy, Policy and Performance, will be the senior officer lead and champion the work of the Sub-Committee.
- 3.2 The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:
- (a) Meeting room bookings, refreshments
 - (b) Agenda preparation and dispatch
 - (c) Taking minutes and recording of actions/decisions
 - (d) Dissemination of minutes and decisions

The Children and Culture Strategy and Policy Team will provide policy support to the Sub-Committee which will include:

- (e) Research and analysis
- (f) Work programme development
- (g) Support with undertaking reviews and challenge sessions
- (h) Drafting review reports and challenge sessions

4. Proceedings

4.1 The Children and Education Scrutiny Sub-Committee will generally meet in public and conduct its proceedings in accordance with the rules and procedure contained in the Council's Constitution such as the:

- (a) Council Procedure Rules;
- (b) Access to Information Procedure Rules, and
- (c) The Overview and Scrutiny Procedure Rules.

Health and Adults Scrutiny Sub-Committee

MEETING PROCEDURE AND SCHEDULE OF MEETING DATES

1. Chair and Membership

- 1.2 Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Lead Scrutiny Member for Health & Adults. The membership of the Health and Adults Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

2. Frequency of meetings

- 2.1 The Health and Adults Scrutiny Sub-Committee will meet 5 times a year. The dates will be published on the Council's Website.
- 2.2 Meetings are scheduled to take place at 6.30pm (unless they fall during the month of Ramadan where they will endeavour to start at 5.30pm). The Sub-Committee may arrange other meetings as and when necessary to consider any urgent issues as well as arranging meetings for detailed scrutiny reviews and challenge sessions.

Support to the Sub-Committee

- 3.1 The Divisional Director for Strategy, Policy and Performance, will be the senior officer lead and champion the work of the Sub-Committee.
- 3.2 The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:
- (i) Meeting room bookings, refreshments
 - (j) Agenda preparation and dispatch
 - (k) Taking minutes and recording of actions/decisions
 - (l) Dissemination of minutes and decisions

The Health and Adult Care Strategy and Policy Team will provide policy support to the Sub-Committee which will include:

- (m) Research and analysis
- (n) Work programme development
- (o) Support with undertaking reviews and challenge sessions
- (p) Drafting review reports and challenge sessions

4. Proceedings

4.1 The Health and Adults Scrutiny Sub-Committee will generally meet in public and conduct its proceedings in accordance with the rules and procedure contained in the Council's Constitution such as the:

(d) Council Procedure Rules

(e) Access to Information Procedure Rules, and

(f) The Overview and Scrutiny Procedure Rules.

Housing and Regeneration Scrutiny Sub-Committee

MEETING PROCEDURE AND SCHEDULE OF MEETING DATES

1. Chair and Membership

- 1.3 Sub-Committees will be chaired by a Member of the Overview and Scrutiny Committee. For this Sub-Committee it will be the Lead Scrutiny Member for Housing & Regeneration. The membership of the Housing & Regeneration Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

2. Frequency of meetings

- 2.1 The Housing & Regeneration Scrutiny Sub-Committee will meet 6 times a year. The meeting dates will be published on the Council's website.
- 2.2 Meetings are scheduled to take place at 6.30pm (unless they fall during the month of Ramadan where they will endeavour to start at 5.30pm). The Sub-Committee may arrange other meetings as and when necessary to consider any urgent issues as well as arranging meetings for detailed scrutiny reviews and challenge sessions.

Support to the Sub-Committee

- 3.1 The Divisional Director for Strategy, Policy and Performance, will be the senior officer lead and champion the work of the Sub-Committee.
- 3.2 The servicing of meetings will be undertaken by the Council's Democratic Services Team which will include:
- (q) Meeting room bookings, refreshments
 - (r) Agenda preparation and dispatch
 - (s) Taking minutes and recording of actions/decisions
 - (t) Dissemination of minutes and decisions

The Housing and Regeneration Strategy and Policy Team will provide policy support to the Sub-Committee which will include:

- (u) Research and analysis
- (v) Work programme development
- (w) Support with undertaking reviews and challenge sessions

(x) Drafting review reports and challenge sessions

4. Proceedings

4.1 The Housing and Regeneration Scrutiny Sub-Committee will generally meet in public and conduct its proceedings in accordance with the rules and procedure contained in the Council's Constitution such as the:

(g) Council Procedure Rules

(h) Access to Information Procedure Rules, and

(i) The Overview and Scrutiny Procedure Rules.

Licensing Committee – Rules of Procedure governing applications for premises licenses and other permissions under the Licensing Act 2003

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the

Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should

provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.

- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.
- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
 - a) their application, representation or notice; and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Licensing Committee – Rules of Procedure Governing Applications for Sex Establishment Licenses under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under section 2 of and schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

2. Composition of the Licensing Committee

- 2.1 The Licensing Committee will consist of fifteen (15) members and no business shall be transacted unless at least three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Committee. The Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.
- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Chair will explain how the proceedings will be conducted, and indicate any time limits that will be imposed on the parties. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee should allow each party an equal amount of time.
- 3.5 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.

- 3.6 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing.
- 3.7 If the Licensing Committee adjourns the hearing it should specify the date, time and place to which the hearing has been adjourned.
- 3.8 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application or objection given by that party.
- 3.9 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any objections withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.
- 3.10 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.11 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.12 The Chair will then ask the applicant or their representative, if present, to state their case. This should avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Sex Establishment Licensing Policy, where appropriate; address, where appropriate, the matters stated in the Sex Establishment Licensing Policy that the Licensing Committee will take into account when considering applications; and respond to the written objections received. The submission may be followed by the evidence of any person who is giving supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.13 The application is to be presented within any time limit that has been set.

- 3.14 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.15 The objectors (or their representative) will be invited to question the applicant.
- 3.16 Members of the Licensing Committee may ask questions of the applicant and/or their representative as well as any other person who has spoken in support of the application. Members can also ask questions of any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask objectors against the application to state their case within any time limit that has been set. The objectors should not repeat what is already set out in their objections. In stating their case, the objectors should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who is giving supporting evidence.
- 3.19 The applicant (or their representative) will be invited to question the objectors.
- 3.20 Members of the Licensing Committee may then ask questions of the objectors and any other person who has spoken given evidence in support. Members can also ask questions of any other person present who they consider can assist.
- 3.21 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.22 Petitions will be considered but Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 The objectors (or their representative) will then be permitted to “Sum Up”.
- 3.25 The applicant (or their representative) will then be permitted to “Sum Up”.

- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but where they consider it appropriate for the determination to be given at a later time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place later and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Pensions Committee Procedures

Membership of the Pensions Committee

The Council decides the composition and makes appointments to the Pensions Committee. Currently the membership of the Pensions Committee is a minimum of 7 elected Members from Tower Hamlets Council on a politically proportionate basis and the Pensions Committee will elect a Chair and Vice Chair. All Tower Hamlets Council elected Members have voting rights on the Committee and three voting members of the Committee are required to be able to deem the meeting quorate.

In addition there are two co-opted non-voting members representing employer and Scheme member interests. Although the co-opted representatives do not have voting rights they are treated as equal members of the Committee, they have access to all Committee Advisers, officers, meetings and training as if they were Council Members and have the opportunity to contribute to the decision making process.

Voting rights are restricted to elected Members as they are deemed to be fulfilling the role of Trustees as the Pension Fund with all the legal responsibilities that this entails, it was not felt appropriate to apply the same legal definition to the lay members of the Committee and hence their role as non-voting members.

Members of the Pensions Committee, including co-opted members, are required to declare any interests that they have in relation to the Pension Fund or items on the agenda at the commencement of the meeting.

The Constitution allows for the appointment of a Pensions Committee which has responsibility for the discharge of all non-executive functions assigned to it.

The following are the terms of reference for the Pensions Committee:

- 1) To act as Trustees of the Council's Pension Fund, consider pension matters and meet the obligations and duties of the Council under the Superannuation Act 1972, the Public Service Pensions Act 2013, and the various pensions' legislation.
- 2) To make arrangements for the appointment of and to appoint suitably qualified pension fund administrators, actuaries, advisers, investment managers and custodians and periodically to review those arrangements.
- 3) To formulate and publish an Investment Strategy Statement.
- 4) To set the overall strategic objectives for the Pension Fund, having taken appropriate expert advice, and to develop a medium term plan to deliver the objectives.
- 5) To determine the strategic asset allocation policy, the mandates to be given to the investment managers and the performance measures to be set for them.
- 6) To make arrangements for the triennial actuarial valuation, to monitor liabilities and to undertake any asset/liability and other relevant studies as required.

- 7) To monitor the performance and effectiveness of the investment managers and their compliance with the Statement of Investment Principles.
- 8) To set an annual budget for the operation of the Pension Fund and to monitor income and expenditure against budget.
- 9) To receive and approve an Annual Report on the activities of the Fund prior to publication.
- 10) To make arrangements to keep members of the Pension Fund informed of performance and developments relating to the Pension Fund on an annual basis.
- 11) To keep the terms of reference under review.
- 12) To determine all matters relating to admission body issues.
- 13) To focus on strategic and investment related matters at two Pensions Committee meetings.
- 14) To review the Pension Fund's policy and strategy documents on a regular basis and review performance against the Fund's objectives within the business plan
- 15) To maintain an overview of pensions training for Members.

Meetings

The Pensions Committee shall meet at least four times a year in the ordinary course of business and additional meetings may be arranged as required to facilitate its work. Work for the year will be agreed with the Committee to include dedicated training sessions for Committee members.

Agendas for meetings will be agreed with the Chair and will be circulated with supporting papers to all members of the Committee, Officers of the Council as appropriate and the Fund's Investment Advisor.

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at the Tower Hamlets Town Hall and on the Council's website. The Council will make copies of the agenda and reports open to the public available for inspection at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. The reason for lateness will be specified in the report.

There may on occasions be items which may be exempt from the agenda, reports and minutes of the meetings when it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Items which are most likely to be excluded are issues where to disclose information would contravene an individual's privacy or where there are financial interests which may be compromised as a result of disclosure for example discussions surrounding contracts.

The Council will make available copies of the minutes of the meeting and records of decisions taken for six years after a meeting. Minutes of meetings and records of decisions are available for inspection on the Council's website:

<http://moderngov.towerhamlets.gov.uk/ieListMeetings.aspx?Committeeld=392>

Pensions CIV Sectoral Committee

Constitution

- 1.a.1 The Pensions CIV Joint Committee is a sectoral joint committee operating under the London Councils governance arrangements. (The London Councils' Governing Agreement dated 13 December 2001 (as amended), London Councils' Standing Orders, Financial Regulations and other policies and procedures as relevant.)
- 1.a.2 Each London local authority participating in the arrangements shall appoint a representative to the Pensions CIV Joint Committee being either the Leader of the local authority or the elected mayor as applicable or a deputy appointed for these purposes. (Clause 4.5 of the London Councils' Governing Agreement dated 13 December 2001 (as amended).)
- 1.a.3 The Pensions CIV Joint Committee shall appoint a Chair and Vice-Chair.
- 1.a.4 The Pensions CIV Joint Committee shall meet at least once each year to act as a forum for the participating authorities to consider and provide guidance on the direction and performance of the CIV, In addition, members of the Pensions CIV Joint Committee shall meet at least once each year at an Annual General Meeting of the ACS Operator in their capacity as representing shareholders of the ACS Operator.
- 1.a.5 Subject to Clause 1.a.4 above, meetings of the Pensions CIV Joint Committee shall be called in accordance with London Councils' Standing Orders and the procedure to be adopted at such meetings shall be determined in accordance with those Standing Orders.
- 1.a.6 If the Pensions CIV Joint Committee is required to make decisions on specialist matters in which the members of the Pensions CIV Joint Committee do not have expertise the Pensions CIV Joint Committee shall arrange for an adviser(s) to attend the relevant meeting to provide specialist advice to members of the Pensions CIV Joint Committee.

Quorum

- 1.a.7 The requirements of the Standing Orders of London Councils regarding quorum and voting shall apply to meetings of the Pensions CIV Joint Committee.

Terms of Reference

- 1.a.8 To act as a representative body for those London local authorities that have chosen to take a shareholding in the Authorised Contractual Scheme (ACS)

Operator company established for the purposes of a London Pensions Common Investment Vehicle (CIV).

- 1.a.9 To exercise functions of the participating London local authorities involving the exercise of sections 1 and 4 of the Localism Act 2011 where that relates to the actions of the participating London local authorities as shareholders of the ACS Operator company.

To act as a forum for the participating authorities to consider and provide guidance on the direction and performance of the CIV and, in particular, to receive and consider reports and information from the ACS Operator particularly performance information and to provide comment and guidance in response (in so far as required and permitted by Companies Act 2006 requirements and FCA regulations).

- 1.a.10 In addition, members of the Pensions CIV Joint Committee will meet at least once each year at an Annual General Meeting 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 Pensions CIV Authorised Contractual Scheme operator (as provided in the Companies Act 2006 and the Articles of Association of the ACS Operator company) and to communicate these decisions to the Board of the ACS Operator company. These include:

- 1.a.10.1 the appointment of directors to the ACS Operator board of directors;
- 1.a.10.2 the appointment and removal of auditors of the company;
- 1.a.10.3 agreeing the Articles of Association of the company and consenting to any amendments to these;
- 1.a.10.4 receiving the Accounts and Annual Report of the company;
- 1.a.10.5 exercising rights to require the directors of the ACS Operator company to call a general meeting of the company.

Guidance note on the dual role of the Pensions CIV Sectoral Committee

1. Overview

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”).

There are various differences between the Committee meetings and the Shareholder Meetings, both in terms of how they are convened and who can attend. These differences are summarised below. In practice, the best way to conduct business is for a meeting of shareholders to be convened at the rising of the Joint Committee so that shareholders business can be transacted including any necessary formalising of any business of the joint committee:

2. Committee Meetings

The conduct of London Councils committee meetings are governed by London Councils’ Standing Orders which are contained in Schedule 6 of the Leaders’ Committee Governing Agreement.

3. Shareholder Meetings

The Shareholder Meetings are private meetings of the shareholders of the ACS Operator and only shareholders or their appointed representative may attend.

The conduct of the shareholder meetings will also be governed by London Councils’ Standing Orders as far as these are compatible with company law, or by company law where the requirements are different e.g. notice periods are longer under company law and there are rules around proxies which must be followed.

Standards Advisory Committee Procedures

Standards Advisory Committee Procedures

1. Composition

1.1 The Standards Advisory Committee shall be comprised of 5 Members of the Council (not including the Mayor or more than 1 Cabinet Member) and each political group may appoint up to 3 substitutes, appointed by the Council in accordance with the requirements of political proportionality; and up to 7 persons who are not Members or officers of the Council or any other relevant authority (i.e. Co-opted members).

1.2 The Co-opted member(s) 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 shall be chaired by a Co-opted member.

1.3 The Committee shall establish Hearings and other Sub-Committees in accordance with its terms of reference and these procedures.

2. Appointment of Co-Opted Members

2.1 A person may not be appointed as a Co-opted member of the Standards Advisory Committee or one of its sub-committees unless the appointment is approved by Full Council. The term of appointment shall be for 4 years unless otherwise determined by Council or the Co-optee does not continue to fulfil any required conditions as may be determined by the Authority from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

3. Roles and Functions

3.1 The Standards Advisory Committee has the following roles:

(a) To recommend to the Monitoring Officer whether or not any complaint of a breach by the Mayor, a Councillor or a co-opted member of the Members Code of Conduct should be referred for investigation by the Monitoring Officer or an investigator appointed by the Monitoring Officer; and where a complaint has been subject to such investigation, to recommend whether or not the complaint should proceed to hearing. Where the Monitoring Officer considers that a complaint should not be subject to investigation or should not proceed to hearing, they shall convene an Investigation and Disciplinary Sub-Committee of the Standards Advisory Committee comprising at least 3 different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) which shall make the final decision on the matter;

(b) To receive regular quarterly reports from the Monitoring Officer on the numbers of complaints of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation outcomes where the investigation determines there was no evidence of a failure to comply with the code or where the investigation outcome recommends a local resolution;

(c) To convene a Hearings Sub-Committee of 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 1 Councillor to consider any matter where the investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate;

(d) To make such recommendations to Council in respect of the matter as the Hearings Sub-Committee considers appropriate as a result of any matter referred including;

(i) Reporting its findings to Council for information;

(ii) Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) removal from any or all Committees or Sub-Committees of the Council;

(iii) Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities;

(iv) Recommending the Monitoring Officer arrange training for the member;

(v) Recommending removal from outside appointments to which they have been appointed or nominated;

(vi) Recommending withdrawing facilities provided to the member by the Council, such as a computer, website and/or email and Internet access;

(vii) Recommending excluding the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Executive Committee and Sub-Committee meetings;

(viii) Recommending the Member to contact the Council via specified point(s) of contact;

(e) To convene a Hearings (Appeal) Sub-Committee of at least three different Members of the Standards Advisory Committee (comprising 2 of the co-opted members and 1 Councillor) to consider any appeal against a finding of, or sanction recommended by, the Hearings Sub-Committee;

(f) To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member;

(g) Promoting and maintaining high standards of conduct by the Mayor, Members of the Council, co-opted members including church and parent governor representatives and where the Committee considers that there may be issues of concern recommending that the Monitoring Officer considers and reports on the issues raised;

(h) Assisting the Mayor, Members of the Council, co-opted members including church and other faiths and parent governor representatives to observe the Council's Code of Conduct for Members;

(i) Advising the Council on the adoption or revision of the Code of Conduct for Members;

(j) Monitoring the operation of the Code of Conduct for Members;

(k) Advising, training or arranging to train the Mayor, Members of the Council and co-opted members including church and other faiths and parent governor representatives on matters relating to the Code of Conduct for Members;

(l) To act as an advisory body in respect of any matters referred to the Standards Committee by the Local Strategic Partnership (LSP) or Community Forums in respect of probity issues arising out of the codes and protocols applicable to relevant members of the LSP and Community Forums as set out in the Community Forum handbook and as may be amended from time to time;

(m) To advise on allegations of Member breaches of the Protocols set out in the constitution as may be referred to the Committee by the Monitoring Officer and to make recommendations with regard to such allegations as maybe so referred;

(n) Advising on local protocols for both Officer and Member governance;

(o) To monitor and review Member and Officer Procedures for registering interests and declaring gifts and hospitality;

(p) To receive periodic reports on the Council's Ethical Governance arrangements, on whistle blowing arrangements and complaints; and

(q) 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.

4. Validity of proceedings

4.1 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 co-opted member.

4.2 Part VA of the Local Government Act 1972 applies in relation to meetings of the Standards Advisory Committee or its Sub-Committees as it applies to meetings of the Council.

5. Hearings Sub-Committee and Hearings (Appeal) Sub-Committee

5.1 Any Hearings Sub-Committee or Hearings (Appeal) Sub-Committee shall comprise a minimum of three Members of the Standards Advisory Committee at least two of whom shall be co-opted members.

5.2 The Hearings Sub-Committee shall consider complaints referred to it that the Mayor, an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members or local protocol where the complaint has been subject to an investigation arranged by the Monitoring Officer and shall make recommendations accordingly. The Hearings Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the Hearing is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

5.3 The membership of the Hearings (Appeal) Sub-Committee shall not include any member who served on the Hearings Sub-Committee that considered the same complaint.

5.4 The Independent Person, or if that person is unable to act a reserve Independent Person, shall have the right to attend all meetings of the Hearings Sub-Committee or Hearings (Appeal) Sub-Committee as an observer but may not vote or participate in the decision making.

6. Attendance Requirements

6.1 In the event that any Member of the Committee does not attend three or more consecutive meetings of the Committee, the Committee may draw the attention of the Council to such non-attendance and may recommend that the member concerned be replaced on the Committee.

6.2 The Committee shall not do so without first giving the absent Member an opportunity to make representations (which may be made in writing) as to their non-attendance and any matters they wish the Committee to take into account.

7. Procedures

7.1 The Committee shall maintain these procedures to enable it to discharge the arrangements under its Terms of Reference.

8. Confidentiality

8.1 The Committee and any of its Sub-Committees may meet in private in accordance with the 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.

**Strategic Development Committee / Development Committee – Council
Guidelines for Determining Planning Applications under the Town and Country
Planning Act 1990**

- (i) The emphasis in determining applications is upon a plan led system. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires all planning applications to be determined in accordance with the Development Plan (comprised of the London Plan (produced by the Mayor of London), Local Plan and Neighbourhood Plans (should any be adopted)) and any other material considerations. If the Development Plan is material to the application then the statutory position is that the application **must** be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- (ii) The term “other material considerations” has a wide connotation as expressed by the following judicial comment:-
“.....I find it impossible, however, to accept the view that such considerations are limited to matters relating to amenity.....it seems to me that any consideration which relates to the use and development of land is capable of being a planning consideration”.
- (iii) Material considerations include national planning guidance in the form of Government Circulars, Planning Policy Guidance Notes, Non-Statutory Development Control Guidelines and case law. A ministerial statement may be a material consideration.
- (iv) Material considerations can include (but are not limited to):-
- (a) Local, strategic, national planning policies and policies in the Development Plan;
 - (b) Emerging new plans which have already been through at least one stage of public consultation;
 - (c) Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice;
 - (d) Previous appeal decisions and planning Inquiry reports;
 - (e) Principles of Case Law held through the Courts;
 - (f) Loss of sunlight (based on Building Research Establishment guidance);
 - (g) Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);
 - (h) Overlooking and loss of privacy;
 - (i) Highway issues: traffic generation, vehicular access, highway safety;
 - (j) Noise or disturbance resulting from use, including proposed hours of operation;
 - (k) Smells and fumes;
 - (l) Capacity of physical infrastructure, e.g. in the public drainage or water systems;
 - (m) Deficiencies in social facilities, e.g. spaces in schools;
 - (n) Storage & handling of hazardous materials and development of contaminated land;
 - (o) Loss or effect on trees;

- (p) Adverse impact on nature conservation interests & biodiversity opportunities;
 - (q) Effect on listed buildings and conservation areas;
 - (r) Incompatible or unacceptable uses;
 - (s) Local financial considerations offered as a contribution or grant;
 - (t) Layout and density of building design, visual appearance and finishing materials;
 - (u) Inadequate or inappropriate landscaping or means of enclosure; and
 - (v) Disabled persons access.
- (v) Matters which are not material considerations again can include (but are not limited to):-
- (a) Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.;
 - (b) Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.;
 - (c) Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts);
 - (d) Opposition to the principle of development when this has been settled by an outline planning permission or appeal;
 - (e) Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability – see (vi) below);
 - (f) Previously made objections/representations regarding another site or application;
 - (g) Factual misrepresentation of the proposal;
 - (h) Opposition to business competition;
 - (i) Loss of property value;
 - (j) Loss of view; and
 - (k) Personal remarks (e.g. the applicant's motives).
- (vi) The personal circumstances of an applicant for planning permission are not generally a material consideration because they do not relate to the character or use of the land. However, in exceptional circumstances they may outweigh other material planning considerations. Where this is the case, specific and valid reasons must be given to justify the exception.
- (vii) What constitutes a material consideration is a matter of law. The weight to be attached to the consideration is a matter of planning judgement for the decision-maker having regard to the planning evidence.
- (viii) It is essential to consider thoroughly any advice given by a statutory consultee or relevant Government Department, including views expressed by English Heritage or the Environment Agency.

- (ix) The view of local residents are relevant when determining a planning application, but it must be recognised that such opposition cannot be a reason in itself for refusing or granting planning permission unless founded on valid planning reasons, which are supported by substantial evidence.
- (x) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.
- (xi) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.
- (xii) Planning Conditions should only be imposed for a planning purpose and not for any ulterior one. They must fairly and reasonably relate to the development. Thus it is essential to avoid conditions which are unnecessary, unreasonable, unenforceable, imprecise or irrelevant.

Strategic Development Committee / Development Committee – Development Procedure Rules

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1. SCOPE

- 1.1** These rules apply to all meetings of the Development Committee, Strategic Development Committee and Council in relation to the determination of planning applications.
- 1.2** As the determination of planning applications is a quasi-judicial function these rules provide processes and procedures which fulfil legal requirements of impartiality and natural justice.

2. REPORTS

- 2.1** All applications are the subject of written reports with officer recommendations. Reports will be produced in a standard form approved by the Corporate Director, Place, and will identify and analyse major material considerations of which the Committee need to take account when exercising its planning judgment.
- 2.2** In addition to the written report, illustrative material is usually available at least thirty minutes before the meeting at the meeting to explain the scheme and the planning files will also be available for inspection.

3. ADDENDUM UPDATE REPORTS

- 3.1** It is common for material (such as late representations) to be received after the close of the agenda. This needs to be brought to the attention of the Committee so that it can be taken into account. Such material will be presented to Committee in written form at least 30 minutes before the beginning of the meeting in the Addendum Update Report which will comprise a summary of whatever has been raised, in the same way as representations are summarised in the main Committee report.
- 3.2** When such material is made available to members it will also be placed on the public planning file along with all the other papers for the application, subject only to any public exclusion restrictions.
- 3.3** The practicality of producing such a report means there has to be a cut-off point for receipt of late material which is no later than noon on the working day before the day of the meeting. Generally material received after this time will not be reported to the Committee though the Corporate Director, Place, has an absolute discretion in this regard.
- 3.4** Material must not be distributed to Committee members by members of the public (including public speakers) or other Members of the Council during the course of the meeting.

4. REPRESENTATIONS AND PETITIONS

- 4.1 All representations and petitions upon a particular application which are received prior to the cut-off point are summarised either in the main Committee report or in the addendum update report. Copies of these representations and petitions are available for inspection at the meeting.

5. ORDER OF PROCEEDINGS

- 5.1 Except as otherwise stated on the agenda, generally meetings take place at Tower Hamlets Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG commencing at 7.00 pm

- 5.2 At the discretion of the Chair the agenda may be re-ordered at the meeting.

- 5.3 The procedure for considering each application shall be as follows:

- (a) The item will be introduced by the Corporate Director, Place, or their representative
- (b) The Corporate Director, Place, or their representative, will present the report and introduce the main issues
- (c) An objector who has registered to speak in accordance with the procedure in Rule 6 will address the Committee
- (d) The applicant/agent or supporter (if registered to speak in accordance with the procedure in Rule 6) will address the Committee
- (e) Committee and non-committee Member(s) may address the Committee for up to three minutes
- (f) Through the Chair, Committee members may ask questions of clarification
- (g) The Committee will consider the item and reach a decision.

- 5.4 The Chair shall have discretion to vary the procedure for hearing an application, following consultation with officers, should that be necessary in specific circumstances.

In order to be able to vote upon an item, a Councillor must be present throughout the whole of the Committee's consideration including the officer introduction to the matter.

- 5.5 In the event that any contributor addresses the Committee through an interpreter, additional time may be allowed but the interpreter must not use the additional time to introduce new material.
- 5.6 The minutes of the meeting will record the members and officers present at the meeting and record any declarations of interest made by members or officers.

6. PUBLIC SPEAKING

- 6.1** Where a planning application is reported on the “Planning Applications for Decision” part of the agenda, individuals and organisations which have expressed views on the application will be sent a letter that notifies them that the application will be considered by Committee. The letter will explain the provisions regarding public speaking. The letter will be posted by 1st class post at least five clear working days prior to the meeting.
- 6.2** When a planning application is reported to Committee for determination the provision for the applicant/ supporters of the application and objectors to address the Committee on any planning issues raised by the application, will be in accordance with the public speaking procedure adopted by the relevant Committee from time to time.
- 6.3** All requests from members of the public to address a Committee in support of, or objection to, a particular application must be made to the Committee Clerk by 4.00pm one clear working day prior to the day of the meeting. It is recommended that email or telephone is used for this purpose. This communication must provide the name and contact details of the intended speaker and whether they wish to speak in support of or in objection to the application. Requests to address a Committee will not be accepted prior to the publication of the agenda.
- 6.4** Any Committee or non-Committee member who wishes to address the Committee on an item on the agenda shall also give notice of their intention to speak in support of or in objection to the application, to the Committee Clerk by no later than 4:00pm one clear working day prior to the day of the meeting.
- 6.5** For objectors, the allocation of slots will be on a first come, first served basis.
- 6.6** For supporters, the allocation of slots will be at the discretion of the applicant.
- 6.7** After 4pm one clear working day prior to the day of the meeting the Committee Clerk will advise the applicant of the number of objectors wishing to speak and the length of their speaking slot. This slot can be used for supporters or other persons that the applicant wishes to present the application to the Committee.
- 6.8** Where a planning application has been recommended for approval by officers and the applicant or their supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant or their supporter(s) will not be expected to address the Committee.
- 6.9** Where a planning application has been recommended for refusal by officers and the applicant or their supporter has requested to speak but there are no objectors or Members registered to speak, then the applicant and their supporter(s) can address the Committee for up to three minutes.

- 6.10** The order of public speaking shall be as stated in Rule 5.3.
- 6.11** Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.
- 6.12** Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless directed by the Chair of the Committee.
- 6.13** Following the completion of all the speakers' addresses to the Committee, at the discretion of and through the Chair, Committee members may ask questions of a speaker on points of clarification only.
- 6.14** In the interests of natural justice or in exceptional circumstances, at the discretion of the Chair, the procedures in Rule 5.3 and in this Rule may be varied. The reasons for any such variation shall be recorded in the minutes.
- 6.15** Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

7. COUNCILLORS EXERCISING THEIR PUBLIC SPEAKING RIGHTS

- 7.1** A Councillor who is a member of the determining Committee and who wishes to address the meeting but has a prejudicial interest is permitted to speak in accordance with Rule 6 above and must immediately leave the room once he/she has finished addressing the meeting. The Councillor cannot remain in the public gallery to observe proceedings on the matter.

8. COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

- 8.1** Councillors who are not members of the determining Committee may make written representations to the Council about a planning application in the same way as can any other interested person.
- 8.2** A Councillor who is not a member of the determining Committee but who attends a meeting must declare any personal or prejudicial interest. The declaration of a prejudicial interest will preclude the member from remaining in attendance during consideration of the relevant item but not during the stages set out at Rules 5.3(a) to 5.3(d) above. The Councillor may address the meeting as set out in Rule 5.3(d).
- 8.3** In the event that three or more Councillors register to speak on an application, the Chair may exercise their discretion to limit either the number of Councillors entitled to speak or the time each Councillor has to speak in order to enable the business of the meeting to be disposed of in the time available. Preference may be given to Ward Councillors who have registered to speak.

- 8.4** A Councillor who is not a member of the determining Committee who speaks at a meeting must include within the speech details of any contact with the applicant, agent, adviser or other interested party and whether or not the speech is made on behalf of such person(s) or any other particular interest.
- 8.5** A Councillor who is not a member of the determining Committee but who is present at a meeting should sit separately from the Committee members, so as to demonstrate clearly that he/she is not taking part in the discussion, consideration or vote.
- 8.6** A Councillor who is not a member of the determining Committee must not communicate in any way with members of the Committee or pass papers or documents to them before or during the meeting.

9. DECISIONS CONTRARY TO OFFICER RECOMMENDATIONS

- 9.1** Where a Committee proposes to make a decision contrary to the officer recommendation (whether for approval or refusal) and that decision would not necessarily be contrary to the provisions of the Development Plan, in order to ensure that members are clear of the basis upon which they are proposing to vote advice from officers should be sought. That advice will be based upon the material considerations that have been heard by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.
- 9.2** Where a vote on the officer recommendation is lost, it is necessary for a new motion to either grant or refuse the application to be proposed. The Committee should receive advice from officers as to the appropriate form that the new motion should take.

10. DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

- 10.1** The law requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless material considerations indicate otherwise. If a Committee intends to approve an application which is contrary to the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated. The application will have to be advertised in accordance with Article 8 of the Planning (General Development Procedure) Order 1985 and, depending upon the type and scale of development proposed, may also have to be referred to the Department for Communities and Local Government. If the officer report recommends approval of a departure, the justification should be included, in full, in that report.
- 10.2** If a Committee is minded to make a decision contrary to the officer recommendation (whether for approval or refusal) and that decision would be contrary to the provisions of the Development Plan, such motion may only contain the Committee's initial view and must be subject to a further report detailing the planning issues raised by such a decision. Further consideration

of the matter must be adjourned to a future meeting of the Committee when officers will present a supplemental report setting out the proposed new position and explaining the implications of the decision.

- 10.3** If, having considered a supplemental report, the Committee decides to determine the application contrary to the Development Plan, a detailed minute of the Committee's reasons, which as a matter of law must be clear and convincing, shall be made and a copy placed on the application file.

11. DEFERRALS

- 11.1** Where it is necessary to defer the determination of an application, the matter will be placed on the list of "Deferred, Adjourned and Outstanding Items" in the agenda to enable further consideration as soon as possible. Generally where the reason for deferral does not involve any substantive new information being brought before the Committee (for example, following deferral for a site meeting or clarification of an issue) the Committee will be updated by means of the addendum update report and can usually proceed to determine the application at the next meeting. In such circumstances at the re-convened consideration there will be no further public speaking pursuant to Rule 6.
- 11.2** Where deferral is for a more substantive reason (such as renegotiating part of the proposal) then it would generally be appropriate for a fresh report to be presented to the Committee in the "Planning Applications for Decision" part of the agenda in order to ensure that that the Committee is apprised of all material considerations. Where a new full report is presented to Committee, public speaking pursuant to Rule 6 is permitted.
- 11.3** Such applications will be placed on the list of deferred items at the beginning of the agenda so that the Committee has a record of all applications that stand deferred.
- 11.4** Where an application is deferred and its consideration recommences at a subsequent meeting only Members who were present at the previous meeting will be able to vote. If this renders the Committee inquorate then the item will have to be reconsidered afresh. This would include public speaking rights being triggered again.

12. SITE VISITS BEFORE A COMMITTEE MEETING

- 12.1** It is advisable that members are familiar with the sites of the applications on the agenda to enable them to make informed decisions on the planning applications before them and to avoid deferring those decisions pending site visits.
- 12.2** Where members visit the site themselves before the meeting, care must be taken to ensure that they comply with the Planning Code of Conduct at Part 5 of this Constitution. Such visits should be carried out discreetly and members

should not make themselves known to the applicant or to neighbours. Accordingly members should avoid going onto the actual application site or a neighbouring property. The reason for this is that contact between a member of the Committee and the applicant or a local resident could be misinterpreted as lobbying. If such contact is made this should be declared in Committee, but this should not in itself prevent that member from taking part in the consideration of that application, provided that the member has followed the advice in the Planning Code of Conduct.

13. FORMAL SITE VISITS BY THE COMMITTEE

13.1 A formal site visit will be arranged where the Committee have resolved on a majority vote to visit the site or if in the opinion of the Corporate Director, Place a site visit is recommended. Site visits should only be selected where there is a clear and substantial benefit to be gained.

13.2 The procedure for formal site visits by the Committee shall be as follows:

- (a) Arrangements for visits will not normally be publicised or made known to applicants, agents or third parties.
- (b) Where permission is needed to go on land, contact will be made with the owner by officers, but the owner cannot take any part in the visit, other than to effect access onto the site.
- (c) The purpose of a site visit is to enable Members to inspect the site and to better understand the impact of the development. The Committee must not receive representations or debate issues during a site visit.
- (d) An application cannot be determined at a formal site visit by a Committee and must be considered at the next appropriate meeting of the Committee.
- (e) The Committee Clerk will make a note of the meeting and include it in the Update Report.
- (f) Failure to attend a Formal Site Visit shall not bar a Member from voting on an item at the meeting that considers the item provided the Member is satisfied that he/she is sufficiently familiar with the site.

14. DELEGATED POWERS

14.1 The recommendations in the reports to Committees do not set out the full wording of planning conditions or reasons for refusal, but are a summary of them. This communicates the details of the recommended decision more clearly than many pages of detailed conditions or grounds. It is for the Corporate Director, Place, to communicate the detailed wording to applicants pursuant to delegated powers. Where a particular concern about the precise wording of a condition or ground has been expressed at a meeting the Corporate Director will make the final wording available for inspection.

14.2 At the beginning of the agenda there is a general resolution to give delegated powers to the Corporate Director, Place, to vary or add conditions or reasons for refusal. The reason for this is that there can sometimes be a delay before a decision is issued (such as waiting for the signing of a legal agreement or views from the Mayor of London) and something may arise which necessitates a minor amendment or an addition. Power is delegated to the Corporate Director to obviate the need for further reference to Committee and delay to the process. The exercise of the power by the Corporate Director must not exceed the substantive nature of the Committee's determination and any amendment or addition which would do so shall be referred back to the Committee.

15. REFERRAL TO COMMITTEE OF A PLANNING APPLICATION DELEGATED TO THE CORPORATE DIRECTOR, PLACE

15.1 Any planning application which would be determined under delegated powers may be referred to the Development Committee pursuant to the following procedure.

15.2 Within four weeks of the date of a planning application first being publicised any four Members of the relevant Committee may request that the application be referred to the Committee for determination by completing and signing a Planning Application Referral Request which shall be delivered to the Service Head, Development Decisions.

54 Panel and Board Procedure Rules

Adoption Panel Procedures

THE ADOPTION PANEL – PROCEDURES AND GUIDANCE

Legislation	(a) The Adoption and Children Act 2002 (b) The Adoption Agencies Regulations 2005 (AAR) (c) Adoption Agencies & Independent Review of Determinations (Amendment) Regulations 2011 (AIR) (d) Care Planning, Placement and Case Review Regulations 2010
Guidance	(e) Statutory Adoption Guidance 2011 (SG)
Standards	(f) Adoption National Minimum Standards 2011 (NMS)
Applies to	The Panel Chairperson and Panel Members to guide their practice and decision-making; Social Workers presenting assessments, reviews and recommendations to the panel; Managers within the Adoption Service; and the agency decision-maker

Panel Status

This panel should be considered as an adoption panel under Regulation **4 of the AIR** Paragraph 1 of the Adoption and Children Act 2002. It is a requirement for all adoption agencies to have an adoption panel.

The Adoption Panel is regulated by the Adoption and Children Act 2002.

Values

The service operates within the following value framework:

- (a) Children are entitled to grow up as part of a loving family, which can meet their needs during childhood, and beyond.
- (b) Where possible it is best for children to be brought up by their own family.
- (c) The child's welfare, safety and needs will be at the centre of the adoption process.
- (d) The child's wishes and feelings will be actively sought and fully taken into account at all stages.
- (e) Delays in adoption can have a severe impact on the health and development of children and will be avoided wherever possible.
- (f) Children's ethnic origin, cultural background, religion and language will be fully recognised and positively valued and promoted when decisions are made.
- (g) The particular needs of disabled children will be fully recognised and taken

into account when decisions are made.

- (h) The role of adoptive parents in offering a permanent family to a child who cannot live with their birth family will be valued and respected.
- (i) Adoption has lifelong implications for all involved and requires lifelong commitment from many different organisations, professions and individuals who have to work together to meet the needs for services of those affected by adoption.
- (j) The adoption agency make quality and appropriate recommendations, and the adoption agency decision maker ensures that appropriate and child-focused decisions are made that positively promote and safeguard the welfare of children up to the age of majority and beyond.

Panel 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:

- (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.

- (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.
- (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.
- (d) Exploring the support offered to adopters and post- and pre-placement children and making recommendations accordingly

Time Scales

Tower Hamlets is committed to minimising delay in all aspects of its adoption service. We are committed to meeting the following time scales:

All necessary information is provided to panel members at least five working days in advance of panel meeting to enable full and proper consideration.

Minutes must be produced promptly, agreed by the panel members and sent to the agency decision maker (ADM) to allow the decision to be made within seven working days of the receipt of the panel's recommendation and final set of panel minutes.

The Prospective Adopters:

- (a) Within two working days written information sent in response to their enquiry. (NMS allows five working days)
- (b) Within two months, a home-visit is undertaken / a follow up interview with a social worker takes place and/or an invitation to an information meeting is offered.
- (c) Within six weeks from the completion of their assessment report, the adoption panel should receive all necessary information from the agency.
- (d) Within eight months of the receipt of their formal application the panel should make a considered recommendation on the suitability of a prospective adopter to adopt. A determination about their suitability to adopt should be made by the agency, following the adoption panel's considerations and recommendation.

Matching and Placement:

The following time-scales should be adhered to, taking into account the individual child's needs:

- (a) Within *six months* of the Agency Decision Maker deciding that the child should be placed for adoption, a match with suitable adoptive parents should be identified and recommended by the panel.
- (b) Within *three months* of the agency deciding that the child should be placed for adoption, where a parent has requested that a child aged less than six months be placed for adoption, a match with suitable adoptive parents should be identified and approved by the panel

Where Tower Hamlets fails to meet these time scales the panel can explore the reasons with the presenting social workers and record the reasons in the written minutes of the panel.

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

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

Members of the central list must have the appropriate qualifications and/or experience to consider the cases submitted to the adoption panel.

Guidance suggests that the agency decides how many panel members should be present at each panel meeting.

There is no tenure requirement, however within Tower Hamlets membership of the central list will be re-considered after three years (in addition to annual appraisal). The central list will contain a diverse group of people and who reflect the community.

Tower Hamlets has a core group of ten panel members, in addition there is also the Legal Adviser, Panel Adviser, and Panel Administrator.

Chair

This person must have the “Skills and experience” necessary to chair. The most significant qualities being –

- (a) A sound understanding of the adoption process.
- (b) The authority and competence to chair a panel.
- (c) The ability to analyse and explain complex information.
- (d) The ability to identify key issues, problems and solutions.
- (e) Excellent interpersonal, oral and written communication skills.

Social Work Members

Who have at least three years relevant post qualifying experience. This should be in child care work and direct experience of adoption work.

Elected Members

Whilst there is no requirement to have someone in this role, the London Borough of Tower Hamlets has two elected members on its central list. Wherever possible this person should be a member of the Corporate Parenting Group

Medical Adviser

- (a) This is a requirement for the agency to include on its central list, the medical adviser to the adoption agency
- (b) The medical adviser also contributes to the paper work considered by the panel.
- (c) A summary on the child’s health which forms part of the child’s permanency report. This is sent with the CPR to the Agency Decision Maker as a Medical Report.
- (d) A summary on the prospective adopters’ health which forms part of their report for panel
- (e) The medical adviser should also be consulted when the agency prepares the adoption placement report about a match for panel

Independent Panel Members

Suitable members could include specialist in education, child and adolescent mental health, race and culture, and those with personal experience of adoption

Vice Chair

The agency should appoint one or two people from the central list to be vice chairs. There is no requirement for the vice chairs to be independent of the agency

Agency Adviser to the Panel

The agency must appoint a senior member of staff to act as agency adviser. Their role is to:-

- (a) Maintain the central list and constitution of adoption panel.
- (b) Be responsible for training and induction for new members to the central list
- (c) Act as liaison between the agency and the adoption panel, monitor performance of members and the administration of panel.
- (d) To provide advice and guidance on cases presented to panel

The Agency Adviser must be a social worker with at least five years relevant post qualifying experience. The adviser is not a panel member and cannot take part in the decision making process.

Legal Adviser

Whilst it is not a requirement for the agency's legal adviser to be a panel member, this is the case within Tower Hamlets. The role of the legal adviser is -

- (a) To provide legal advice in the form of a Legal Report to the Agency Decision Maker in relation to the case, when the ADM is considering adoption as the plan for a child.
- (b) When considering the suitability of adopters or a match the panel may obtain legal advice as necessary in relation to the case.

The Panel Administrator

The role of the Panel Administrator is to:

- (a) Produce an annual schedule of meetings
- (b) Maintenance of a panel booking system
- (c) Preparation of agendas
- (d) Collate CPR's Medical and Legal Reports for the ADM.
- (e) Collate, copy and send all papers to the panel within the set time scales.
- (f) Liaise with the panel adviser in relation to the practical arrangements for the panel.
- (g) To ensure quorum for Panel
- (h) Take minutes of the discussion within the panel on each topic or case presented.
- (i) Clearly record any decisions as dictated by the Panel Chair.
- (j) To type up and circulate minutes within agreed time scales.
- (k) To record any amendments of panel minutes as directed by the Panel Chair.

The Panel Administrator will be situated and line managed within the adoption service.

Appointment of Members

New members can only be appointed with consent from Divisional Director Children's Social Care.

Prior to appointment they should be interviewed and receive detailed briefing and written guidance from the panel adviser.

Performance

If Tower Hamlets considers that any member of the adoption panel is unsuitable or unable to remain in office we will terminate their period of office in writing. This can only be done with agreement from Divisional Director Children's Social Care.

The panel's professional adviser is responsible for maintaining records and checks of all panel members. Prior to appointment, each prospective member should be inducted and formally interviewed to ensure they understand their role, task and responsibilities. If required the panel adviser should advertise for appropriate members.

Guidance requires each panel member's performance to be reviewed annually, by way of an appraisal. This will be conducted by the Agency Adviser to the panel and the Panel Chair

The Chair's performance will be conducted by the ADM, who may attend some panels as an observer, to enable them to do the review.

Evaluation forms are provided to social workers and other attending panel in order to ensure quality assurance.

Appointment and Checks for Panel Members

All prospective panel members must have a completed Disclosure and Barring Service (DBS) check. They should provide photographic identification in the form of a passport or drivers licence.

They should also provide two written references of people who have known them for more than five years.

Induction for those joining the central list should be completed within ten weeks of joining the list, not within ten weeks of attending their first panel meeting.

All those on the central list need to be given the opportunity to attend a training day with agency's adoption staff annually. The expectation of attending this should be included in their written undertaking.

In addition to the annual training all those on the central list need access to appropriate training.

Reaching a Recommendation

The Adoption Panel cannot sit unless they are quorate. To be quorate the following must meet as a panel:-

- (a) The Chair or Vice Chair.
- (b) The panel must also have a social worker, (with three years post-qualification experience),
- (c) Three other members. If the chair is not present and the Vice Chair who is chairing the meeting is not independent of the agency, at least one of these members must be an independent person.

During meetings the Chair should ensure that each panel member has an opportunity to raise any appropriate matter, comment and to participate fully. Following discussion each member should be asked in turn whether or not he/she supports a proposed recommendation. An attempt should be made by the chairperson to facilitate the panel reaching a consensus. This will not always be possible.

It is the Panel Chair's role to ensure that panel members take a consistent approach. Often, an evenly divided panel will suggest that there is sufficient doubt to prevent the panel making a confident recommendation. In a matching recommendation the balance of the panel's recommendation should always favour the best interest of the child. If the panel cannot reach a consensus the panel chair has a casting vote.

Where there is a serious difference of opinion amongst members, the chairperson may ask for more information to be made available to the panel before a recommendation is made. The panel chair should ensure a record of significant reservations expressed by individual panel members is made within the minutes.

In the event of the majority of the panel not supporting a recommendation then the recommendation should not be made and the reasons clearly recorded.

The Agency Decision-Maker (*For further reference see SG3 67-69*)

No panel member may take part in the agency decision.

In Tower Hamlets the agency decision-maker is the Divisional Director Children's Social Care. In the absence of the Divisional Director Children's Social Care the Service Manager, Child Protection & Reviewing will act as their deputy.

The Divisional Director Children's Social Care (the Agency Decision Maker) should receive the panel papers prior to the panel considering them. In the case of CPR's these should be provided by the panel clerk with the Medical and Legal reports, plus other documentation as agreed by the Panel Adviser within the same timetable for other panel papers. The agency's decision maker must make the decision within seven working days of receipt of the panel's recommendation and final set of panel minutes. (The same time frame exists for decisions relating

to CPR's.) These must have been produced promptly and a hard copy be given to the ADM by the panel clerk. Prior to making a decision the agency decision-maker may meet/ seek clarification on any of the panel processes or recommendations from either the Panel Chair or Adviser.

The agency decision must be communicated to the birth family member and prospective adopters orally within two working days of the agency decision and in writing within five working days. The oral notification should be given to the birth family by the child's social worker and by a PAST social worker in the case of prospective adopters.

If the agency decision-maker considers that a person is not suitable to act as an adopter they shall:

- (a) Write to them giving notice that they propose not to approve him/her, together with full and detailed reasons for the determination.
- (b) Invite him/her to make any written representations within forty working days of the decision.

In the event of receiving no written representations then the decision will be confirmed.

In the event of written representations being made, the ADM may invite the prospective adopter to meet to discuss their case.

The ADM may instead refer the case to the next possible Adoption Panel for consideration with the original panel papers. The prospective adopter must be invited to this panel. The panel should then make a further recommendation to the agency decision-maker. The agency decision-maker will then write to the adopter either a) giving approval or b) giving written reasons for the decision not to approve.

In the event of a decision not to approve then the person it concerns should be further advised of the Complaints procedure and given information about the Independent Review Mechanism

The panel cannot make any in principle recommendations.

Panel Minutes

These must be taken by the Panel Clerk and meet the following stipulations:

- (a) Be a full and accurate summary of any discussion within the panel.
- (b) Be agreed and signed off by the Panel Chair as accurate.
- (c) Clearly record any differences of opinion in relation to a panel recommendation.
- (d) Record recommendations and advice accurately as dictated by the Panel Chair.

Training should be available to the panel clerk to assist them in taking accurate minutes. In their absence another suitable experienced administrator will be required to cover.

Expenses

Those independent members who are not employed by a partner organisation should receive an expense payment of £100 plus travel per panel. This is paid by the London Borough of Tower Hamlets payroll.

Frequency and Venue

The Adoption Panel will meet twelve times a year usually for a period of not more than four hours. It will be held at a suitable venue with an appropriate waiting area for Social Workers and applicants.

Emergency Panels

An emergency Permanency Panel can be set up at any time providing it is quorate and is chaired by either the Panel Chair or the Vice Chair.

Feedback on Quality

Any member of the panel has two ways in which they can give feedback on the quality of assessments and work.

- (a) Informally: Before, during or after panel the professional advisor who will take back the panel members' feedback and use it to inform management practice.
- (b) Formally: This can be put in writing to the Service Manager Children's Resources via the panel chair or to the Divisional Director Children's Social Care.

Social Workers and Adopters Attending Panel

The Social Worker that has completed the assessment and/or their line manager must attend Panel. Adopters have the opportunity to attend Panel when their assessment is considered. The purpose of this is to:

- (a) Demystify the Panel process and membership.
- (b) Provide an opportunity for carers to make representations and ask questions.
- (c) Questions should come only from the Panel Chair and should be designed only to seek clarification in areas not clear. They should not replace the written assessment as a way of gathering information.
- (d) Their strengths should be highlighted where possible.

Adopters may also attend Panel if they are being recommended for a match with a particular child or children. Carers who wish to be matched to a child but have been turned down by Tower Hamlets may not attend

The Social Worker who has completed the assessment should answer questions that relate to the assessment. They should consequently come prepared to verbally support their assessment. A leaflet explaining the process to the carers attending the panel is available from PAST.

Training

Training for Panel members should come in three forms:

- (1) A briefing/training session prior to starting as a panel representative.
- (2) Attendance at an annual training day. When appropriate additional training days should be provided to panel members.
- (3) Regular facilitated sessions/presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective.

The content of training should be defined by the panel itself and facilitated by the Panel Adviser.

Appeals

If the Applicants are not satisfied by the recommendation or are not in agreement, in addition to the information in the letter from the agency (SG3.65) they should be given a full explanation by their social worker and given information on what action they can take

- (a) Follow the Tower Hamlets Complaints Procedure.
- (b) Make representations to the agency in writing within forty working days of the receipt of the letter outlining the qualifying determination.
- (c) Make an application to the Independent Review Mechanism (see link in letter from ADM and IRM leaflet). The applicant's link worker may provide this leaflet.

Referral to the Adoption Register

The primary objective of PAST is to provide a service to the children who need permanent families within the borough. In accordance with the adoption standards we aim to reduce the delay in matching children with the adoptive families approved by the team.

After a family has been approved at the panel the assessing social worker will actively search for a suitable match. The assessing social worker must advise the adopters about the National Adoption Register and refer the adopters to the register if no match is found within three months of the adopters' approval

The referral form must be completed and sent to the National Adoption Register.

The adopters can now make a referral to the register and must be advised to do so.

Referral to the Consortium

The principal of no delay for children can only be achieved when resources are shared. This is the aim of the North East London Adoption Group. The PAST administration should send out a list of all adopters who have been approved to the consortium members on a monthly basis. It is the responsibility of the supporting social worker to ensure that the family's details are given to the administration team to be made a part of the circulation as soon as they have been approved.

The Fostering Panel Procedures

Legislation: Children Act 1989 and Arrangements for Placement of children (General) Regulations 1991

National Minimum Fostering Standards and Fostering Services Regulations 2002, amended in 2009

Applies to: Fostering Panel members, social workers and managers

Applies from: April 2011

As a registered fostering agency, Tower Hamlets is required to run a fostering panel.

1. This Guidance and Procedure should be used by:

- The panel chair person, panel members and panel advisers to guide their practice and decision-making
- Social workers presenting reports to panel
- Managers within the fostering service
- The agency decision-maker

2. Relevant Fostering Standards and Regulations

Of particular relevance to this guidance are:

- Standard 14: Fostering Panels and the fostering service's decision-maker
- Regulation 23: Constitution and membership of fostering panel
- Regulation 24: Meetings of a fostering Panel
- Regulation 26: Assessment of prospective foster parents
- Regulation 27: Approval of foster parents
- Regulation 28: Reviews and terminations of approvals

3. 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:

Member 1: Panel Chair

This will be a person who is independent of the direct line management of Tower Hamlets' fostering service. The chair should hold a recognised social work qualification and be experienced in chairing complex meetings involving the rights

and needs of looked after children. The Chair will sign a contract for each term of office and receive a fee on receipt of an invoice. See attached document.

Many of the following tasks and responsibilities are carried out in conjunction with the panel adviser.

- Attending pre-panel meetings in order to ensure the quality and relevance of reports submitted to panel
- Deciding who will attend panel, including observers and others involved in presenting cases
- Ensuring that all panel members participate fully and where possible a consensus is reached. Where there are serious reservations, the chair should ensure these are recorded in the minutes and attached to the panel's recommendations.
- Considering the continued membership of panel members who appear to be unfit, unwilling or unable to continue
- Managing the process when a panel member declares an interest in a case
- Being involved in deciding when an extra panel may need to be convened to consider an urgent matter
- Being involved in the appointment, induction and appraisal of panel members
- Taking responsibility to ensure that the panel is clear about the reasons for its recommendations and that these and the minutes are accurately recorded
- Monitoring the attendance of panel members to ensure that they all maintain an attendance level of at least 75%
- Being involved in the preparation of an annual report summarising the work of the panel and fostering team
- Attending a quarterly meeting with the agency decision-maker to discuss any issues arising from panel and the cases presented to it. One of these meetings will constitute the annual appraisal which will review the chair's strengths and areas of development and any suggested improvements in the department's practice
- Ensuring that the panel works within Tower Hamlets' guidance and policy and that the child's needs always remain paramount

Member 2: Vice Chair

This will normally be the Service Manager for Children's Resources. In the event that there is no-one in this post then another Service Manager with suitable experience should take this role until such a time as the post is filled. The role of the vice chair is to deputise for the panel chair in their absence.

Members 3 & 4: Team Managers or Practice Managers

Of the two social work representatives, one should have expertise in the provision of children's social care and the other in the provision of a fostering service.

Member 5: Elected Member

This is a person elected to Tower Hamlets council.

Member 6: Medical Adviser

The medical adviser should have experience in child health. The agency medical adviser may delegate the panel role to an appropriate person, for instance a CLA nurse.

Member 7: Foster Carer

This is an independent member, who should have experience of being a foster carer for another provider within the last two years.

Member 8: Looked After Child or Parent of Looked After Child

This member is independent and should have previously been a looked after child or have had a child who was placed in public care. He/she must be over 24 or their child should have left public care a minimum of 5 years prior to appointment to the panel. The service should have been provided by a borough other than Tower Hamlets.

Independent members will receive a fee.

Member 9: Disabled Person or Parent of Disabled Child Who Has Received a Short Break Service

If this post is filled by a disabled person, he/she can be independent or a Tower Hamlets" employee; however, if they are in receipt of a short break service, this should be provided by another borough.

Member 10:

This should be a person with expertise in education and can be an independent member or employee of Tower Hamlets.

At least four panel members should be independent. Independent members will receive a fee on receipt of an invoice. See attached document.

Advisers

Adviser 1: Professional Adviser

This should be the team manager of one of the fostering teams or a discrete role within the Family Placement Service. The adviser's role includes:

- Advising the panel on issues of practice and regulation

- With the chair ensuring that reports presented to the panel are of a consistent standard
- Supporting the chair with their role as described above
- Producing the annual report
- Providing management information to enable the panel to monitor the range of carers available in comparison with the children looked after population and trends in recruitment and retention
- Providing updates on cases presented to panel
- Ensuring that the panel clerk carries out their role efficiently
- Arranging panel training
- Drafting decision letters to foster carers and applicants
- Keeping personnel records for all panel members
- With the chair raising issues of behaviour or attitude with panel members as they arise.

The panel adviser is not a voting member.

Adviser 2: Legal Adviser

The purpose of this role is to provide legal advice to the panel as requested. This adviser is not required to attend every panel, but should receive the papers and forward comments to the panel adviser.

Adviser 3: Medical Adviser

The panel should have access to medical advice, either by the medical adviser being a panel member or by providing written advice on the health of applicants and foster carers. The medical adviser will also be able to offer information about the health of children being matched with long term foster carers.

4. Appointment of Members

When appointing new members, consideration should be given to maintaining the diversity of the panel in terms of ethnicity, gender and knowledge and experience.

New members are appointed by the Head of Children's Social Care. All members should receive a letter of appointment. All members should supply two references and photographic ID, such as a passport or driving licence. They are also required to have a Criminal Records Bureau check on a three yearly basis. In the case of elected members, they can opt for the Head of Children's Social Care to carry out this procedure.

Independent members should complete an application form and be interviewed by the chair or vice-chair and the panel adviser.

All members should receive detailed guidance and an information pack about the role. They should be invited to observe a panel before becoming a full member.

Panel Membership Agreement

On appointment, panel members should sign an agreement which will include the following in their agreement:

- Attend at least 75% of panels per year
- Participate in induction and training
- Safeguard the confidentiality of written and verbal information
- Declare an interest if they have either a personal or professional knowledge of the case under consideration
- Adhere to anti-discriminatory practice and Tower Hamlets Equal Opportunities policy
- Read papers carefully and be prepared to contribute to panel discussion
- Undertake CRB checks on a three yearly basis and inform Tower Hamlets immediately if they have been charged, convicted or cautioned for any criminal offence or if any criminal proceedings are pending
- Give one month's notice of their intention to resign
- Participate in the annual appraisal process for panel members

Appraisal of panel members

Fostering panel members should have a yearly appraisal conducted by the chair and the panel adviser. The ADM (Agency Decision Maker) will carry out the chair's appraisal. The process will consider strengths, developmental areas and review the members' suggestions for improvements by the agency. It should also address, where appropriate, renewing membership at the expiry of the term of office and deal with any issues of practice.

Any concerns about performance, behaviour or attitude should be discussed and recorded in the appraisal.

Tenure of Office

There is no prescribed maximum or minimum tenure, although the fostering service should plan and manage turnover in such a way that it avoids the need to replace a large proportion of the members in any one year. Members should give one month's notice of their intention to resign.

Where there is concern that any member of the fostering panel is unsuitable to remain in office, this should be discussed with them, usually by the chair and panel adviser. If there are concerns about the performance of the chair, these should be discussed with them by the ADM and panel adviser. If the concerns continue, the member can be given notice in writing by the ADM.

5. Work of the Fostering Panel

The Fostering Panel meets monthly for up to 6 hours. There is an option for an overspill panel to be held on the second Tuesday of each month if there is too much work to be dealt with in one panel.

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.

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, whether this is proven or unsubstantiated
 - If a significant change of approval or termination of approval is requested
 - On any other occasion if requested by the panel or the fostering service
- To consider matches between long term foster carers and looked after children
- 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
- To hear appeals from applicants whom the fostering team has turned down
- 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

- 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)
- To consider management information about the outcome of foster home reviews (Standard 30)
- To oversee the conduct of assessments and monitor the quality of reports (Standard 13)
- To give advice and make recommendations on any other matter or case that the fostering service feels is appropriate to refer to the panel

Quoracy

The fostering panel cannot make recommendations unless it is quorate. To be quorate, there must be at least 5 members present, including either the chair or vice-chair. At least one Tower Hamlets social worker and at least two independent members must be present.

To ensure that the panel is quorate the panel clerk will check availability of members prior to each panel and inform the panel adviser if any difficulty is anticipated.

Panel Process

Before any case is discussed, panel members should declare any conflict of interest that may arise and a decision should be made by the chair in consultation with the panel adviser as to whether the panel member should withdraw.

Having read the papers, panel members will attend the meeting with comments and questions they would like to raise. There will be a preliminary discussion on each case, whereby the chair will ascertain the views of panel members and any questions or points of clarification required. Questions should seek clarification in areas which are not clear and should not replace the written reports as a way of gathering information.

The chair will go to the waiting room to introduce themselves and welcome the applicant or foster carer to the Panel. The social workers and their line managers will be asked into the room first, if it is felt that there are questions which would be better posed without foster carers or applicants being present. Afterwards applicants or foster carers will be invited into the room and will be asked questions about any further points of clarification. It is important to highlight strengths wherever possible.

The professionals and foster carers or applicants will be asked to leave while the panel considers its recommendation, after which the chair will inform them of the outcome.

Making a Recommendation

The panel can make a positive or negative recommendation or recommend a deferment.

During meetings the chair should ensure that each panel member has an opportunity to put forward comments and questions. Following discussion each panel member should be asked whether he/she supports a proposed recommendation. The chair should attempt to facilitate the panel to reach a consensus, although this might not always be possible.

An evenly divided panel may suggest that there is sufficient doubt to prevent the panel making a confident recommendation. At such times, the balance of the panel's recommendation should always favour the best interests of children.

Where there is a difference of opinion, the chair may request additional information before a recommendation is made. The panel clerk should record the views of individual panel members.

In the event of the majority of panel members not supporting a recommendation, it should be rejected and the reasons for this clearly recorded.

Termination of Approval

Resignation: The case should be referred to the panel for information with a brief Specific Issue report and a copy of the letter of resignation.

Termination: A full report should be presented to panel detailing the issues and mitigating factors with a clear recommendation. Foster carers should be asked to provide their own written comments and to attend panel.

Where termination of approval is recommended due to serious misconduct or child abuse, the panel should consider whether the foster carer's name should be referred to the Secretary of State for inclusion in the Protection of Children List. This should form part of the recommendation to the ADM.

Exemptions and Variations

Exemptions: The usual fostering limit is three children unless they are part of the same sibling group. Only the local authority in which the carers live can grant an exemption. However, Tower Hamlets Fostering Panel should also be informed at its next meeting and should raise its concerns if it feels that the exemption should not continue.

Variations: If it is decided to place children outside the foster carers' current approval criteria, the panel should be informed at its next meeting. If the arrangement lasts for more than 6 weeks, a full report should be presented to panel.

When considering variations the panel should be mindful that:

- The needs of other children in the placement will continue to be met
- The accommodation is suitable for an additional child
- The foster carer has sufficient support
- The foster carer has the necessary skills to meet the needs of the child

6. The Role of the Agency Decision Maker

In Tower Hamlets, the ADM is the Head of Children's Social Care. No panel member may take part in the agency decision.

The ADM should receive the panel papers prior to the panel. Following the panel, the ADM should receive the minutes and recommendation sheets, signed by the chair within 5 days. Prior to making a decision, the ADM may seek clarification from the panel adviser or the chair.

Following the ADM's decision, the panel adviser will draft letters to foster carers and applicants with regard to the outcome, the reasons for the decision and the details and current status of their approval. These should be signed by the ADM.

If the ADM considers that a person is not suitable to act as a foster carer or that there needs to be a change to the approval, the letter should inform the applicant/foster carer of the decision and the reasons and inform him/her of their right either:

1. To make written representations to the ADM within 28 days of the date of the letter, setting out why he/she does not agree with the decision.

Or

2. To apply to the Independent Review Mechanism (IRM) for a review of the decision.

Option 1

If written representations are received, the case should be referred back to the earliest possible fostering panel. The applicant/foster carer should be encouraged to attend to present their case. The panel should make a further recommendation to the ADM, taking into account the content of the representations. Once the ADM has made their decision, the panel adviser will draft a letter with the decision and the reasons to inform the foster carer/applicant of the outcome. This decision is final. A copy of the letter should be sent to the local authority in which the carer lives, if this is outside Tower Hamlets.

Option 2

If the person requests a review by the IRM, their recommendation will be considered by the ADM, who can either uphold or reject it. A letter will be sent to the foster carer or applicant outlining the reasons for the decision.

In the event of a decision not to approve, the person concerned should be informed about the Complaints Procedure, which will be able to consider whether the process was fairly carried out, although the decision itself cannot be changed.

If the ADM does not receive any representations and the IRM is not requested to carry out a review, the ADM decision will stand.

7. The Role of the Panel Clerk

The role includes the following tasks:

- Produce an annual schedule of panel meetings, pre-panel meetings and submission dates
- Pre-book the venue and waiting room for the pre-panel and panel for the year ahead
- Maintain a panel booking system, including a process for urgent cases
- Contact panel members to ensure that the panel will be quorate
- Attend the pre-panel meeting and prepare, print and send out the agenda to panel members
- Notify social workers, supervising social workers, applicants and foster carers of the time at which their cases will be heard
- Order lunch for panel members and refreshments for attendees
- Ensure panel members sign the confidentiality statement, which also acts as a register of attendance
- Take minutes of discussion at panel and record recommendations as dictated by the chair
- Record any amendments to panel minutes and bring the amended copy of minutes from last but one panel for the chair to sign
- Collect papers from panel members and dispose of these in a way that maintains confidentiality
- Submit draft minutes to panel adviser and make corrections as required
- Ensure that agency decision-maker receives minutes and recommendation sheets in order that he/she can ratify or reject the panel's recommendations
- Print and send out letters, written by panel adviser, to applicants and foster carers about the decisions
- Provide supervising social workers with copies of decision sheet, minute and letter with regard to the case with which they are concerned
- Send out questionnaires to social workers and foster carers who have attended panel to elicit their views about the process and any improvements that could be made
- Maintain the archive of panel papers and separate files of decision sheets and letters

- Send out agendas to panel members ten days in advance of the panel using security bags and a recorded delivery service

Administrative workers in the Recruitment and Assessment Team, Fostering Development and Kinship Care Team should be familiar with the panel process and able to cover for the panel clerk in their absence.

Panel Minutes

These will be taken by the panel clerk and should:

- Record the key issues and views of panel members
- Clearly record differences of opinion in relation to a panel recommendation
- Record recommendations with regard to approval criteria and the reasons
- Be written up in draft form within 3 days of the panel
- Be checked by the panel adviser prior to inclusion in the next panel agenda
- Be agreed as an accurate record at the next panel meeting and a corrected copy signed by the panel chair

8. Emergency Panels

An emergency fostering panel can be set up at any time providing it is quorate and is chaired by either the chair or vice-chair.

9. Pre-panel Meeting

The pre-panel meeting will be held approximately two weeks prior to each panel. Its role is to consider the reports submitted and to flag up omissions and inaccuracies, thus ensuring more efficient use of panel time.

- Two copies of panel papers should be submitted approximately three weeks before the panel date according to the schedule, maintained by the panel clerk
- The panel clerk will send one copy of the papers to the chair and give one copy to the panel adviser
- The pre-panel should be attended by the chair, panel adviser, manager or practice manager of the Fostering Development Team and manager or practice manager from the Permanent Placements Team (if relevant) and the panel clerk
- A decision will be reached with regard to which reviews can be signed off by the chair and which should be presented to panel
- Additional information or corrections to reports will be requested
- An agenda for the forthcoming panel will be drawn up

10. Observers

One observer may attend panel with the agreement of the chair, provided they have a professional reason for attending and sign and adhere to the confidentiality agreement.

11. Training

Training for panel members should come in three forms:

- A briefing prior to starting as a panel member
- Attendance at an annual training day. When considered appropriate additional training days should be provided to panel members
- Regular presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective. Panel members can also attend training from the Foster Carers' Training Manual.

The content of the training should be defined by the panel itself and facilitated by the fostering service.

Corporate Parenting Board Procedures

Membership of the Corporate Parenting Board:

The Corporate Parenting Board is chaired by the Lead Cabinet Member for Children, Schools and Young People. Other members of the Board are represented by lead professionals from agencies within the London Borough of Tower Hamlets and their partners.

- Lead Cabinet Member for Children, Schools and Young People (Chair)
- Three additional co-opted Members
- Corporate Director, Governance
- Young people representatives (from the Children in Care Council – Young People’s Group)
- Foster Carer representative
- CAMHS in Social Care Team Lead

In addition the following Officers are in attendance to report to the group:

- Divisional Director, Children’s Social Care
- Service Manager, Children’s Specialist Services
- Virtual School Head, Learning and Achievement
- Barts Health, Children Looked After representative
- Child and Adolescent Mental Health Services (CAMHS)

Other Officers and partners may be called in to specific meetings. However, the Corporate Parent Board will do more to engage partner agencies to support the wellbeing of all Looked After Children. This will include partners from education, mental health, Jobcentre Plus (inc DWP), housing and the youth offending service.

The quorum for the meeting will be: at least 3 members of the group, to include at least 1 Member/deputy Member and at least 1 young person representative.

The Corporate Parenting Board will maintain close links with children and young people through the Children in Care Council (CiCC). The Young People’s representative on the Corporate Parenting Board will be nominated by the CiCC and will be accompanied by the Children’s Rights Advocacy Service.

Terms of Reference

The CPB will meet formally 4 times a year. The group will:

- a) Conduct the meeting to maximise the participation of young people, for example, with workshop-based discussion.
- b) Ensure that policy and service developments take into account the views of children, young people and their carers.

- c) Ensure a focus is maintained on the delivery of the Children Looked After Strategy.
- d) Produce a joint annual report with the Children in Care Council.
- e) Ensure the needs of children and young people looked after are prioritised within the Children's and Families Plan.
- f) Receive performance reports and information about the provision of services and progress against the Children Looked After Strategy action plan. The action plan provides a framework that will put our approach to Child Rights into practice within public services. The UNCRC is embedded within our action plan, with a focus on;
 - **Dignity**; each child is valued and respected
 - **Participation**; children are informed and have influence over decisions that affect them
 - **Life, Survival and Development**; children thrive and flourish
 - **Non-Discrimination**; each child is treated fairly and protected from discrimination
 - **Transparency and Accountability**; children can be confident that services work for them
 - **Best interests**; children get the best possible outcome
 - **Interdependence and Indivisibility**; each child enjoys all of their rights
- g) Structure the forward plan around the key priorities identified in the Children Looked After Strategy. Partners will be invited to contribute to the themed areas of discussion, which will include;
 - Housing and Accommodation
 - Employment (jobs and money)
 - Employment
 - Health, Leisure and Wellbeing
- h) Ensure that the council is meeting its corporate parenting responsibilities towards the children and young people it is responsible for
- i) Ensure that the council is meeting government objectives and abiding by statutory guidance in relation to looked after children and care leavers
- j) Ensure that the council is meeting the targets it has set itself in relation to children looked after and care leavers
- k) Have an overview of operational work plans related to children looked after and care leavers
- l) Contribute to and facilitate scrutiny of target areas in relation to children looked after and care leavers.

Pensions Board Procedures

Introduction

1. This document sets out the terms of reference of the Local Pension Board of the London Borough of Tower Hamlets (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.
4. Except where approval has been granted under regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

Interpretation

5. The following terms have the meanings as outlined below:

'the Act' The Public Service Pensions Act 2013.

'the Code' means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes.

'the Committee' means the committee who has delegated decision making powers for the Fund in accordance with Section 101 of the Local Government Act 1972 (i.e. the Pensions Committee at LBTH).

'the Fund' means the Fund managed and administered by the Administering Authority.

'the Guidance' means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board.

'the Regulations' means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government

Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (as amended from time to time).

'Relevant legislation' means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation.

'the Scheme' means the Local Government Pension Scheme in England and Wales.

Statement of purpose

6. The purpose of the Board is to assist¹ 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.

Duties of the Board

7. The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members².

Establishment

The Board was established on 01 April 2014; approved Council on 26 November 2014; and by the Pensions Committee on 24 February 2015.

8. As stated above, the Pensions Board is not explicitly bound by the rules governing Committees established under Section 101 of the Local Government Act 1972, however, for consistency and best practice, the Pensions Board will, where practicable and subject to specific rules set out in these Terms of Reference, operate in the same way as the Council's other Committees as set out in the Constitution. This includes:

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

² See paragraphs 7.9 to 7.11 of the Guidance for more information on a Code of Conduct for Boards

- Rules 6 - 10, 17.3, 17.6 and 18 to 25 of the Council Procedure Rules (Part 4 – Rules of Procedures) relating to :
 - Notice and summons to meetings
 - Chair of meeting (except in relation to casting votes)
 - Quorum
 - Duration of meetings
 - Cancellation of meetings
 - Voting (certain rules)
 - Minutes
 - Petitions
 - Record of Attendance
 - Exclusion of the Public
 - Members’ Conduct
 - Disturbance by Public
 - Suspension of Amendment of Council Procedure Rules
- Access to Information Procedure Rules (Part 4.2 of the Constitution)
- Code of Conduct for Members (Part 5.1 of the Constitution) – with specific reference to registering and disclosing interests.
- Members’ Allowance Scheme (Part 6 of the Constitution) – with particular reference to allowances and expenses payable.

Membership

9. The Board shall consist of 6 voting members, as follows:
 - 3 Member Representatives; and
 - 3 Employer Representatives.
10. There shall be an equal number of Member and Employer Representatives.
11. There shall also be 1 other representative who is not entitled to vote.

Member representatives

12. Member representatives shall either be scheme members³ or have capacity to represent scheme members of the Fund.
13. Member representatives should be able to demonstrate their capacity⁴ to attend and complete the necessary preparation for meetings and participate in training as required.
14. Substitutes may be appointed. Where appointed, substitutes must be named and must undertake the same training as full members.
15. A total of 3 member representatives shall be appointed⁵ from the following sources:
 - (a) 1 member representative shall be appointed by the recognised trade unions representing employees who are scheme members of the Fund.
 - (b) 1 member representative shall be appointed by the Admitted Bodies Forum where that body is independent of the Administering Authority and open to and representative of all scheme members of the Fund.
 - (c) 1 member representative shall be appointed following a transparent recruitment process which should be open to all pensioners and be approved by the Administering Authority.

Employer representatives

16. Employer representatives shall be office holders or senior employees of employers of the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.
17. Employer representatives should be able to demonstrate their capacity⁶ to attend and complete the necessary preparation for meetings and participate in training as required.
18. Substitutes shall be appointed. Where appointed substitutes should be named and must undertake the same training as full members.

³ Active, deferred or pensioner members

⁴ See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

⁵ See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing member representatives

⁶ See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means.

19. A total of 3 employer representatives shall be appointed⁷ to the Board from the following sources:

- (a) One elected member employer representative shall be appointed by Council to and representative of all employers in the Fund.
- (b) One employer representative shall be appointed following a transparent recruitment process which should be open to all employers in the Fund and be approved by the Administering Authority.
- (c) One employer representative shall be appointed by the Administering Authority where all employers will have been asked to submit their interest in undertaking the role of employer representative on the Board.

Other members⁸

20. 1 other member shall be appointed to the Board by the agreement of both the Administering Authority and the Board to act as an Independent Chair.

21. Other members do not have voting rights on the Board.

Appointment of chair

22. Subject to the meeting arrangements in paragraphs 35 to 37 below a chair shall be appointed for the Board as set out below:

- (a) An independent chair to be appointed by the Administering Authority but shall count as an 'other' member under paragraphs 20-21 above. In this respect the term independent means having no pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund or not being a member of the Fund.

Duties of chair

23. The chair of the Board:

- (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference,
- (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered, and

⁷ See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing employer representatives

⁸ When considering whether to have other members on the Board regard should be given to the advice provided in paragraphs 5.21 to 5.24 of the Guidance

- (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.

Notification of appointments

24. When appointments to the Board have been made the Administering Authority shall publish the name of Board members, the process followed in the appointment together with the way in which the appointments support the effective delivery of the purpose of the Board.

Terms of Office⁹

25. The term of office for Board members is 4 years.

26. Extensions to terms of office may be made by the Administering Authority with the agreement of the Board.

27. A Board member may be appointed for further terms of office using the methods set out in paragraphs 15 and 19.

28. Board membership may be terminated prior to the end of the term of office due to:

- (a) A member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund¹⁰.
- (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied.
- (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied.
- (d) A Board member no longer being able to demonstrate to the London Borough of Tower Hamlets their capacity to attend and prepare for meetings or to participate in required training.
- (e) The representative being withdrawn by the nominating body and a replacement identified.
- (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy.
- (g) A Board member who is an elected member becomes a member of the Pensions Committee.

⁹ See paragraphs 5.29 and 5.30 of the Guidance which outlines points to consider when setting out the term of office for Board members. In particular consideration should be given to allowing members to retire on a rolling basis to ensure experience is retained

¹⁰ This includes active, deferred and pensioner members.

- (h) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

Conflicts of interest¹¹

29. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.
30. A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being a member of the Scheme.
31. On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

Knowledge and understanding (including Training)¹²

32. Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined in paragraph 6 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.
33. Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
34. Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

Meetings

35. The Board shall as a minimum meet 4 times¹³ each year.

¹¹ See section 7 of the Guidance for more information on Conflicts of Interest.

¹² See section 6 of the Guidance for more information on Knowledge and Understanding.

¹³ See 5.35.11 in Guidance for more advice on the number of meetings to hold each year.

36. Meetings shall normally take place between the hours of 9am and 9pm at the Town Hall.

37. The chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

Quorum

38. A meeting is only quorate when at least one person of each member and employer representatives are present including an independent chair or 50% of both member and employer representatives are present.

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

Board administration

40. The Chair shall agree with an officer from Democratic Services (the 'Board Secretary') an agenda prior to each Board meeting.

41. The agenda and supporting papers will be issued at least seven (7) working days (where practicable) in advance of the meeting except in the case of matters of urgency.

42. Draft minutes of each meeting including all actions and agreements will be recorded and published within twenty-one (21) working days of the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes. Where necessary any information considered exempt as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or considered confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998 shall be included in a Part II minute that is not made available to the public.

43. The Board Secretary, in consultation with the Investment & Treasury Manager shall support Board members in maintaining their knowledge and understanding as determined in the Board's Knowledge and Understanding, Policy and Framework, and other guidance or legislation.

44. The Board Secretary shall arrange such advice as is required by the Board subject to such conditions as are listed in these Terms of Reference for the use of the budget set for the Board.

45. The Board Secretary shall ensure an attendance record is maintained along with advising the Administering Authority on allowances and expenses to be paid under these terms.
46. The Board Secretary shall liaise with the Administering Authority on the requirements of the Board, including advanced notice for officers to attend and arranging dates and times of Board meetings.

Public access to Board meetings and information

47. The Board meetings will be open to the general public (unless there is an exemption under relevant legislation which would preclude part (or all) of the meeting from being open to the general public).
48. The following will be entitled to attend Board meetings in an observer capacity:
 - (a) Members of the Pensions Committee,
 - (b) Any person requested to attend by the Board.

Any attendees will be permitted to speak at the discretion of the Chair.

49. In accordance with the Act the Administering Authority shall publish information about the Board to include:
 - (a) The names of Board members and their contact details.
 - (b) The representation of employers and members on the Board.
 - (c) The role of the Board.
 - (d) These Terms of Reference.
50. The Administering Authority shall also publish other information about the Board including:
 - (a) Agendas and minutes
 - (b) Training and attendance logs
 - (c) An annual report on the work of the Board to be included in the Fund's own annual report.
51. All or some of this information may be published using the following means or other means as considered appropriate from time to time:
 - (a) On the Fund's website.
 - (b) As part of the Fund's Annual Report.

(c) As part of the Governance Compliance Statement.

52. Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Expenses and allowances¹⁴

53. The Administering Authority [SHALL] meet the expenses of Board members in line with the Administering Authority's policy on expenses as set out in the Members Allowances Scheme

Budget

54. The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board will be met from the Fund and determined by:

a) *The Board will seek approval from the Corporate Director, Resources for any expenditure it wishes to make.*

Core functions¹⁵

55. The first core function of the Board is to assist¹⁶ the Administering Authority in securing 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. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Review regular compliance monitoring reports which shall include reports to and decisions made under the Regulations by the Committee.
- b) Review management, administrative and governance processes and procedures in order to ensure they remain compliant with the Regulations, relevant legislation and in particular the Code.
- c) Review the compliance of scheme employers with their duties under the Regulations and relevant legislation.

¹⁴ Provision for the payment of expenses and allowances is a decision to be made locally by each Administering Authority. Full consideration should be given to information in Guidance - see section 9 and paragraphs 5.18 and 5.35.17 for more information. Administering authorities should aim to ensure that no Board member is either better or worse off as a result of fulfilling their duties as a member of the Board

¹⁵ In determining the role of the Board, further information can be found in paragraphs 3.27 to 3.29 of the Guidance.

¹⁶ Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means.

- d) Assist with the development of and continually review such documentation as is required by the Regulations including Governance Compliance Statement, Funding Strategy Statement and Statement of Investment Principles.
- e) Assist with the development of and continually review scheme member and employer communications as required by the Regulations and relevant legislation.
- f) Monitor complaints and performance on the administration and governance of the scheme.
- g) Assist with the application of the Internal Dispute Resolution Process.
- h) Review the complete and proper exercise of Pensions Ombudsman cases.
- i) Review the implementation of revised policies and procedures following changes to the Scheme.
- j) Review the arrangements for the training of Board members and those elected members and officers with delegated responsibilities for the management and administration of the Scheme.
- k) Review the complete and proper exercise of employer and administering authority discretions.
- l) Review the outcome of internal and external audit reports.
- m) Review draft accounts and Fund annual report.
- n) Review the compliance of particular cases, projects or process on request of the Committee.
- o) Any other area within the statement of purpose (i.e. assisting the Administering Authority) the Board deems appropriate.

56. The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within this extent of this core function the Board may determine the areas it wishes to consider including but not restricted to:

- a) Assist with the development of improved customer services.
- b) Monitor performance of administration, governance and investments against key performance targets and indicators.
- c) Review the effectiveness of processes for the appointment of advisors and suppliers to the Administering Authority.
- d) Monitor investment costs including custodian and transaction costs.
- e) Monitor internal and external audit reports.
- f) Review the risk register as it relates to the scheme manager function of the authority.
- g) Assist with the development of improved management, administration and governance structures and policies.
- h) Review the outcome of actuarial reporting and valuations.

- i) Assist in the development and monitoring of process improvements on request of Committee.
- j) Assist in the development of asset voting and engagement processes and compliance with the UK Stewardship Code.
- k) Any other area within the statement of purpose (i.e. ensuring effective and efficient governance of the scheme) the Board deems appropriate.

57. In support of its core functions the Board may make a request for information to the Committee with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.

58. In support of its core functions the Board may make recommendations to the Committee which should be considered and a response made to the Board on the outcome within a reasonable period of time.

Reporting¹⁷

59. The Board should in the first instance report its requests, recommendations or concerns to the Committee. In support of this any member of the Board may attend a Committee meeting as an observer.

60. Requests and recommendations should be reported under the provisions of paragraphs 59 and 60 above.

61. The Board should report any concerns over a decision made by the Committee to the Committee subject to the agreement of at least 50% of voting Board members provided that all voting members are present. If not all voting members are present then the agreement should be of all voting members who are present, where the meeting remains quorate.

62. On receipt of a report under paragraph 63 above the Committee should, within a reasonable period, consider and respond to the Board.

63. Where the Board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.

64. Where the Board is satisfied that there has been a breach of regulation which has been reported to the Committee under paragraph 63 and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.

¹⁷ See section 8 of the Guidance for more information on Reporting.

65. The appropriate internal route for escalation is to the Monitoring Officer and/or Acting Corporate Director, Resources, the Section 151 Officer.
66. The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.
67. Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's Whistleblowing Policy.

Review of terms of reference

68. These Terms of Reference shall be reviewed on each material change to those parts of the Regulations covering local pension boards and at least every three years.
69. These Terms of Reference were adopted on 01 April 2015.

The Private Fostering Panel Procedure

1. This guidance and procedure should be used by:
 - (a) The panel chairperson and panel members to guide their practice and decision-making;
 - (b) Social workers presenting private fostering assessments and recommendations to panel;
 - (c) Managers within the private fostering service;
 - (d) The agency decision maker.

2. Panel status
 - (a) 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;
 - (b) 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;
 - (c) To give advice and make recommendations on any other matter or case that Tower Hamlets Private Fostering Service feels appropriate to recommend to it.

In addition, the panel should provide a quality assurance function, as set out in the National Minimum Standards for Private Fostering:

The private fostering panel will provide a quality assurance function in relation to the assessment process – in particular:

- (a) To monitor and review the work of the assessor;
 - (b) To provide feedback;
 - (c) To identify problems and concerns;
 - (d) 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),
-
3. Membership

The panel can have up to ten members and will include:

3.1 Member 1 – The panel chair

This will usually be a person employed by the London Borough of Tower Hamlets who is independent of the direct line management of Tower Hamlets' Private Fostering Service. This person should be someone with suitable skills and experience in order to chair a private fostering panel and make judgements concerning children and carers. They should also have a recognised social work qualification.

In Tower Hamlets, the panel chair will be the Service Manager for Child Protection & Reviewing Service. The chair will have particular responsibilities for:

- (a) Deciding who will attend the panel, in addition to the panel members;
- (b) Ensuring that all panel members participate fully and, where possible, a consensus is reached on decision making;
- (c) Considering the status of panel members who appear to be unfit, unwilling or unable to continue;
- (d) Deciding on panel member's Involvement when a panel member declares an interest in a case;
- (e) Deciding when a matter is urgent and when an additional panel meeting needs to be convened;
- (f) Ensuring that the panel is clear about the reasons for its recommendations and that these are accurately recorded;
- (g) Monitoring the attendance of panel members and ensuring that all panel members maintain an attendance level of at least 75% at all panel meetings;
- (h) Ensuring an annual report summarising the work of the panel is written and presented to the LSCB and CSMT;
- (i) Drawing to the attention of the Private Fostering Team Manager and where appropriate The Head of Children's Social Care any issue of concern in relation the private fostering service;
- (j) Ensuring that the panel works within all relevant Tower Hamlets' policies and procedures.

3.2 Member 2 – The vice chair

This will be the Service Manager, Family Support and Protection and Private Fostering. The vice chair is to deputise for the panel chair in their absence.

3.3 Member 3 – A medical representative

This will be a Safeguarding Professional from the Primary Care Trust.

3.4 Member 4 - An education representative.

This will be a direct representative from education or someone who is involved in promoting the educational needs of children/young people.

3.5 Member 5 – An independent member

This will be an independent member who is registered with the GSCC and has the necessary skills and experience in private fostering to fulfil this role.

3.6 Member 6 – An Agency Member

This will be a person who has extensive experience of private fostering within an appropriately determined community.

4. Advisers

4.1 Adviser 1 – Legal adviser

The purpose of this post is to provide legal and regulatory advice to the panel and Tower Hamlets' Private Fostering Service. In reaching a decision, the legal adviser's view should be noted.

4.2 The Panel Administrator

The role of the panel administrator:

- (a) Collate, copy and send all papers to the panel members within the set timescales;
- (b) Liaise with the panel chair in relation to the practical arrangements for convening the panel and the time tabling of the panel agenda;
- (c) Take minutes of the discussion within the panel on each topic or case presented;
- (d) Clearly record any decisions as dictated by the panel chair;
- (e) To word process and circulate any minutes within agreed timescales;
- (f) To record any amendments of panel minutes as directed by the panel chair.

5. Appointment of members

New members can only be appointed with the agreement of the chair of the private fostering panel and could include professionals with expertise and experience in safeguarding children being cared for by alternative carers, housing law and policy, law enforcement, cultural, diversity and equality issues.

Prior to appointment, they should be inducted and receive a detailed briefing and written guidance from the panel chair or vice chair.

6. Tenure of office

Panel membership will be reviewed on an ongoing basis to reflect governmental policies, initiatives and the needs of the community. A private fostering panel member shall hold office for a term not exceeding three years, and will be reviewed by the panel chair after two consecutive terms to ensure their continued suitability to fulfil their panel membership role.

7. Checks for panel members

All panel members must have a completed Enhanced Criminal Records Bureau check and, where they are not employed by a partnership agency, they should also provide photographic identification in the form of a passport or driver's licence.

8. Reaching a recommendation

The private fostering panel cannot sit unless it is quorate. To be quorate, there must be at least three voting members including a panel member not employed by the Children's Directorate and also including either the chair or vice chair.

During meetings, the panel chair should ensure that each panel member has an opportunity to raise any appropriate matter, comment and to participate fully. Following discussion, each panel member should be asked in turn whether or not he/she is satisfied as to agreeing the suitability of the private fostering arrangement. An attempt should be made by the chairperson to facilitate the panel reaching a consensus. This will not always be possible.

An evenly divided panel will suggest that there is sufficient doubt about the suitability of a private fostering arrangement and at such times the panel's decision will always favour the best interests of the child.

Where there is a serious difference of opinion amongst members, the chairperson may ask for more information to be made available to the panel before a decision can be made. The chairperson should ensure that a record is made in the panel minutes of any significant reservations expressed by individual panel members about a particular decision.

In the event of the majority of the panel not supporting a decision then the decision should not be made and the reasons for this clearly recorded.

9. The Agency Decision Maker

The panel chairperson will act as Agency Decision Maker and has the ultimate decision as to whether a private fostering arrangement is agreed as suitable or not. To facilitate this, the Agency Decision Maker may meet or seek clarification on any issue or process from any panel member or adviser.

The Agency Decision Maker will write to the private foster carer concerned within ten working days of the panel sitting detailing their decision.

If the Agency Decision Maker considers that a person is not suitable at that time to act as a private foster carer, he/she shall:

Write to them to let them know the reasons for this decision and detailing any actions(Requirements) they need to take before the arrangement can be agreed;

Invite them to make any written representations within twenty-eight (28) days of the decision.

In the event of written representations being made, then these should be referred to the next possible private fostering panel for consideration with the original panel papers. The panel will then make a further decision. The agency decision maker will then write to the private foster carer either a) giving agreement to the arrangement or b) giving reasons for the decision not to agree.

In the event of a decision not to agree, then the person concerned should be further advised of the complaints procedure and their right to appeal to the Family Proceedings Court.

10. Panel minutes

These must be taken by the panel administrator and meet the following stipulations:

- (a) Be a concise and accurate summary of any discussion within the panel;
- (b) Be agreed and signed off by the panel chair as accurate;
- (c) Clearly record any differences of opinion in relation to a panel recommendation;
- (d) Record recommendations accurately as dictated by the panel chair.

The panel clerk will be based in the Private Fostering Service.

Training should be available to the panel clerk to assist them in taking accurate minutes (if appropriate).

11. Expenses

Those independent members who are not employed by a partner organisation should receive an expenses payment.

12. Frequency and venue

The private fostering panel will meet monthly.

13. Emergency panels

An emergency private fostering panel can be set up at any time providing it is quorate and is chaired by either the panel chairperson or the vice chair. Where this is not possible, the Agency Decision Maker can make an emergency decision on any matter within the remit of the Private Fostering panel.

14. Training

Training for panel members should come in two forms:

1. A briefing/ training session prior to starting as a panel representative.
2. Regular facilitated sessions/presentations or discussions at panel on subjects designed to ensure that the panel maintains the level of knowledge required to be effective as the legislation and guidance changes.

15. Confidentiality

A confidentiality agreement is signed by all panel members.

Safeguarding Adults Board Procedures

1. Introduction

1.1 The Care Act 2014 states that the Local Authority must take the leading role in establishing a Safeguarding Adults Board (SAB). Each local authority must set up a Safeguarding Adults Board (SAB). The main objective of a SAB is to assure itself that local arrangements are in place to safeguard any adult who:

- (a) has needs for care and support (whether or not the local authority is meeting any of those needs); and
- (b) is experiencing, or at risk of, abuse or neglect; and
- (c) as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

2. Purpose

2.1 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.

2.2 The SAB will be a source of advice and assistance in matters relating to adult safeguarding. It will therefore have effective links with other key partnerships in the locality and share relevant information and work plans.

3. Duties

3.1 The SAB has three core duties under the Care Act 2014:

- (a) 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.
- (b) 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.
- (c) It must conduct any Safeguarding Adults Review in accordance with Section 44 of the Act.

4. Membership and Administration
- 4.1 To comply with The Care Act 2014, there must be representation from the following:
 - (a) The Local Authority
 - (b) The Local Clinical Commissioning Group (CCG)
 - (c) The Police
- 4.2 The Board will comprise of:

An Independent Chair

Representatives from London Borough of Tower Hamlets

A Councillor

Corporate Director, Health, Adults and Community

Service Manager for Policy, Programmes and Community Insight

Safeguarding Adults Board Manager

Divisional Director, Disability & Health

Adult Safeguarding Team

Commissioning

Joint Team Manager, CLDT

Community Safety

Children's Social Care

NHS

Bart's Health NHS Trust

East London NHS Foundation Trust

Tower Hamlets CCG

Metropolitan Police

Community Safety Unit

Probation Service

London Fire Service

London Ambulance Service

Care Providers / Service Users

Excelcare Holdings

Toynbee Hall

Mencap

Age UK

Tower Hamlets Council for Voluntary Services

PohWER
Toynbee Hall
Real
Healthwatch Tower Hamlets

Housing

Tower Hamlets Homes
Providence Row Housing Association
Tower Hamlets Housing Forum

Quality Assurance

Care Quality Commission

Other possibilities representatives (as suggested by the Care Act Statutory Guidance Notes)

Department for Work and Pensions;
General Practitioners;
Representatives of further education colleges;
Members of user, advocacy and carer groups;
Representatives of children's safeguarding boards; and
Trading Standards.

- 4.3 Representatives from other agencies / organisations may be invited to attend meetings for specific agenda items or may be co-opted for pre-determined periods.
- 4.4 The SAB shall be chaired by an independent Chairperson, recruited externally and appointed after interview by senior representatives from the Tower Hamlets Partnership (THP).
- 4.5 The quorum shall be based not on numbers but on an adequate balance of representation. To be quorate a meeting must be compliant with the Care Act and must therefore include members from the following "core" membership – the Chair, The Police, Local Authority Social Care Representatives, Local Clinical Commissioning Group representatives. In addition, it is locally agreed that to be quorate The Safeguarding Adults Board/LD Strategy Manager and The Adult Safeguarding/ MCA Manager must also be in attendance.
- 4.6 The SAB shall be programmed to meet bi-monthly and as required (e.g. in case of urgent Serious Case Reviews).

5. Authority

5.1 The SAB is accountable to the THP through Corporate Director, Health, Adults and Community.

6. Responsibilities

6.1 In accordance with the Care Act 2014, the SAB should:

- (a) identify the role, responsibility, authority and accountability with regard to the action each agency and professional group should take to ensure the protection of adults;
- (b) establish ways of analysing and interrogating data on safeguarding notifications that increase the SAB's understanding of prevalence of abuse and neglect locally that builds up a picture over time;
- (c) establish how it will hold partners to account and gain assurance of the effectiveness of its arrangements;
- (d) determine its arrangements for peer review and self-audit;
- (e) establish mechanisms for developing policies and strategies for protecting adults which should be formulated, not only in collaboration and consultation with all relevant agencies but also take account of the views of adults who have needs for care and support, their families, advocates and carer representatives;
- (f) develop preventative strategies that aim to reduce instances of abuse and neglect in its area;
- (g) identify types of circumstances giving grounds for concern and when they should be considered as a referral to the local authority as an enquiry;
- (h) formulate guidance about the arrangements for managing adult safeguarding, and dealing with complaints, grievances and professional and administrative malpractice in relation to safeguarding adults;
- (i) develop strategies to deal with the impact of issues of race, ethnicity, religion, gender and gender orientation, sexual orientation, age, disadvantage and disability on abuse and neglect;
- (j) balance the requirements of confidentiality with the consideration that, to protect adults, it may be necessary to share information on a 'need-to-know basis';
- (k) identify mechanisms for monitoring and reviewing the implementation and impact of policy and training;
- (l) carry out safeguarding adult reviews;
- (m) produce a Strategic Plan and an Annual Report;
- (n) evidence how SAB members have challenged one another and held other boards to account; and
- (o) promote multi-agency training and consider any specialist training that may be required; and
- (p) Consider any scope to jointly commission some training with other partnerships, such as the Community Safety Partnership.

School Admissions Forum Procedures

1. Purpose

- 1.1 The Local Authority School Admission Forum is community led advisory group representative of key stakeholders in the school admission process, including parents, schools, diocesan authorities, the Council of Mosques and local community representatives.
- 1.2 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:
 - (a) Considering existing and proposed admissions arrangements;
 - (b) Promoting local agreement on admission issues;
 - (c) Considering improvements to admissions processes;
 - (d) Reviewing admissions guidance for parents;
 - (e) Promoting agreement on arrangements for dealing with in-year admissions including arrangements for vulnerable and looked after children;
 - (f) Publishing advice representing the agreed views of the Forum, this is distributed to the governors of all schools which are their own admission authorities;
 - (g) 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.
- 1.3 The forum does not have a remit with individual admissions cases.

2. Obligations and Responsibilities

- 2.1 The Forum shall:
 - (a) promulgate its advice and recommendations to all admission authorities, maintained schools and Academies within the area of the LA, and
 - (b) make available such advice and recommendations to any other persons with an interest.
- 2.2 The LA and Admission Authorities within the area of the LA shall have regard in carrying out their functions, to any relevant advice given to them by the Forum.

3. **Core Membership**

- 3.1 The Forum comprises a core membership of twenty representatives, nominated by the following groups and appointed by the LA:
- (a) Four parent representatives, (two from the Tower Hamlets Parent Council, one from the Collective of Bangladeshi Governors and one parent governor)
 - (b) One Local Authority (LA) Education Appeal Panel Member
 - (c) One community representative from the Parents' Advice Centre (Inclusion/ SEN)
 - (d) One community representative from the Early Years/ Childcare Partnership
 - (e) One representative from a local voluntary/ community organisation
 - (f) One representative from the Council of Mosques
 - (g) One representative from the Church of England Diocese
 - (h) One representative from the Roman Catholic Diocese
 - (i) One headteacher representing community primary schools
 - (j) One headteacher representing community secondary schools
 - (k) One headteacher representing voluntary aided primary schools
 - (l) One headteacher representing voluntary aided secondary schools
 - (m) One headteacher representing nursery schools
 - (n) One headteacher/representative from primary free school/academy sector
 - (o) One headteacher/ representative from secondary free school/ academy sector
 - (p) The Headteacher of Tower Hamlets PRU
 - (q) One Local Authority Officer

4. **Alternate Members**

- 4.1 If a member is unable to attend they should nominate an alternate member who should be fully briefed before attending the meeting of the forum in their absence with the following provisos:
- (a) LA members may only nominate an alternate member who is a member of the LA.
 - (b) A Parent member may only nominate an alternate member who is also a Parent with a child(ren) between the ages of two to sixteen years.
 - (c) A school member may only nominate an alternate member who is a headteacher or from the same sector and phase as the school of which the Member in question is a headteacher.
 - (d) Diocesan and Council of Mosque members may only nominate an alternate member with the consent of the appropriate Diocese/Council.
- 4.2 Written notice of the attendance of an alternate member must be provided to the LA's nominated officer at least two days prior to any meeting.

5. **Term of Office**

- 5.1 The term of office for members of the Admission Forum shall be four years subject to them remaining eligible. A member may resign at any time and is required to leave if he or she ceases to be eligible in the capacity in which he or she has been appointed.
- 5.2 There is no limit to the number of terms of office to which a member may be nominated or re-nominated if still eligible. Where a member is replaced, the new member serves for the remainder of the term of office.
- 5.3 Diocesan and Council of Mosque representatives must stand down if the body that nominated them decides they should do so and notifies the Clerk to the Forum.
- 5.4 Schools Members and the LA nominated local community member must stand down if, following a recommendation from the Core Members, the LA decides that the member should no longer be a member of the Forum.
- 5.5 Core Members will become ineligible for membership in the following circumstances:
- (a) Community members – if they cease to be a member of the organisation they represent;
 - (b) LA Education Appeal Panel Members - if they cease to be an Education Appeal Panel Member.
 - (c) School Members – if they cease to be a Headteacher of a school in the schools group;
 - (d) Parent member – if he/she ceases to be a qualifying parent.
- 5.6 Any member may resign at any time by giving written notice to the Clerk to the Forum.
- 5.7 It will be a condition of appointment for all members that a member will cease to be a member of the Forum if they do not attend three consecutive meetings unless they have sought their apologies and those apologies have been accepted by the majority of the Forum members present at the meeting.

6. **Conduct**

- 6.1 In carrying out their functions, members of the Admission Forum are expected to act in accordance with the seven principles of public life set out in the first report of the Committee on Standards in Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership www.public-standards.gov.uk.

6.2 Members of the Admission Forum are required to declare an interest in any individual proposal or matter which directly affects the school at which they are a governor, member of staff or which their children attend, or in which they might have a direct pecuniary interest.

7. **Clerk of the Forum**

7.1 The Admission Forum will be clerked by a representative of the Local Authority's Pupil Admissions Team.

8. **Election of Chair and Vice Chair**

8.1 Core members must elect a Chairman and Vice-Chairman at the first annual meeting of the Admissions Forum by a majority of votes cast by core members. Where possible, the chair and vice chair should not be drawn from the same membership group unless this is unavoidable. The term of office for the Chair and Vice Chair is one year. However, in keeping with the principle of representation and influence from the widest possible category of members, it is anticipated that the chair and vice-chair will be drawn from a different representative group each year.

8.2 When electing a Chairman and Vice-Chairman, those members nominated for office will be asked to withdraw and a secret ballot taken where appropriate. In the event of there being the same number of votes for two or more candidates a second ballot will be taken. If the voting remains the same a coin will be tossed.

8.3 A chair or vice chair will cease to hold office if they resign by giving notice to the Clerk of the Admission Forum, or if they cease to be a member of the Forum. Where a casual vacancy arises there will be a vote at the next meeting of the Forum.

8.4 The Officer representing the Local Authority on the forum is not permitted to stand for election as chair/vice chair, or vote in the elections.

9. **Role of the Chair**

9.1 The Chair or, in their absence, the Vice-Chair, will have the following role:-

- (a) to preside over meetings of the Admission Forum so that its business can be carried out efficiently and with regard to the rights of members and the interests of parents, schools, admission authorities and the community;
- (b) to ensure that meetings provide an opportunity for the debate of matters of concern to parents, schools, admission authorities and the community;

- (c) overseeing preparations of the record of the meeting, liaising with the LA Officers and the Clerk on the agenda for forthcoming meetings.

10. **Quorum**

- 10.1 The quorum for the Admissions Forum is seven core members.

11. **Meetings and Proceedings**

- 11.1 The Forum normally meets between four and five times a year during term-time. Members decide the time and location of meetings, but meetings take place during the day. Meetings of the Forum are held in private.
- 11.2 The Clerk will ensure that meetings of the Forum are convened by giving a minimum of five working days' notice in advance of the meetings, with a full agenda. Forum members will need to avail themselves of the time to read the agenda and accompanying papers and can expect each meeting to last for up to two hours.
- 11.3 Forum members are required to declare any pecuniary or other interest they might have that is greater than the interests of other members of the Forum in any matter on the agenda for discussion.

12. **Publication and Circulation of Meeting Minutes**

- 12.1 The minutes of Forum meetings will be published on the Tower Hamlets website. Members of the Forum are free to circulate copies within the bodies they represent. The Forum's Agendas and Minutes are included on the LA's Publication List required under the Freedom of Information Act 2000.