

Non-Executive Report of the:  <b>General Purposes Committee</b>  Thursday, 15 December 2022	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer	<b>Classification:</b> Open (Unrestricted)
<b>Constitution Updates and Establishment of the Employee Appeals Sub-Committee</b>	

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

### Executive Summary

Following the Annual Meeting of Council signing off the current Constitution on 25 May 2022, day-to-day oversight of the document returns to the General Purposes Committee.

This report provides an update on a few proposed and agreed amendments to the Constitution.

Specific updates include those on:

- Member Allowances Scheme
- Grants Determination Sub-Committee
- Petition Scheme
- Officer Structure Chart

Employee Appeals Sub-Committee:

The last meeting of the General Purposes Committee agreed to re-establish the Employee Appeals Sub-Committee processes. This report therefore asks the Committee to formally agree to the establishment of the Sub-Committee to hear future employee appeals against dismissal and to agree consequent changes to the Constitution.

### Recommendations:

The General Purposes Committee is recommended to:

1. Establish the Employee Appeals Sub-Committee for the remainder of the municipal year 2022/23 with the attached terms of reference (Appendix 1) and hearing structure (Appendix 2) and the consequent Constitution changes set out in Appendix 3.
2. Agree the proposed amendments to the Council's Petition Scheme as set out in Paragraphs 3.9 and 3.10.

3. Note the agreed changes to the Constitution on the Member Allowances Scheme (Appendix 5) the Grants Determination Sub-Committee (Appendix 6) and the Officer Structure Chart.

## **1. REASONS FOR THE DECISIONS**

- 1.1 The Committee is required to agree a new Employee Appeals Sub-Committee structure to enable Member-level decision making.
- 1.2 The General Purposes Committee has day-to-day oversight of the Council's Constitution and is responsible for ensuring it is up to date and effective.

## **2. ALTERNATIVE OPTIONS**

- 2.1 The report offers the Committee the opportunity to consider a review of any parts of the Constitution it wishes.

## **3. DETAILS OF THE REPORT**

### Employee Appeals Sub-Committee

- 3.1 The General Purposes Committee has overall responsibility for Member-level decision making in relation to Human Resources matters. At its last meeting the Committee agreed to re-establish the previous Member-level Sub-Committee to hear employee appeals against dismissal. This report therefore sets out the Sub-Committee Terms of Reference, Procedures and Constitution changes for Member agreement.
- 3.2 Should the Committee agree these changes it is proposed that they come into force from 1 January 2023 to allow consequent internal changes to also be confirmed.
- 3.3 The Employee Appeal Sub-Committee will comprise of an ad hoc panel for each appeal dependent on availability. This panel will include in each case a Chair and two other Councillors drawn from the General Purposes Committee Members and their appointed substitutes. Once appointed for a particular appeal, the membership of the Sub-Committee must remain the same throughout all stages of that appeal.
- 3.4 Members can only sit on an Appeals Sub-Committee if they have received annual training at this Council on policies and procedures relevant to the consideration and determination of the appeal which the Sub-Committee is charged.
- 3.5 The terms of reference and membership arrangements for the Employee Appeals Sub-Committee are attached at Appendix A. Also attached is the Appeals hearing structure (Appendix B).
- 3.6 Meetings will be scheduled in relation to the availability of Members.

## Member Allowances Scheme

- 3.7 Following Council's decision to amend the Member Allowances Scheme by reducing the number of Special Responsibility Allowances, the updated Scheme is presented for noting and inclusion in the Constitution. This is set out at Appendix 4.

## Grants Determination Sub-Committee

- 3.8 During its meeting on 6 July 2022 the Grants Determination Sub-Committee agreed to update its Terms of Reference to set out its operation in more detail and to collate previously agreed delegations. The updated Terms of Reference are included for noting as the General Purposes Committee does not have authority to amend Executive procedures.

## Petition Scheme

- 3.9 Democratic Services have recently received a number of questions about the management of petitions and in particular the length of time that they are available for signature. There have never been any restrictions placed on petitions and indeed it would not be possible to know how long hard copy petitions have been in circulation.
- 3.10 The Petition Scheme itself is silent on this matter and so it is proposed that adding a sentence to make this clear would be useful. The following is the suggested text:

"There are no set rules as to how long you can collect signatures for a petition. It is up to you as petition organisers to determine when to close your petition and submit it to the Council. However, the Council will not normally host live petitions on its own ePetitions site for longer than six months."

## Officer Structure Chart

- 3.11 Two changes need to be made to the Officer Structure Chart in Section 13 'Officers of the Council'. Ellie Kershaw replaces Vicky Clark as Director of Integrated Growth and Development whilst Michael Eady replaces Judith St. John as Director of Commissioning and Culture.
- 3.12 As these are purely factual changes their agreement is delegated to the Director of Legal and Monitoring Officer and are presented to the Committee for noting.

## **4. EQUALITIES IMPLICATIONS**

- 4.1 An up to date Constitution is important in supporting proper decision-making which includes consideration of equalities implications.

## **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 Failure to maintain an up-to-date Constitution could impact on any/all of the above implications.

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications arising from the recommendations of this report.

## **7. COMMENTS OF LEGAL SERVICES**

7.1 The Council's Constitution delegates amendments to the Constitution to the General Purposes Committee. The matters set out in this report are therefore within the powers of the General Purposes Committee to decide.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Report on the Employee Appeals Process – General Purposes Committee 13 October 2022.
- Report on the Members Allowances Scheme – Council 16 November 2022.

### **Appendices**

- Appendix 1 – Employee Appeals Sub-Committee Terms of Reference
- Appendix 2 – Employee Appeals Sub-Committee Procedures
- Appendix 3 – Employee Appeals – consequent Constitution changes
- Appendix 4 – Updated Member Allowances Scheme
- Appendix 5 – Grants Determination Sub-Committee Terms of Reference

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

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

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

- None.

**Officer contact details for documents:**

N/A