

# Tower Hamlets Constitution

Tower Hamlets Council

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# Part A: Introduction

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## Chapter 1: Introducing the Council's Constitution

1. This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to determine.
  
2.
  - a. The Mayor and Council provide clear and accountable leadership to the community in partnership with citizens, businesses and other organisations;
  - b. The roles and responsibilities of the executive, non-executive, scrutiny and officer functions are clearly defined and documented, with clear delegation arrangements;
  - c. Citizens, businesses and other organisations are actively involved in decision making; Citizens are effectively represented by their Mayor and Councillors;
  - d. The delivery of services to the community is improved; Decisions are taken efficiently, effectively and transparently;
  - e. Decision-makers are clearly identifiable, that they explain the reasons for their decisions and can be held to public account;
  - f. The highest standards of conduct of Members and officers of the authority is maintained and that no one will review or scrutinise a decision in which they were directly involved;
  - g. It provides a comprehensive document explaining how the Council operates, who is responsible for taking decisions and how they will be taken.

The purpose of the Constitution is to ensure that:

3. The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### Section 1: Constitutional Framework

4. [Overview of the constitution and its legal basis]

## **Section 2: Purpose and Scope**

5.

## **Chapter 2: How the Council Operates**

6. The Council operates the directly elected mayoral form of executive. The Council is composed of a Mayor and forty-five Councillors. The Mayor is directly elected by the electors of the Borough, normally for a four-year term of office. The mayoral election will be held on the same day as the ordinary Council elections, at which Councillors are elected to represent each of the wards within the Borough every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
  
7. The Council may also appoint additional 'Co-opted' Members to certain Committees and Sub-Committees. Co-optees are people who are chosen to represent a specific area of interest or issue of consideration. These representatives are not elected members of the Council and are appointed because of their level of knowledge and experience. These co-opted members make a very useful contribution to discussions and help make the correct decisions in relation to important matters.
  
8. The Mayor, Councillors and Co-optees are together known as 'Members' of the Authority. Members have to agree to follow a Code of Conduct for Members to ensure high standards in the way they undertake their duties. The Council's Standards Advisory Committee is responsible for advising Members on the Code of Conduct and ensuring that they receive training on the requirements of the Code, which they are required to observe in carrying out their duties and responsibilities as Members.

9. The Mayor and all Councillors meet together at Council. Meetings of Council are normally open to the public. Here Councillors decide the Council's overall budget and some policies (including the Budget and Policy Framework). Council appoints annually an Overview and Scrutiny Committee, Regulatory Committees, a Standards Advisory Committee, and other statutory, advisory and consultative bodies.
  
10. The Mayor appoints a Deputy Mayor and (up to eight) additional Cabinet Members who form the Council's Executive, they are responsible for most day to day decisions and most policies. The Mayor and other Executive Members meet together as the 'Cabinet'. The Mayor is responsible for the Council's main executive decision-making powers and the overall delivery of Council services.
  
11.
  1. The King George's Field Charity Board to administer the affairs of the King George's Field, Mile End charity of which the Council is the sole trustee;
  2. The Grants Determination Sub-Committee.
  3. The Cabinet Housing Management Sub-Committee

The Mayor may also establish other executive decision-making bodies and currently the Council has:

Note - The Health and Wellbeing Board can also take some Executive decisions.

12. The Executive Scheme of Delegation sets out more detail on the Mayor and executive functions.
  
13. The Overview and Scrutiny Committee is established to review or scrutinise decisions of the Executive and conduct reviews into functions which are the responsibility of the Executive. Section 9 of the Constitution sets out an introduction to role of Overview and Scrutiny and links to more detailed sections later in the Constitution.
  
14. The Overview and Scrutiny procedure rules in Part G (Overview and Scrutiny) set out in more detail how the Committee and its sub-committees operate.

# Chapter 3: Suspending, Interpreting and Amending the Constitution and Changes to Executive Arrangements

## Section 1: Suspension of the Constitution

- 15. **Limit to Suspension.**The Rules specified below may be suspended by bodies indicated to the extent permitted within those Rules and the law.
  
- 16. **Procedure to Suspend.**A motion to suspend any Rules will not be moved without notice unless at least half (½) of the voting members of the meeting in question are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution.
  
- 17. **Rules Capable of Suspension.**The following Rules may be suspended unless this overrides any statutory requirements:
  - 1.  
  
Council Procedure Rules (Council as well as Cabinet and all other Committees and Sub-committees to which Rule 23 of the Council Procedure Rules applies)
  
  - 3.  
  
Budget and Policy Framework Procedure Rules (Council)
  
  - 4.  
  
Overview and Scrutiny Procedure Rules (Overview and Scrutiny Committee)
  
  - 5.  
  
Any Committee / Body Procedure Rules listed in [ ].

## **Section 2: Interpretation**

18. The ruling of the Speaker of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretations will have regard to the purposes of this Constitution as contained in Section 1.

## **Section 3: Publication**

19. Text...

20. Text...

## **Section 4: Reviews of the Constitution**

21. Text...

22. Text...

## **Section 5: Changes to the Constitution**

23. Text...

## **Section 6: Change of Executive Arrangements**

24. Text...

## **Chapter 4: Glossary of Terms**

25. Text...

# Part B: Public Rights, Responsibilities and Participation

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## Chapter 1: Public's General Rights and Responsibilities

26. Citizens have various rights as set out below. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Section 10.

### Section 1: General Rights

27. Citizens have a number of general rights including to:
- a. contact the Mayor or their local Councillor about any matters of concern to them
  - b. participate in the Tower Hamlets Partnership and consultative mechanisms or service user groups, if selected or appointed to do so;
  - c. complain about Council services, actions, the conduct of Members or to highlight potential malpractice or illegality;
  - d. examine the Council's accounts when open for inspection and make their views known to the external auditor;
  - e. vote at Mayoral and Council elections if they are eligible and registered;

28.

### Section 2: Voting and Petitions

29. Citizens on the electoral register have the right to vote at elections. All citizens (that is people living, working or studying in the borough) have the right to present personally or to request a Councillor to present a petition on their behalf to Council, the Cabinet, Scrutiny, Regulatory or other Committees/ Sub Committees or Panels, subject to the detailed provisions laid down in the Petition Scheme and the procedures adopted by those bodies.

### **Section 3: Participation in Decision Making**

**30.**

**31.**

**32.** All citizens have the right to participate in Council and Committee meetings and contribute to investigations by Scrutiny Panels. Processes for public participation are set out in the procedures for various Committees and meetings including in Section 26 (Council Procedure Rules) and Section 30 (Overview and Scrutiny Procedure Rules). Individual Committees such as the Licensing and Strategic Development Committee will set out procedures to follow for public participation.

- 33.**
1. access the Constitution; attend and record formal meetings of Council and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  2. attend and record meetings of the Cabinet and any other Executive bodies except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  3. see forward plan notices of forthcoming decisions, plus reports, background papers and any records of decisions made by the Council and the Mayor, the Executive or appropriate Member or Key Decisions taken by officers;
  4. see unrestricted reports and associated background papers and any published record of decisions made by Council, other non-executive Committees/ Sub-Committees;
  5. speak at Development or Licensing Committees/ Sub-Committees in favour or against planning or licensing applications, subject to the detailed provisions laid down in procedures adopted by those bodies;
  6. present petitions or otherwise participate in meetings of Council, the Cabinet, Scrutiny, Regulatory or other Committees, depending on their specific procedure rules, and contribute to investigations by Scrutiny;

As a summary, citizens can:

- 34.** The Council maintains web pages providing information about its formal decision-making meetings and processes and opportunities for public engagement. These are held at [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee).
- 35.**
1. submit a compliment or comment on the Council and its services complain to the authority itself under its complaints scheme or any other applicable statutory complaints scheme;
  2. complain to the Local Government and Social Care Ombudsman and Housing Ombudsman after using the Council's own complaints scheme;
  3. and complain the Council's Monitoring Officer about a breach of the Code of Conduct for Members,
  4. or to raise a public interest concern if they have evidence which they think shows malpractice, wrongdoing, illegality or risk in the Council and which is not appropriate for consideration under another Council procedure.

All citizens have the right to:

#### **Section 4: Compliments and Complaints**

- 36.** All citizens have the right to:
1. submit a compliment or comment on the Council and its services;
  2. complain to the authority itself under its complaints scheme or any other applicable statutory complaints scheme;
  3. complain to the Local Government and Social Care Ombudsman and Housing Ombudsman after using the Council's own complaints scheme;
  4. and complain the Council's Monitoring Officer about a breach of the Code of Conduct for Members, or to raise a public interest concern if they have evidence which they think shows malpractice, wrongdoing, illegality or risk in the Council and which is not appropriate for consideration under another Council procedure.

#### **Section 5: Citizen's Responsibilities**

- 37.**

38. Citizens must not be violent, abusive or threatening to Councillors or officers and must not wilfully damage things owned by the Council, Councillors or officers.
  
39. When attending meetings of Council, Committees/ Sub-Committees/ Panels or the Cabinet, citizens must not behave improperly, offensively or interrupt the business of the meeting as such action will result in their being removed and excluded from the meeting.
  
40. Where members of the public use specific Council services, for example as a parent of a school pupil or as an occupier of Council land or premises, they have additional rights. These are not covered in this Constitution.

## **Chapter 2: Freedom of the Borough**

41. Under Section 249(5) of the Local Government Act 1972, the Council has the power to confer honorary freedom of the Borough to persons of distinction and to persons who have, in the opinion of the authority, rendered eminent services to the borough.
  
42. The title can only be given by a resolution of Council, at a meeting convened for the purpose and the resolution requires a two-thirds majority of the Members present and voting for it to be passed.
  
43. Similarly, a resolution requires a two-thirds majority of the Members present and voting to rescind a previously made nomination.

44. 1. Citizenship Ceremonies
2. Civic Awards
3. Civic and Remembrance Services

Awarding the title of Freedom of the Borough does not confer any rights or responsibilities on that individual. The Council may though choose to engage the individual in the civic business of the borough including such events as:

45. Under section 249(10), the admission of a person as honorary freedom of the Borough does not carry any right to attend meetings of the Council or its committees or to claim any allowances for attendance at meetings. However, the Council may choose to cover reasonable expenses for attendance at any of the above listed civic events.

### **Chapter 3: Public Participation at Meetings**

46. All formal Council, Executive (Cabinet), Overview and Scrutiny, and Regulatory and Non-Executive Committee meetings are generally open to the public, ensuring transparency and civic engagement so that local residents can observe and understand how decisions are made.
47. Citizens have a right not only to attend but also to actively participate by presenting petitions, deputations, and public questions during Council, Cabinet, Committee and Scrutiny proceedings. Furthermore, members of the public may speak for or against applications before Licensing and Planning Committees, ensuring that local views directly influence decisions that affect their neighbourhoods.
48. Public participation at meetings is managed by the Chair using the procedures set out for that meeting.

49. The Council's Committee Procedure Rules in Part E set out the general principles of public engagement at meetings. These will operate at all meetings unless there are explicit rules which apply to that specific meeting. For example. The Council's planning and licensing committees have their own operating procedures whilst meetings of Council operate using the Council Procedure Rules.

## **Chapter 4: Protocol for Reporting and Filming Council, Cabinet and Committee meetings.**

### **Section 1: Introduction**

50. As set out in the Council Procedure Rules [ ], members of the press and public are welcome to film, audio record, take photographs, use social media or otherwise record or report on (collectively referred to as film/record in this protocol) meetings of the Council, Cabinet and Committees. This facility is important in ensuring the transparency and openness of the Council's decision making.

51. 1. Cause a disturbance at the meeting.  
2. Cause health and safety issues.  
3. Unnecessarily impact on the privacy of members of the public.

It is equally important that this filming/recording is done in a way which does not:

52. It should be noted that, unless previously agreed for accessibility reasons, the Council would not normally allow oral reporting/commentary on a meeting as it takes place by someone present at the meeting.
53. The Speaker/Chair of the meeting will in all cases make the final decision on all matters of dispute in regard to filming/recording meetings.

## **Section 2: Webcasting Meetings**

54. The Council webcasts many of its meetings and members of the public may find it easier to link to sections of those webcasts rather than make their own recordings.

## **Section 3: Attendance at Meetings**

55. Whilst the Chair of the meeting will look to ensure those present are aware of all filming/recording taking place and request that members of the public gallery are not filmed no guarantee can be given.
56. Attendees should also be aware that they may be shown in the background of any Council webcast of the meeting they are attending this includes automated and manually controlled webcasts.

**Section 4: Recommended actions for those wishing to film/record meetings by attending physical meetings**

57. 1. Read any specific guidance in the meeting agenda.
- 2.
3. In particular, it is important to highlight if you wish to bring larger hardware/ equipment as facilities arrangements may have to be made.
4. In particular, it is important to highlight if you wish to bring larger hardware/ equipment as facilities arrangements may have to be made.
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20. In particular, it is important to highlight if you wish to bring larger hardware/ equipment as facilities arrangements may have to be made.
21. In particular, it is important to highlight if you wish to bring larger hardware/ equipment as facilities arrangements may have to be made.

Notify the clerk to the meeting at least 24 hours in advance (contact details are printed on the agenda front sheet).

- a. In particular, it is important to highlight if you wish to bring larger hardware/ equipment as facilities arrangements may have to be made.
2. Members of the Press should also notify the Communications team (communications@towerhamlets.gov.uk).

It is recommended that all those who wish to film/record meetings follow these guidelines to ensure their approach accords with the smooth running of meetings:

58.
  - a. Do not approach the committee Members or tables, remain at the front of the public gallery or any other location directed by staff and generally follow any instructions given by staff present at the meeting.
  - b. Ensure all equipment is set up in advance of the meeting starting to avoid disruption.
  - c. Avoid the use of flashes, bright lights, noisy equipment or anything which could be distracting.
  - d. Only record those who are actively participating in the meeting.
  - e. Do not film the public gallery.
  - f. Obey any instructions of the Chair of the meeting including on who can/cannot be filmed/recorded.
  - g. Note that Councillors and officers are excluded from this provision in accordance with the Openness of Local Government Bodies Regulations 2014.

When recording the meeting:

## **Section 5: The Role of the Chair of the meeting**

59. Should the Chair determine at any time that the recording or filming the meeting is causing a disturbance or is otherwise inappropriate then they have the authority to request the activity cease.
60. Should anyone refuse a request to cease or adjust their filming/recording, the Chair will ask the person to leave the meeting. If the person refuses to leave then the Chair may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. This is in line with the meeting conduct procedures set out in the Council Procedure Rules.

## **Section 6: Restrictions**

- 61.** 1. Any person(s) who the meeting is informed must not be filmed.
2. Any portion of a meeting where a motion has been passed to exclude the press and public.
3. Members of the Public Gallery.

You may not film/record:

- 62.** Whilst officers and others taking part in a Council or Committee meeting can normally be filmed, the Chair may prevent filming of specific individuals where this is necessary. Examples could include cases such as where the individual is a child, or where revealing their identity would impact on their job or could lead to threats or abuse of such an individual.

## **Section 7: Publishing content**

**63.**

- 64.** The Council would expect that those publishing films or recordings made at meetings or from webcast footage would be clear as to the context the recording was made and would not edit the footage in such a way as could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees.

**65.**

# Chapter 5: The London Borough of Tower Hamlets Petition Scheme

## Section 1: Submitting a Petition to the Council

66. Tower Hamlets Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.
  
67. **Paper petitions** are those prepared in the traditional way: a petition organiser creates a paper document that includes a proposed action. Residents physically write their name, address and signature on this document to show their support of the proposed action.
  
68. To help you organise a paper petition, the Council has prepared a template that is attached as Appendix 3.
  
69. Paper petitions can be sent to the Democratic Services Team using the details provided at Section 7 of this Scheme.
  
70. **e-Petitions** are created, signed, and submitted entirely online. The petition organiser uses a website to create their petition and residents can electronically add their name via the website to show their support of the action the petition organiser proposes.
  
71. It is recommended that e-petitions are created via the Council's e-petition facility [www.towerhamlets.gov.uk/petition](http://www.towerhamlets.gov.uk/petition). e-Petitions created or submitted through third party websites may be accepted if they comply with the provisions of this scheme.

72. There are no set rules as to how long you can collect signatures for a petition. It is up to you as petition organiser 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 e-Petitions site for longer than six months.

## **Section 2: Guidelines for Submitting a Petition**

- 73.
1. A clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take.
  2. The names and signatures of each person supporting the petition, together with the full addresses (including postcode) at which they live, work or study in Tower Hamlets.
  3. For Paper Petitions (see definition above) the original signed sheets must be submitted.
  4. Contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be published.
  5. If the petition does not identify a petition organiser, we will contact the first listed signatory to the petition to agree who should act as the petition organiser.

Petitions submitted to the Council must include:

### **74. Scope of Petition**

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

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

75. The Monitoring Officer will also consider any request received for the petition to be dealt with in a particular way (e.g. for submission to a particular Committee or to Council). Subject to the guidance within this Petition Scheme, the Monitoring Officer has absolute discretion on how the Council will deal with any petition received and may recommend an alternative course of action to that requested.
76. In addition, there are some circumstances where petitions will not be dealt with under this Scheme. These include any matters relating to planning or licensing applications; where a separate consultation process is active; or any other circumstances which, in the opinion of the Monitoring Officer would mean the petitions would be better dealt with using a different Council procedure.
77. The Council may seek to verify the authenticity of each entry on a petition by reference to existing information such as (where appropriate) the current electoral register or other relevant records. Entries which cannot be verified may not be counted for the purposes of determining whether a petition has exceeded a threshold set out in this scheme.
78. In the period immediately before an election or referendum, when certain legal restrictions apply, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.
79. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.
80. **Signing a Petition - School Children-** The Council welcomes petitions created and signed by school children and university students. It may be appropriate for young people to give the name of their school or college rather than home address when signing a petition.

- 81. Signing a Petition - Council Officers-** Petitioners are asked not to ask council officers to sign their petitions in relation to their service area. It is contrary to the Member / Officer Protocol for officers to lobby Councillors in respect of their specific service.

### **Section 3: Action by the Council on Receipt of a Petition**

- 82.** An acknowledgement will be sent to the petition organiser within 10 working days of us receiving the petition. This will let them know what we plan to do with the petition and when they can expect to receive a formal response to it. If the petition needs more investigation, we will tell the petition organiser the steps we plan to take.
- 83.** If we can do what the petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
- 84.** New article...Petitions will receive a formal response from the relevant Corporate Director within 28 days of receipt. This will usually be the quickest way of addressing the issue.
- 85.** If however, the petition meets the requirements to be presented/debated at a meeting of Councillors under the provisions of Section 4 of this scheme, the petition will receive a formal response within 28 days from the meeting. If you request this option, the relevant Corporate Director may still write to you. You may choose not to proceed with presentation at a meeting if you feel their response resolves the matter.
- 86.** The acknowledgment will confirm when and how your response will be sent and tell you when and where the meeting will take place (if applicable and if known at that stage).

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

#### **Section 4: Presentation of a Petition to Elected Councillors**

- 88.** Subject to your petition containing sufficient signatures as set out below, you may request to present the petition to a meeting of Councillors. There are several ways in which this can be done.
- 89. (a) Presentation to a meeting of the Council, Cabinet or relevant committee**
- 90.** If your petition includes the names, addresses and signatures of 30 persons who live, work or study in the borough it can be presented at an ordinary meeting of the Council or to a Council Committee.
- 91.** The procedure for presenting a petition at full Council or Committee meetings is included in Appendix 1 of this scheme.
- 92.** Separate to the above provision, the Mayor has agreed a scheme for public engagement at executive meetings (the Cabinet and Cabinet sub-committees), which provides a number of different ways that members of the public can make submissions relating to items on the agenda. The Cabinet public engagement scheme is set out later on in this scheme.
- 93. (b) Debate at a Council Meeting**

94. If your petition includes the names, addresses and signatures of 2,000 persons who live, work or study in the borough, you may request that a debate be held about the petition at a full Council meeting.
95. The procedure for debating a petition at full Council meetings is included later in this scheme.
96. **(c) Officer evidence to the Overview and Scrutiny Committee**
97. If your petition includes the names, addresses and signatures of at least 1,000 persons who live, work or study in the borough, you may request that a relevant senior officer give evidence at a public meeting of the Council's Overview and Scrutiny Committee. For example, you may request that a senior officer explain progress on an issue, or the advice given to councillors to enable them to make a particular decision. The senior officers who may be called to give evidence under this procedure include the Head of the Paid Service (Chief Executive) and any of the Council's statutory or non-statutory Chief Officers (Corporate Directors).
98. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee will also call the relevant Executive Councillor(s) to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting the Democratic Services team [\[Link\]](#) up to three working days before the meeting.
99. **General guidance on requesting your petition be presented or debated**

- 100.** If you would like your petition to be presented/debated at a meeting, you must submit (1) the petition; (2) a request to present or debate the petition; and (3) any request for additional assistance such as an interpreter, to the Democratic Services Team (see Section 7) by noon, 9 clear working days (not including the day notice is given or the day of the meeting) before the relevant meeting. However, please note that there is likely to be a maximum number of petitions presented at any one meeting and these slots are normally allocated in order of receipt, so early submission is advised.
- 101.** When determining whether a petition has met or exceeded a threshold set out in this scheme, the Council will only count signatories for which a local connection (i.e. that the signatory either lives, works or studies in Tower Hamlets) can be evidenced from the information supplied. There is a risk that petitions created and/or submitted via third party e-petition websites may not satisfy this criterion so it is strongly recommended that e-petitions are created via the Council's own e-petition facility [www.towerhamlets.gov.uk/petition](http://www.towerhamlets.gov.uk/petition)
- 102. Similar Petitions**
- 103.** In the event that 2 or more petitions which are substantially the same are received from different petition organisers, the Monitoring Officer may aggregate the number of valid signatures in each petition for the purpose of determining whether the threshold to trigger a Council debate of the matters raised has been reached if that is the wish of the petition organisers.

## **Section 5: Petitions on Non-Council Functions**

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

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

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

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

## **Section 6: If you are not satisfied with the Council's response**

**108.** If you feel that we have not dealt with your petition properly you may make a complaint under the Council's complaints procedure. [https://www.towerhamlets.gov.uk/ignl/council\\_and\\_democracy/complaints/complaints.aspx](https://www.towerhamlets.gov.uk/ignl/council_and_democracy/complaints/complaints.aspx)

## **Section 7: Further Information**

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

Petitions, Democratic Services, 2nd Floor, Whitechapel Town Hall, 160 Whitechapel Rd, London E1 1BJ

Email: [councillor.supportteam@towerhamlets.gov.uk](mailto:councillor.supportteam@towerhamlets.gov.uk)

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

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

## **Section 1: Appendix to the Petition Scheme - Procedure for hearing petitions at Full Council**

**110.** Text...

## **Chapter 6: Access to Information Procedure Rules**

### **Section 1: Scope**

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

### **Section 2: Additional Rights to Information**

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

### **Section 3: Rights to attend meetings**

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

### **Section 4: Notice of Meeting**

- 114.** The Council will give at least five clear working days’ notice not including the day that notice is given or the day of any meeting by posting details of the meeting at Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ (the designated office).
- 115.** If the meeting is convened at shorter notice than five clear working days, notice is to be given by the Council in the same manner set out above at the time the meeting is convened.

## **Section 5: Access to agendas and reports before the meeting**

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

## **Section 6: Items of Business**

- 119.** 1.  
An item of business may not be considered at a meeting unless either:
2.  
(a) copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or
3.  
(b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 120.** "Five clear working days" excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.

- 121.** “Special circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for inspection for five clear days before the meeting.
- 122.** Where the item of business relates to a key decision Rules 14-19 also apply.

### **Section 7: Supply of Copies**

- 123.** The Council will supply copies of:

any agenda and reports which are open to public inspection;

any further statements or particulars necessary to indicate the nature of the items in the agenda; and

if the Monitoring Officer thinks fit, any other documents supplied to Councillors in connection with an item,

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

### **Section 8: Access to Minutes etc after the meeting**

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

the minutes of the meeting or records of decisions taken together with reasons, for all meetings excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

the agenda for the meeting; and reports relating to items when the meeting was open to the public.

## **Section 9: Background Papers**

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

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

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

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

## **Section 10: Summary of Public's Rights**

**127.** This constitution sets out the public's rights to attend meetings and to inspect and copy documents shall be kept at and available to the public at the designated office.

## **Section 11: Exclusion of Access by the Public to Meetings**

**128. Confidential Information—Requirement to Exclude Public.** The public must be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (as defined in Rule 11.4 below) would be disclosed in breach of the obligation of confidence.

- 129. Exempt Information–Discretion to Exclude Public.** The public may be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined in Rule 11.5 below) would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 130.** Where the meeting will determine any person’s civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 131. Meaning of Confidential Information.** Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which the disclosure of which to the public is prohibited by or under any enactment or by the order of a court. This includes information excluded under the Freedom of Information Act 2000 or the Data Protection Act 2018.

- 132.** Meaning of Exempt Information. Exempt information is those for the time being specified in Part I of Schedule 12A to the Local Government Act 1972, namely:

Information relating to any individual. Information which is likely to reveal the identity of an individual.

Information relating to the financial or business affairs of any particular person (including the authority handling the information)**[Information is not exempt under this category if it is required to be registered under the Companies Acts 1985 and 2006, the Friendly Societies Act 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the Co-operative and Community Benefit Societies Act 2014 or the Charities Acts 1993 and 2011.]**

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Information which reveals that the authority proposes:-

to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

to make an order or direction under any enactment.

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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

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

## **Section 12: Exclusion of access by the public to reports**

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

## **Section 13: Application of rules to the Executive**

- 136.** Rules 14-25 apply to the Executive and its Committees (and which term includes Sub-Committees and other decision making meetings). If the Executive or one of its Committees meets to take a key decision or meets in public then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. A key decision is defined in [ ] of this Constitution.
- 137.** If the Executive or one of its Committees meets to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within twenty-eight days of the date by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 18 (urgency - general exception) or Rule 19 (urgency - special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

## **Section 14: Procedure Before Taking Key Decisions**

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

a notice has been published in connection with the matter in question at both the offices of the Council and on the Council's website;

at least twenty-eight days have elapsed since the notice has been published;  
and

where the decision is to be taken at a meeting of the Executive or a Committee of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meeting).

## **Section 15: Notice of Key Decisions**

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

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

## **Section 16: Content of Key Decision Notices**

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

that a key decision is to be made on behalf of the Council; the matter in respect of which the decision is to be made;

where the decision maker is an individual, her/his name and title, if any; and, where the decision maker is a decision making body, its name and a list of its members;

the date on which or the period within which the decision is to be made;

a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the decision is to be made;

the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

that other documents relevant to those matters may be submitted to the decision maker; and

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

**142.**

**143.** Test

**Section 2: Section heading...**

**Section 3: Section heading...**

**Section 4: Section heading...**

**Section 5: Compliments and Complaints**

# Part C: Decision Making

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144. [Who is responsible for which functions]

## Chapter 1: How Decisions are Made

### Section 1: Principles of Decision-Making

145.

146. All decisions of the Council will be made in accordance with the following principles: proportionality (i.e. the action must be proportionate to the desired outcome); due consultation and the taking of professional advice from officers; respect for human rights; a presumption in favour of openness; clarity of aims and desired outcomes; take account of all relevant matters; discount irrelevant matters; and explaining what options were considered and giving the reasons for the decision.

### Section 2: Responsibility for Decision-Making (Executive / Non-Executive)

147. The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Section 12 below.

148. The form of the Council's Executive Arrangements is a 'Mayor and Cabinet' model as defined in section 9C of the Local Government Act 2000 (as amended). Therefore, decision-making at the Council is split into the following types: 'Executive' Including 'Executive Key Decisions' 'Non-Executive' functions.

### Section 3: Section heading...

149. Text...

**Section 4: Section heading...**

150. Text...

**Section 5: Section heading...**

**Section 6: Section heading...**

**Section 1: Section heading...**

**Chapter 2: Council, Cabinet and Committee Structure Chart**

**Chapter 3: Detailed Responsibility for Functions List**

**Chapter 4: Detailed Local Choice Functions and Local Act Functions**

# Part D: Council

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151. [Council, cabinet, committee, access to information rules]

## Chapter 1: Council - an Introduction

### Section 1: Summary

152. Text...Council is a meeting consisting of all elected Councillors plus the elected Mayor.

153. Text...Council is one of the most long-standing features of Local Government decision-making with a history stretching back to at least 1888.

154. Text...The Council has responsibility for all Non-Executive functions and for certain statutory functions such as approving the budget and policy framework. Council as a whole also retains responsibility for regulatory functions.

### Section 2: Function of Council

155. Only Council itself will exercise a number of functions such as appointing the Speaker of the Council, agreeing bylaws and determining Community Governance Reviews. The full list is set out in the Council Terms of Reference in Section xxx of this part of the Constitution.

### **Section 3: Council Meetings**

1.  
**156.** There are four types of Council meetings:
  2.  
The annual meeting;
  3.  
The budget meeting;
  4.  
Ordinary meetings, and
  5.  
Extraordinary meetings.
  
- 157.** They will be conducted in accordance with the Council Procedure Rules in Section xxx of this part of the Constitution.
  
- 158.** The Mayor and all Councillors may attend meetings of Council and may participate as set out in the Council Procedure Rules.

### **Section 4: Responsibility for Functions**

- 159.** As part of this Constitution, the Council will maintain a document setting out the “Responsibilities for the Council’s functions” which are not the responsibility of the Executive.

- 160.** Decisions relating to the functions listed in the “Responsibilities for the Council’s functions” document will be allocated by legislation, therefore, if the legislation changes, the Constitution will be changed by the Monitoring Officer in accordance with delegated powers set out in Supplementary Documents Pack (Part J).
- 161.** Subject to Section 3, Paragraph 27, the Council meeting will follow the Council Procedure Rules set out in Section xxx of this part of the Constitution when considering any matter.

## **Section 5: Housing Land Transfers**

- 162.** Housing Land Transfer means the approval or adoption of applications or a programme of applications (whether in draft form or not) for approval of a programme of disposal of 500 or more properties to a person for which a levy would be payable to the Secretary of State under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

## **Chapter 2: Council Terms of Reference**

### **Section 1: Summary description**

- 163.** The Council is responsible for all Non-Executive functions (with the exception of certain licensing functions) and for approving the budget and policy framework.

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

### **Section 2: Membership**

- 164.** All elected Members of the Authority and the Executive Mayor.

## Section 3: Functions

165.

| Functions  | Delegation of Functions   |
|--|---|
| 1. Electing the speaker and Deputy Speaker   | None  |
| 1. Constitutional Functions (a) All functions set out in Part C of this Constitution (b) Adopting or amending the Council's Constitution   | Changes to the Constitution delegated to General Purposes Committee; changes to reflect a decision of the Council or a change in legislation; or to correct a matter of fact delegated to the Monitoring Officer. |
| 2. Public Participation 3. To hold a debate on a matter which is the subject of a petition containing 2,000 or more valid signatures in accordance with the Council's Petition Scheme.   | Where requested by the Petitioners, can instead be presented at a relevant Committee/Sub-Committee on agreement of the Monitoring Officer.  |
| 4. Budget and Policy Framework Determine matters reserved under the Council's Budget and Policy Framework as set out Part D, Section XXX of the Constitution. 5. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part B Section <b>xxx of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision-maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;</b> | None  |
| 6. <b>Committee Functions</b> (a) Making arrangements for the discharge of Council functions by a Committee or officer under section 101(5) of the Local Government Act 1972; and (b) Making appointments under section 102 (appointment of Committees) of the 1972 Act (c)  | Appointments to committees and amendments to Terms of   |

|   |  |
|---|--|
| Agreeing and/or amending terms of reference for Committees/Sub-Committees, deciding on their composition and making appointments to them, subject to any delegations to Committees and/or officers as set out in this Constitution.                               | Reference: (a) General Purposes Committee (b) Monitoring Officer |
| 7. Power to promote or oppose local or personal Bills (a) Pursuant to Section 239 of the Local Government Act 1972  | None   |
| 8. Members' Allowance Scheme (a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme  | None   |
| 9. Community Governance Reviews 10. the determination of matters relating to Community Governance Reviews as set out in the Local Government and Public Involvement in Health Act 2007, unless the matter has been delegated by the Council or this Constitution. | None   |
| 11. Change the name of the area   | None   |
| <b>12. Conferring the title of honorary alderman or conferring the Freedom of the Borough</b>   | None   |
| 13. Appointments 14. Confirming the appointment of the Head of Paid Service, Section 151 (Chief Finance Officer) and/or Monitoring Officer.   | None   |
| 15. By-Laws 16. Making, amending, revoking, re-enacting or adopting bylaws.   | None   |
| 17. Outside Bodies 18. Appointing representatives to those external bodies that do not fall to the Mayor to appoint to, unless the function has been delegated by Council or the Constitution   | None   |

|   |      |
|---|------|
| 19. Code of Conduct 20. Adoption and amendment of the authority's Code of Conduct for Members   | None |
| 21. Pay Policy Statement 22. Adopting the Council's Pay Policy Statement as required by the Localism Act 2011, and agreeing any in-year changes to the Pay Policy Statement.  | None |
| 23. Gambling Act 24. Adopting resolutions under Section 166 of the Gambling Act 2005.   | None |
| <b>25. Accepting the delegation of power or function from another local authority</b>   | None |
| 26. Discharge of Functions Arranging for the discharge of any other function of the authority which is not an executive matter 27. Subject to any matters delegated to Committees/ Sub-Committees or officers, determining all local choice functions as described in Part C of this Constitution which the Council decides should be undertaken by itself rather than the Executive. | None |
| <b>28. All other matters which, by law or this Constitution must be reserved to Council.</b>  | None |

166. Quorum: Twelve voting Members of Council

#### **Section 4: Section heading...**

167. Text...

## **Chapter 3: Council Procedure Rules**

## **Chapter 4: Budget and Policy Framework**

## **Chapter 5: Budget and Policy Framework Procedure Rules**

## Part E: Committees and Joint Arrangements

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168. [Codes of conduct, member-officer relations, protocol documents]

# Part F: The Mayor and Executive

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169. [Remuneration and allowances scheme]

# Part G: Overview and Scrutiny

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170. [Senior management structure and officer roles]

# Part H: Members

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# Part I: Officers

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