TOWER HAMLETS

London Borough of Tower Hamlets

Constitution

OFFICIAL PRINTABLE COPY

Tower Hamlets Constitution

Tower Hamlets Council

VERSION	v14.0.0.0
IN FORCE FROM	2026-09-16
LAST UPDATED	2026-09-16
GENERATED	16 September 2026 17:24 UTC

This printable artifact mirrors the interactive constitution available at https://constitution.towerhamlets.gov.uk and should be identical. In the case of any discrepancies, the interactive version should be considered authoritative.

Table of contents

PART A: INTRODUCTION 5

1. Introducing the Council's Constitution 5
2. How the Council Operates 7
3. Suspending, Interpreting and Amending the Constitution and Changes to Executive Arrangements 11
4. Glossary of Terms 13

PART B: PUBLIC RIGHTS, RESPONSIBILITIES AND PARTICIPATION 26

5. Public's General Rights and Responsibilities 26
6. Freedom of the Borough 29
7. Public Participation at Meetings 30
8. Protocol for Reporting and Filming Council, Cabinet and Committee meetings.
9. The London Borough of Tower Hamlets Petition Scheme 34 31
10. Access to Information Procedure Rules 43

PART C: DECISION MAKING 59

11. How Decisions are Made 59
12. Council, Cabinet and Committee Structure Chart 65
13. Detailed Responsibility for Council Functions List 66
14. Detailed Local Choice Functions and Local Act Functions 103

PART D: COUNCIL 116

15. Council - an Introduction 116
16. Council Terms of Reference 118
17. Council Procedure Rules 122
18. Budget and Policy Framework List 145
19. Budget and Policy Framework Procedure Rules 147

PART E: COMMITTEES AND JOINT ARRANGEMENTS 156

20. Introduction to Regulatory and Non-Executive Committees 156
21. Default Committee Procedure Rules 158
22. Audit Committee 167
23. General Purposes Committee 173
24. Human Resources Committee and Sub-Committees 176
25. Licensing Committees and Sub-Committee 180
26. Pensions Committee 214
27. Standards Advisory Committee 219
28. Strategic Development and Development Committees 226
29. Tower Hamlets Health and Wellbeing Board 260
30. Other Bodies and Panels Involving Members 264
31. Joint Committees Involving Members 299

32. Other Joint and Local Bodies 315

PART F: THE MAYOR AND EXECUTIVE 352

33. The Role of the Mayor and the Executive 352
34. Responsibilities for Executive Functions 357
35. Mayor's Executive Scheme of Delegation 360
36. Executive Procedure Rules 367
37. Terms of Reference – The Executive (Cabinet) and its Sub-Committees 373

PART G: OVERVIEW AND SCRUTINY 379

38. Introduction 379
39. Overview and Scrutiny Procedure Rules 381
40. Overview and Scrutiny Committee Terms of Reference 396
41. Terms of Reference – Children and Education Scrutiny Sub-Committee 399
42. Meeting Procedures for Children and Education Scrutiny Sub-Committee 401
43. Terms of Reference – Health and Adults Scrutiny Sub-Committee 403
44. Meeting Procedures for Health and Adults Scrutiny Sub-Committee 405
45. Terms of Reference – Housing and Regeneration Scrutiny Sub-Committee 407
46. Meeting Procedures for Housing and Regeneration Scrutiny Sub-Committee
47. Councillor Call-for Action Procedure 411 409

PART H: MEMBERS 417

48. The Speaker of the Council 417
49. Members of the Council 419
50. Code of Conduct for Members 422
51. Procedure for dealing with complaints against Members 443
52. Member / Officer Relations Protocol 448
53. Members' allowances scheme 466

PART I: OFFICERS 474

54. Introduction 474
55. Structure Chart 475
56. Employee Code of Conduct 476
57. Functions of the Chief Executive, Monitoring Officer, Chief Finance Officer and Corporate Directors 489
58. Statutory and Proper Officers 501
59. Officer Employment Procedure Rules 510

PART J: SUPPLEMENTARY DOCUMENTS 518

60. Introduction and List of Controls 518
61. Finance, Contracts and Legal Matters 520
62. Corporate Scheme of Delegation - The Chief Executive, Monitoring Officer, Section 151 and Chief Officers 522
63. Financial regulations and procedure rules 527
64. Contract and Procurement Procedure Rules 554

65. Corporate Operating Procedures 589
66. Corporate Scheme of Financial Regulations 615
67. Children's Services Directorate Scheme of Delegations 636
68. Communities Directorate Scheme of Delegations 703
69. Health and Adults Directorate Scheme of Delegation 807
70. Housing and Regeneration Directorate Scheme of Delegation 833
71. Resources Directorate Scheme of Delegation 881
72. Director of Legal and Governance's Scheme of Delegation 894

PART A: INTRODUCTION

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, transparent 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. The Constitution is divided into ten parts:

   (a) Part A - Introduction

   (b) Part B - Public Rights, Responsibilities and Participation

   (c) Part C - Decision Making

   (d) Part D - Council

   (e) Part E - Committees and Joint Arrangements

   (f) Part F - The Mayor and Executive and the Executive Procedure Rules

   (g) Part G - Overview and Scrutiny

   (h) Part H - Members

   (i) Part I - Officers

   (j) Part J - Supplementary Documents - Corporate Procedures and Decision Delegations

3. The purpose of the constitution is to ensure that:

   (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.

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

CHAPTER 2: HOW THE COUNCIL OPERATES

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

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

    • 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;

    • The Grants Determination Sub-Committee.

    • The Cabinet Housing Management Sub-Committee

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

7. Part F (The Mayor and Executive and Executive Procedure Rules) contains more detail on the Mayor and executive functions.

8. 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. Part G of the Constitution sets out a summary and details in relation to Overview and Scrutiny.

Envoys

9. From 17 March 2026 until 31 March 2028, the Council is subject to Directions made by the Secretary of State for Housing, Communities and Local Government under the Local Government Act 1999 which mean that certain decisions of the Council can be taken by Envoys appointed by the Secretary of State.

10. Initially these powers are being held 'in reserve' and existing Council processes therefore operate. Should the Envoys wish to exercise any powers directly they will notify the Chief Executive and any consequent changes to procedures or the Constitution will be made at that time.

11. The powers that the Envoys may choose to take are as follows:

    (a) All functions associated with the governance, scrutiny and transparency of strategic decision making by the Authority, including those relating to the approval, amendment or withdrawal of the Authority's governance instruments, policies and procedures.

(b) The requirement from section 151 of the Local Government Act 1972 to make arrangements for the proper administration of the Authority's financial affairs, and all functions associated with the strategic financial management, financial governance and scrutiny of financial decision making by the Authority, to include:

(i) providing advice and challenge to the Authority on the setting, maintaining and monitoring of annual balanced budgets, the ongoing development of a robust medium term financial strategy (MTFS) for the Authority, and on financial reporting,

(ii) providing advice and challenge to the Authority on a suitable scheme of delegations for financial decision making and other relevant systems, policies and processes by which financial decisions are prepared, scrutinised and implemented,

(iii) ensuring compliance with all relevant rules and guidelines relating to the financial management of the Authority, including but not limited to decisions reasonably required in response to external audit recommendations and proper procurement activity.

12. All functions associated with the Authority's operating model and redesign of the Authority's services to achieve value for money and financial sustainability, including those related to the approval of major service redesign proposals, and other decisions where material governance, financial or service outcome impacts are reasonably anticipated.

13. All functions relating to the appointment and dismissal of persons to positions the holders of which are to be designated as senior officers, and the designation of those persons as statutory officers, to include:

(a) The functions of designating a person as a statutory officer and removing a person from a statutory office.

(b) The functions under section 112 of the Local Government Act 1972 of:

(i) appointing and determining the terms and conditions of employment of an officer of the Authority, insofar as those functions are exercised for the purpose of appointing a person as an officer of the Authority principally in order for that person to be designated as a statutory officer; and

(ii) dismissing any person who has been designated as a statutory officer from his or her position as an officer of the Authority.

14. All functions to define the officer structure for the senior and statutory positions, to determine the recruitment processes and then to recruit the relevant staff to those positions.

15. All functions pertaining to the development, oversight and operation of an enhanced performance management and dismissal framework for officers holding senior and statutory positions.

CHAPTER 3: SUSPENDING, INTERPRETING AND AMENDING THE CONSTITUTION AND CHANGES TO EXECUTIVE ARRANGEMENTS

Suspension of the Constitution

1. **Limit to Suspension.** The Rules specified below may be suspended by bodies indicated to the extent permitted within those Rules and the law.

2. **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.

3. **Rules Capable of Suspension.** The following Rules may be suspended to the extent permitted by the rules unless this overrides any statutory requirements:

   (a) Council Procedure Rules (Council)

   (b) Budget and Policy Framework Procedure Rules (Council)

   (c) Executive Procedure Rules (Executive)

   (d) Overview and Scrutiny Procedure Rules (Overview and Scrutiny)

   (e) Default Committee Procedure Rules (Committees/Sub-Committees of the Council)

   (f) Other Bodies listed in Part E (Committees and Joint Arrangements)

Interpretation

4. A decision of the Speaker of the Council as to the interpretation of this Constitution or any proceedings of the Council shall not be challenged at any meeting of the Council. The Speaker's interpretation will have regard to the purposes of this Constitution as contained in Chapter 1.

Publication

5. The Monitoring Officer will ensure (1) that the Constitution is published on the Council’s website and that copies are available for inspection at the Town Hall; and (2) can be purchased by members of the local press and the public on payment of a reasonable fee.

6. The Monitoring Officer will ensure the Constitution is available to all Members and citizens and is updated as necessary.

7. For the avoidance of doubt, where authority to make changes to any part of the constitution has been delegated to the Monitoring Officer, or any other officer and the change is not reported to the General Purposes Committee or Council, the change will be published direct to the officer decision portal on the Council's website.

Reviews of the Constitution

8. The Officer scheme of delegation sets out the Monitoring Officer's responsibility for reviewing and maintaining an up to date Constitution as set out in the Functions of the Monitoring Officer in Part I, Chapter 57.

Changes to the Constitution

1. The Monitoring Officer can approve all non-material changes to the Constitution including those that reflect decisions taken by the Council or changes in legislation or to correct matters of fact.

10. The Monitoring Officer can recommend to Council or General Purposes Committee for approval any material changes to the Constitution with the exception of the Executive Scheme of Delegation (Chapter 35) which will be amended by the Monitoring Officer should the Mayor amend his Executive Scheme of Delegation.

11. The introduction to the Supplementary Documents Pack sets out the delegated authority to amend each Section within that Pack. Unless indicated otherwise, the Monitoring Officer has delegated authority to amend those documents in consultation with the Chief Executive.

12. All Sections of the Constitution remain in place unless explicitly revised or removed.

Change of Executive Arrangements

13. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change to its executive arrangements.

CHAPTER 4: GLOSSARY OF TERMS

1. N.B. This glossary is designed to assist in interpreting the Constitution but it does not replace or override statutory definitions and requirements or a decision of the Monitoring Officer about the correct interpretation of the provisions of the Constitution.

Access to Information

The Council's rules relating to access to meetings and documentation relating to meetings; including exempt and confidential information. The rules can be found in Part B, Chapter 10 of this Constitution.

Ambassador (Cabinet role)

A councillor role the Mayor may choose to appoint, to give specific focus to cross cutting themes and mayoral priorities, communities or projects. Ambassador roles are not Executive positions. See Part F, Chapter 35, Section 35.1, Paragraph 7 of this Constitution for more detail.

Annual Meeting

The meeting of the full Council at which the Speaker of the Council is elected. Other business related to the beginning of a new municipal year is also conducted.

Assurance

Leaders, managers and decision makers having confidence that the governance arrangements that they have approved are being implemented, operating as intended, and remain fit for purpose. See also Governance.

Auditor / External Auditor

An auditor is an officer appointed to conduct inspections (audits) into the Council's accounts and practices to assess whether it is following its own rules and meeting its own expectations. The Council must also engage external auditors who are independent of the Council to provide assessment of some financial matters, including how it accounts for its expenditure.

Authority / Local Authority

The Authority (or in some places, the Local Authority) means the London Borough of Tower Hamlets.

Basic allowance

Money that all elected Members are entitled to claim for performing their duties as an elected member. See also Members Allowances Scheme, Special Responsibility Allowance.

Best Value

Best Value means the requirement under the Local Government Act 1999 that the Council make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Budget

The budget is defined as: (i) The identification and allocation of financial resources for the following financial year(s) by the full Council including:- Revenue Budgets; Capital Budgets; The Council Tax Base; The Council Tax Level; Borrowing Requirements; Prudential Indicators; The Medium-Term Financial Strategy; and The Level of Uncommitted Reserves

Byelaw

Byelaws are local laws made by the Council requiring something to be done – or not done – in a specified area. They are accompanied by a sanction or penalty for their non-compliance.

By-election

An election for one (or more) Council seats that may be required in the event that a seat becomes vacant within the normal 4-yearly (full) election cycle.

Cabinet Committee/Sub Committee

Cabinet and executive committee/sub-committee(s) are bodies set up by the Cabinet or by the Mayor and to which the Cabinet or the Mayor has allocated executive functions. Members of Cabinet committee/sub-committee(s) will be members of the Cabinet (Executive).

Cabinet

The Cabinet is the main decision-making body of the Council in particular it is responsible for implementing the Council's Policy Framework and Budget. The Cabinet is made up of the Mayor and between two and nine other councillors chosen by the Mayor. The Cabinet will carry out all of the Authority's functions which are delegated to it by the Mayor and that are not the responsibility of any other part of the Authority, whether by law or under the Constitution. See also Junior Cabinet Members and Cabinet Ambassadors.

Call-in

A process whereby non-executive Members can request to suspend an executive decision within seven days of it being taken (known as the ‘call-in period’). If the request is accepted by the Monitoring Officer, the Overview and Scrutiny Committee will then meet to consider the decision and may refer it back to the decision-maker for reconsideration.

Capital

Money that the Council spends either to purchase or build an asset, or to improve or upgrade an existing asset. Examples of assets are property, buildings and heavy machinery (e.g. refuse collection vehicles).

Chair

The person who presides over a meeting. The Speaker chairs the meetings of the full Council. Chairs of Council committees are appointed by full Council. The Mayor will usually chair meetings of the Cabinet and other meetings of the Executive.

Chief Executive

The most senior officer of the Council who is designated as the Head of the Paid Service as defined in Section 4 of the Local Government and Housing Act 1989. See also Head of Paid Service.

Chief Financial Officer

The officer appointed in accordance with section 151 of the Local Government Act 1972 who has responsibility for the administration of the financial affairs of the Authority. LBTH's Chief Financial Officer is the officer appointed to the position of Corporate Director Resources. Also known as Section 151 Officer.

Chief Officers

The Chief Executive and Corporate Directors. There are Corporate Directors of Resources, Communities, Health and Adult Social Care, Children's Services, and Housing and Regeneration.

Clear Day

A working day, not including weekends or bank holidays. Access to Information legislation requires that agendas and reports are published “five clear days” in advance. This excludes both the day of the meeting and the day on which the meeting is called

Code of Conduct for Members

The document which has been adopted by LBTH setting out what is expected of Members and Co-Opted Members of the Authority in terms of their conduct and behaviour, as set out in Part H, Chapter 50 of this Constitution.

Committee

A group of Members (perhaps including voting or non- voting Co-Opted Members) appointed to discharge a specific function. The Authority has various types of committees. There are committees both of Council and of the Executive. The terms of reference of the Council committees and sub-committees are set out in Part E of this Constitution.

Confidential Information

Defined in section 100A(3) of the Local Government Act 1972 as information provided to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public or, information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court. The management of confidential information is explained in the Access to Information Procedure Rules set out in Part B, Chapter 10 of this Constitution. See also Exempt Information.

Constituent

An individual resident of a Ward.

Constitution

A document adopted by the full Council which sets out how the Council operates, how decisions are made and the procedures that are to be followed to ensure that these are efficient, transparent and accountable to local people.

Contract Procedure Rules (sometimes referred to as Contract Standing Orders)

Are contained in the supplementary documents of this Constitution and set out the rules and procedures which govern procurement and entering into contracts by the Council.

Co-Opted Member

A Member of any committee or sub-committee of the Council/Executive and not a councillor or officer of the Council. Co-opted Members do not normally have voting rights on committees/sub-committees, unless the committee or sub-committee is advisory. One exception is the parent governor, church and muslim community representatives on the Children and Education Overview & Scrutiny Sub Committee who are voting members.

Corporate Plan

This provides a high level summary of the Council's current priorities.

Council Functions

Those functions of the Authority which cannot be exercised by the Mayor or Executive. These functions may be undertaken by the full Council, a committee, a sub- committee, a joint committee of the Council, or an officer authorised by the full Council to carry out council functions.

Councillor

An individual democratically elected to serve on the Council. There are restrictions as to who can hold office as a councillor. Councillors are also often referred to as 'Members'.

Delegated Power/Delegated Authority

Authority, delegated by the Mayor or the Council, to another decision-making body or individual decision maker to make decisions or discharge functions

Deputy

An individual identified to assume powers and responsibilities of another in the event that the original role-holder cannot act. Deputy members of committees and sub-committees are sometimes referred to as substitutes.

Deputy Mayor

A Member of the Cabinet appointed by the Mayor to act as his/her deputy. In specified circumstances, the Deputy Mayor may exercise any and all of the powers of the Mayor. Also referred to as Statutory Deputy Mayor.

Disclosable Interest / Disclosable Pecuniary Interest

The Council's rules require its Members and Co-Opted Members to take certain actions with regard to specifically identified types of interests. Some interests must be 'disclosed' by the person with that interest if they are present when matters are discussed that relate to it. A member with a disclosable pecuniary interest must also withdraw from the room and must not vote. See also Interest, Pecuniary Interest, Registrable Interest.

Dispensation

An exemption from a requirement or penalty that a person in authority may give to another individual. In the Council, the Chief Executive and Monitoring Officer can give dispensations to councillors for e.g. penalities for non-attendance or requirements to disclose interests. See also Interests, Disclosable Interests.

Electoral

Relating to elections.

Executive

The Executive is made up of the Mayor and between 2 and 9 other Councillors, one of whom is appointed as the Statutory Deputy Mayor. The Executive carry out all of the Authority's functions which are not the responsibility of any other part of the Authority, whether by law or under the Constitution. The term 'Executive' may refer to the Executive meeting as a whole (see definition of the Cabinet), any committee/sub-committee of the Executive, or a single member of the Executive, or an officer to the extent that any of these is responsible for the exercise of a particular executive function.

Executive Arrangements

Defined in section 10 of the Local Government Act 2000 as arrangements by a local authority for and in connection with the creation and operation of an Executive of the authority; and under which certain functions of the Authority are the responsibility of the Executive.

Executive Committees

Committees set up by the Executive and to which the Executive has allocated executive functions under section 15 of the Local Government Act 2000. Members of Executive committees will be members of the Executive.

Executive Functions

Any functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution. The division of functions between the Executive and the Council is set out in Part C, Chapter 11 of this Constitution.

Exempt Information

The Council may exclude access by the public to information if it falls within one or more of the 7 categories set out in Schedule 12A of the Local Government Act 1972 (as amended) and subject to the relevant qualifications set out in that schedule. This

information would then be 'exempt from publication'. The management of exempt information is explained in the Access to Information Procedure Rules set out in Part B, Chapter 10 of this Constitution.

Extraordinary Meeting

A meeting of the full Council, the Executive, any committee or sub-committee of the Council or the Executive or any Scrutiny body, which was not on the calendar of meetings agreed at the Annual Meeting but is called by those with authority to do so, to consider a particular item, or items, of business in accordance with Access to Information provisions. See also 'Ordinary Meeting'.

Financial Regulations and Procedure Rules

Are set out in the rules and procedures contained in supplementary documents, which govern financial management and control within the Council.

Forward Plan

A document published by the Council on behalf of the Mayor which contains information on significant decisions that the Council expects to take over the next few months. As a minimum this will include notice of all Key Decisions to be taken by the Mayor or Cabinet and Budget and Policy Framework Decisions. In addition, the Council aims to publish all other decisions to be taken by the Mayor and/or Cabinet. The Forward Plan is published on the Council's website 28 calendar days prior to each ordinary Cabinet meeting. Sometimes referred to as 'The Forthcoming Decisions Plan'.

Full Council

A meeting which all Councillors of the authority and Mayor are entitled to attend and vote.

Governance/ Corporate Governance

Governance is about how the Council ensures that it is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner. It comprises the systems and processes, and cultures and values, by which the Council is directed and controlled and through it accounts to, engages with and leads its communities.

Head of Paid Service

The officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the Council. At LBTH the Head of the Paid Service is the officer appointed to the position of Chief Executive. See also Chief Executive.

Interests (declaration or register of)

Something an individual has or does outside the Council that could potentially influence the way they consider or determine a matter relating to Council business. Examples of interests could include a person's job, home, property (whether owned, let or rented), investments, family members and membership of clubs or associations. See also Disclosable Interest / Disclosable Pecuniary Interest, Pecuniary Interest, Registrable Interest.

Joint Committee/Joint Arrangements

A committee comprising Members of two or more local authorities created under section 102(1) of the Local Government Act 1972. (See Part E of this constitution).

Junior Cabinet Member

A Councillor role the Mayor may choose to appoint, to provide support to specific Cabinet Members and their portfolios. Junior Cabinet Members are not Executive positions. See Part F, Chapter 35 of this Constitution for more detail.

Key Decision

An Executive decision which is likely to result in the Council incurring expenditure of or above £1million revenue spending or savings or £5million capital expenditure; or be significant in terms of its effects on communities living or working in an area comprising two or more LBTH wards. Further guidance on Key Decisions is included in Parts C and F of this Constitution. See also Revenue, Capital.

King George's Field Charity

A registered charity controlled by the Council to administer the affairs of the King George's Field, Mile End charity, and the King George's Field – Stepney (Tredegar Square, Bow) charity and discharge all duties of the Council as sole trustee of these charities. The charity's management Board includes the Mayor and members of the Cabinet.

Mayor

The person directly elected by the voters of the Borough for a 4 year term and is responsible for all of the Council's executive functions.

Member

A councillor generally or, in relation to a committee or sub-committee, a member of that committee or sub-committee. The Mayor will be treated as a Member of the Council unless the law or context requires otherwise.

Members' Allowances Scheme

Contained in Part H, Chapter 53 of this Constitution and sets out the scheme under which the Mayor, Councillors, Independent Members and Co- Opted Members are entitled to receive allowances (payment) in respect of carrying out their duties and for fulfilling any responsibilities allocated to them. See also Basic Allowance, Special Responsibility Allowance.

Monitoring Officer

The officer appointed by the Authority in accordance with Section 5 of the Local Government and Housing Act 1989 to report to it on any proposal, decision or omission by the Authority, or its committees or sub-committees, or its officers, which has given, or may give rise, to a contravention of law or statutory code of practice. The Monitoring Officer is the 'qualified person' for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public affairs and is the principal advisor to the Audit Committee and Standards Advisory Committee on ethical governance covering the behaviour of both Members and Officers. In LBTH the Monitoring Officer is the Director of Legal.

Officers

The Council's Staff

Ordinary meeting

A meeting of the full Council, the Executive, or any committee or sub-committee of the Council/Executive which has been included on the calendar of meetings agreed at the Annual Meeting. Ordinary meetings are for the transaction of the day-to-day business of that body. See also 'Extraordinary Meeting'.

Overview and Scrutiny Committee

A committee established by Council to undertake overview and scrutiny functions as set out in section 21 of the Local Government Act 2000 and subsequent legislation. It consists of councillors who are not members of the Executive and reflects the political balance of the Council. The Committee holds the Executive to account through consideration of executive decisions. It is also able to undertake policy reviews of Council functions and anything else affecting the economic, social or environmental well-being of the Borough's residents.

Parent Committee

A committee that has delegated some of its functions to one or more sub-committees can be said to be the parent committee of those sub committees.

Partnership Arrangement

An arrangement between LBTH Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.

Pecuniary Interest

An Interest of a financial nature. See also Disclosable Interest / Disclosable Pecuniary Interest, Interest, Registrable Interest

Policy Framework

A set of plans and strategies set down by legislation (for list see Part D, Chapter 18). Approving or adopting the elements of the policy framework is a function reserved to the full Council.

Political Assistant

Not an ordinary officer of the Council but one appointed under section 9 of the Local Government and Housing Act 1989. Some rules apply differently in relation to these officers from how they apply to other Council officers.

Political Balance

The principle that the allocation of seats on committees to each political group should reflect (be in proportion to) that group's seats on the Council. Some committees must be politically balanced by law; for others the Council can choose whether or not to apply political balance.

Political Group

Two or more councillors who have formally informed the Monitoring Officer that they wish to be treated as a collective group for specified purposes as set out in Regulations. A councillor can be a member of one political group only. See also 'Ungrouped Member'.

Portfolio

The responsibilities or roles allocated to an individual Member or officer. A Cabinet (or executive) portfolio specifically refers to the responsibilities or roles allocated to a Cabinet member by the Mayor. The Mayor may also hold a portfolio area of responsibility. Cabinet portfolios are published on the Council's website.

Procedure Rules

Rules which the Council has adopted to regulate its [the Procedure Rules chapter] (part_council__chp_council_procedure_rules) and proceedings. There are also separate procedure rules relating to various other matters including the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part D of this Constitution.

Proper Officer

Has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the officer appointed for that purpose by the Authority or for that area, as the case may be. A list of the Proper Officers can be found in Part I, Chapter 58.

Protocol

A document forming part of the Constitution that sets out a guide to the way certain individuals and groups interact with each other. They are not rules but they do give guidance on how things should operate. Part H, Chapter 52 of this Constitution contains the protocols applying to LBTH in respect of Members and officers.

Quasi-Judicial

A meeting which considers a matter which affects a person's livelihood; which involves disciplinary action; or which affects property. Examples at LBTH include licensing application hearings, employee disciplinary panels or planning application hearings.

Quorum

The number of Members of the Council, of the Executive, or of a committee or sub-committee required to be present to allow a meeting to transact business validly. The quorum for each body is set out in the relevant Terms of Reference in Parts D, E and F of this Constitution.

Registerable Interest

The Council's rules require its Members and Co-opted Members to take certain actions with regard to specifically identified types of interests. Some interests must be 'registered' by the person holding that interest. Each Councillor and Co-opted Member has a Register of Interests that is published. See also Disclosable Interest / Disclosable Pecuniary Interest, Pecuniary Interest, Interest.

Regulatory Committee

Means any committee that discharges the Council's functions to determine applications for licences, certificates, registrations and similar consents, when acting in that capacity. See also 'Quasi Judicial'.

Revenue

Money that the Council spends on its day-to-day running costs. Examples include wages and salaries, heat and light, and transport costs.

Section 151 Officer

The officer appointed in accordance with section 151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the Authority. This position is also known as the Chief Financial Officer and in LBTH the position is held by the Corporate Director Resources.

Speaker/Speaker of the Council

A Councillor, not being a member of the Executive, elected by the Council at the Annual Meeting to the position. The Speaker presides over (chairs) full Council meetings. The Speaker is the first citizen of the London Borough of Tower Hamlets and, as such, will normally carry out the ceremonial duties of the Council. In addition to his or her roles and duties as a councillor, the Speaker will have the additional responsibilities set out in Part H, Chapter 48 of this Constitution.

Special Responsibility Allowance

An allowance some Members are entitled to claim in addition to their Basic Allowance for performing certain roles such as Cabinet member, chair of a committee and leader of opposition. See also Members Allowances Scheme, Basic Allowance.

Statutory

Relating to laws (statutes) that are made by Parliament.

Sub-Committee

A group of Members (including where appropriate co-opted members) appointed by a committee or the Executive to take responsibility for one or more aspects of its functions or function.

Ungrouped (Member)

A Councillor not belonging to a political group. See also Political Group.

Vice-Chair

Will deputise for the chair of the body, including chairing the meeting in the chair's absence. The Deputy Speaker is the Vice-Chair of full Council meetings and will carry out the functions of the Speaker in their absence.

Ward

A sub-division of the Borough. The London Borough of Tower Hamlets has 20 wards and the electors in each ward elect either 1, 2 or 3 Councillors to represent them on the Council.

PART B: PUBLIC RIGHTS, RESPONSIBILITIES AND PARTICIPATION

CHAPTER 5: PUBLIC'S GENERAL RIGHTS AND RESPONSIBILITIES

1. Citizens have various rights as listed below and set out in more detail throughout Part B.

General Rights

2. Citizens have a number of general rights including to:

    • contact the Mayor or their local Councillor about any matters of concern to them

    • participate in the Tower Hamlets Partnership and consultative mechanisms or service user groups, if selected or appointed to do so;

    • complain about Council services, actions, the conduct of Members or to highlight potential malpractice or illegality;

    • examine the Council's accounts when open for inspection and make their views known to the external auditor;

    • vote at Mayoral and Council elections if they are eligible and registered;

Voting and Petitions

3. 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.

Participation in Decision Making

4. 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 Chapter 17 (Council Procedure Rules) and Chapter 39 (Overview and Scrutiny Procedure Rules). Individual Committees such as the Licensing and Strategic Development Committee will set out procedures to follow for public participation.

5. As a summary, citizens can:

    • 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;

    • 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;

    • 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;

    • see unrestricted reports and associated background papers and any published record of decisions made by Council, and other non-executive Committees/ Sub-Committees;

    • 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;

    • 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;

6. 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.

Compliments and Complaints

7. All citizens have the right to:

    • 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;

    • complain to the Local Government and Social Care Ombudsman and Housing Ombudsman after using the Council's own complaints scheme;

- complain to 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.

Citizen's Responsibilities

8. 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.

9. 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.

10. 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 6: FREEDOM OF THE BOROUGH

1. 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, provided notable contributions to the borough.

2. 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.

3. Similarly, a resolution requires a two-thirds majority of the Members present and voting to rescind a previously made nomination.

4. 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:

    • Citizenship Ceremonies

    • Civic Awards

    • Civic and Remembrance Services

5. 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 7: PUBLIC PARTICIPATION AT MEETINGS

1. 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.

2. 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.

3. Public participation at meetings is managed by the Chair using the procedures applicable to that meeting.

4. 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 8: PROTOCOL FOR REPORTING AND FILMING COUNCIL, CABINET AND COMMITTEE MEETINGS.

Section 1: Introduction

1.1 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.

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

- Cause a disturbance at the meeting.
- Cause health and safety issues.
- Unnecessarily impact on the privacy of members of the public.

1.3 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.

1.4 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

2.1 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

3.1 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.

3.2 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

4.1

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:

- Read any specific guidance in the meeting agenda.
- Notify the clerk to the meeting at least 24 hours in advance (contact details are printed on the agenda front sheet).
    - In particular it is important to highlight if you wish to bring larger hardware/ equipment as facilities arrangements may have to be made.
- Members of the Press should also notify the Communications team (communications@towerhamlets.gov.uk).

4.2 When recording the meeting:

- 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.
- Ensure all equipment is set up in advance of the meeting starting to avoid disruption.
- Avoid the use of flashes, bright lights, noisy equipment or anything which could be distracting.
- Only record those who are actively participating in the meeting.
- Do not film the public gallery.
- Obey any instructions of the Chair of the meeting including on who can/cannot be filmed/recorded.
    - Note that Councillors and officers are excluded from this provision in accordance with the Openness of Local Government Bodies Regulations 2014.

Section 5: The Role of the Chair of the meeting

5.1 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.

5.2 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

6.1 You may not film/record:

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

6.2 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

7.1 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.

CHAPTER 9: THE LONDON BOROUGH OF TOWER HAMLETS PETITION SCHEME

Section 1: Submitting a Petition to the Council

1.1 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.

1.2 **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.

1.3 To help you organise a paper petition, the Council has prepared a template that is available on the Council's website should you wish to use it.

1.4 Paper petitions can be sent to the Democratic Services Team using the details provided at Section 9.7 of this Scheme.

1.5 **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.

1.6 It is recommended that e-petitions are created via the Council's e-petition facility 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.

1.7 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

2.1 Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. This should state what action the petitioners wish the Council to take.

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

Subsection 2.1: Scope of Petition

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

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

2.3 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.

2.4 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.

2.5 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.

2.6 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.

2.7 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.

Subsection 2.2: Signing a Petition

2.8 **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.

2.9 **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

3.1 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.

3.2 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.

3.3 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.

3.4 If however, the petition meets the requirements to be presented/debated at a meeting of Councillors under the provisions of Section 9.4 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.

3.5 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).

3.6 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

4.1 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.

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

4.3 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.

4.4 The procedure for presenting a petition at full Council or Committee meetings is included in the Appendix to the Petition Scheme.

4.5 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.

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

4.7 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.

4.8 The procedure for debating a petition at full Council meetings is included later in this scheme.

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

4.10 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).

4.11 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 (through the link on the front of the agenda) up to three working days before the meeting.

4.12 General guidance on requesting your petition be presented or debated

4.13 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.

4.14 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

4.15 Similar Petitions

4.16 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

5.1 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.

5.2 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.

5.3 You can find more information on the services for which the Council is responsible on our website. www.towerhamlets.gov.uk

5.4 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

6.1 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/lgnl/council_and_democracy/complaints/complaints.aspx

Section 7: Further Information

7.1 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
Website: http://www.towerhamlets.gov.uk/committee
e-petitions website: http://www.towerhamlets.gov.uk/petition

Section 8: Appendix to the Petition Scheme - Procedure for hearing petitions at Full Council

8.1 **Agenda order:** All petitions received within the deadline (see Section 9.4 of the Petition Scheme) will be listed on the Council agenda.

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

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

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

(a) Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough. Unless prior agreement from the Speaker of the Council has been obtained, the person(s) presenting the petition cannot include an elected Member of the Council.

(b) The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.

(c) Councillors may then ask the petitioners questions for a further 4 minutes;

(d) The speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the matters raised for up to 2 minutes.

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

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

(a) Up to 3 seats in the public gallery will be reserved for the person(s) presenting each petition. The person(s) presenting the petition must live, work or study within the borough.

(b) The person(s) presenting each petition will be invited to speak for up to 3 minutes in total in support of the petition. Additional time will be allowed if an interpreter is used. In this case the interpreter must not use the additional time to introduce new information.

(c) Councillors may then ask the petitioners questions for a further 4 minutes.

(d) The petition will then be debated by Councillors for a maximum of 15 minutes. All speeches are limited to a maximum of 3 minutes. During his or her speech, any Councillor may move a motion for the Council’s consideration relevant to matters in the petition (this does not require the suspension of the Council Procedure Rules).

(e) Following the debate, the speaker will invite the Mayor or (at the Mayor's discretion) the relevant Lead Member or Committee Chair to respond to the matters raised, for up to 3 minutes.

(f) Following the petition debate, any motions moved will be put to the vote in the order they were tabled.

(g) If no motion is agreed, the petition will stand referred to the relevant Corporate Director for a written response within 28 days of the meeting.

Subsection 8.1: General guidance on petition hearings at Council meetings

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

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

Subsection 8.2: Presentation of Petitions at Non-Executive Committee Meetings (including Overview and Scrutiny Committees)

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

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

Subsection 8.3: Petitions presented by young people

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

8.11 Petition Scheme Appendix 2

Subsection 8.4: PROCEDURE FOR HEARING PETITIONS AT MEETINGS OF THE CABINET

8.12 The procedure for hearing petitions at meetings of the Cabinet is contained in Chapter 36 (Executive Procedure Rules) of the Council's Constitution. The relevant provision is replicated below:

Subsection 8.5: Public Engagement at Cabinet

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

CHAPTER 10: ACCESS TO INFORMATION PROCEDURE RULES

Section 1: Scope

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

Section 2: Additional Rights to Information

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

Section 3: Rights to attend meetings

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

Section 4: Notice of Meeting

4.1 The Council will give at least five clear working days’ notice not including the day that notice is given or the day of any meeting by posting details of the meeting at Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ (the designated office).

4.2 If the meeting is convened at shorter notice than five clear working days, notice is to be given by the Council in the same manner set out above at the time the meeting is convened.

Section 5: Access to agendas and reports before the meeting

5.1 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;

5.2 Where the meeting is convened at shorter notice, copies of the agenda and report shall be open to inspection from the time the meeting is convened, and

5.3 Where an item is added to an agenda copies of which are open to inspection by the public, copies of the item (and of the revised agenda) and copies of any report for the meeting relating to that item, shall be open to inspection from the time the item is added to the agenda.

Section 6: Items of Business

6.1 An item of business may not be considered at a meeting unless either:

(a) copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear working days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened; or

(b) by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

6.2 “Five clear working days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.

6.3 “Special circumstances” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item or report could not have been available for inspection for five clear days before the meeting.

6.4 Where the item of business relates to a key decision Sections 10.14 to 10.19 also apply.

Section 7: Supply of Copies

7.1 The Council will supply copies of:

(a) any agenda and reports which are open to public inspection;

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

(c) if the 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

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

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

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

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

Section 9: Background Papers

9.1 **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:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report,

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

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

Section 10: Summary of Public's Rights

10.1 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

11.1 **Confidential Information** – **Requirement to Exclude Public**. The public must be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information (as defined in paragraph 4 below) would be disclosed in breach of the obligation of confidence.

11.2 **Exempt Information** – **Discretion to Exclude Public**. The public may be excluded from meetings or those part or parts of meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined in paragraph 5 below) would be disclosed and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11.3 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.4 **Meaning of Confidential Information.** Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which the disclosure of which to the public is prohibited by or under any enactment or by the order of a court. This includes information excluded under the Freedom of Information Act 2000 or the Data Protection Act 2018.

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

(a) Information relating to any individual.

(b) Information which is likely to reveal the identity of an individual.

(c) 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.]**

(d) 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.

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

(f) Information which reveals that the authority proposes:-

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

(ii) to make an order or direction under any enactment.

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

11.6 Information falling within any of the categories 1-7 of paragraph 5 above are not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

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

Section 12: Exclusion of access by the public to reports

12.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with section 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 Section 10.11, paragraph 5 above for the categories).

Section 13: Application of rules to the Executive

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

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

Section 14: Procedure Before Taking Key Decisions

14.1 Subject to Section 10.23 (Urgency general exception) and Section 10.24 (Urgency special urgency), a key decision shall not be taken unless:

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

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

(c) where the decision is to be taken at a meeting of the Executive or a Committee of the Executive, notice of the meeting has been given in accordance with Section 10.4 (Notice of meeting).

Section 15: Notice of Key Decisions

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

15.2 In addition, a notice shall be published under section 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

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

(a) that a key decision is to be made on behalf of the Council;

(b) the matter in respect of which the decision is to be made;

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

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

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

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

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

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

16.2 Where, in relation to any matter-

(a) the public may be excluded under Section 10.17, paragraph 2 below from the meeting at which the matter is to be discussed; or

(b) documents relating to the decision need not, because of Rule 17, be disclosed to the public,

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

Section 17: KEY DECISION NOTICES – EXEMPT AND CONFIDENTIAL INFORMATION

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

17.2 Nothing in these Rules or the 2012 Regulations-

(a) authorises or requires the Council to disclose to the public or make available for public inspection any document or part of document if, in the opinion of the Monitoring Officer, that document or part of a document contains or may contain confidential information; or

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

Section 18: URGENCY - GENERAL EXCEPTION

18.1 If a matter which is likely to be a key decision is to be considered and the matter has not been published in advance in accordance with section 14 then, subject to Section 10.24 (Urgency special urgency), the decision may still be taken if:

(a) the decision must be taken by such a date that it is impracticable to defer the decision until public notice of at least twenty-eight days has been given;

(b) the Monitoring Officer has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee by notice in writing of the matter about which the decision is to be made;

(c) the Monitoring Officer has made copies of that notice (which includes the reasons why compliance with Section 10.14, paragraph 1 was impracticable) available to the public at the offices of the Council for inspection; and

(d) at least five clear days have elapsed following the day on which the Monitoring Officer complied with 18.1(b) and 18.1(c).

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

Section 19: URGENCY - SPECIAL URGENCY

19.1 If by virtue of the date on which a decision must be taken Section 10.23 (Urgency general exception) cannot be followed, then a decision can only be taken if the decision taker (or the Chair of the body making the decision) has obtained agreement from the following —

(a) the Chair of the Overview and Scrutiny Committee ; or

(b) if there is no such person, or if the Chair is unable to act, the Speaker; or

(c) where there is no Chair of the Overview and Scrutiny Committee or Speaker, the Deputy Speaker;

that the taking of the decision cannot reasonably be deferred.

19.2 As soon as reasonably practicable after the Proper Officer has complied with the above they must make available a notice setting out the reasons why compliance with Section 10.14, paragraph 1 is impracticable and publish that notice on the Council's website.

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

Section 20: RIGHTS OF OVERVIEW AND SCRUTINY

20.1 When the Overview and Scrutiny Committee can Require a Report

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

(a) published in advance in accordance with section 14, or

(b) the subject of the urgency - general exception procedure (see Section 10.23), or

(c) the subject of an agreement with the Chair of the Overview and Scrutiny Committee, or the Speaker under Section 10.24;

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

(a) the Chair of the Overview and Scrutiny Committee; or

(b) three (3) Members of the Overview and Scrutiny Committee.

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

20.2 The Executive's Report to Council

(a) The Executive will prepare a report setting out the date of the decision, particulars of the decision, the individual or body making the decision, and if the Mayor is of the opinion that it was not a key decision, the reasons for that opinion. There should also be details of any alternative options that were considered and why they were rejected, and the names of any member who has declared a conflict of interest in relation to the decision (if any).

(b) The report will be submitted to the next ordinary meeting of Council. However, if the next meeting of Council is within ten days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the Council meeting after that.

Section 21: Meetings of the executive and its committees to be held in public

21.1 Any meeting of the Executive or a Committee of the Executive shall be open to the public except to the extent that the public are excluded under paragraph 2 below

21.2 The public must be excluded from a meeting during an item of business whenever —

(a) it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence;

(b) the decision-making body concerned passes a resolution to exclude the public during that item where it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them; or

(c) a lawful power is used to exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at a meeting.

21.3 A resolution under paragraph 2, 2 above must——

(a) identify the proceedings, or the part of the proceedings to which it applies; and

(b) state, by reference to the descriptions in Section 10.11, paragraph 5 the description of exempt information giving rise to the exclusion of the public.

21.4 The public may only be excluded under sub-paragraph (a) or (b) of paragraph 2 above for the part or parts of the meeting during which it is likely that confidential information or exempt information would be disclosed.

21.5 Without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, the Executive and its Committees do not have the power to exclude members of the public from a meeting while it is open to the public.

21.6 While a meeting of the Executive or one of its Committees is open to the public, any person attending the meeting for the purpose of reporting the proceedings is, so far as practicable, to be afforded reasonable facilities for taking their report.

21.7 The Council must ensure that members of the public are aware that a meeting is to be broadcast where the council or a person attending the meeting for the purpose of reporting proceedings intends to use facilities to record or broadcast the proceedings.

21.8 Procedures prior to private meetings
Any decision made by the Executive or one of its Committees to hold a meeting in private is a prescribed decision for the purpose of section 9GA(5) of the Local Government Act 2000 (regulations requiring prescribed information about prescribed decisions).

21.9 At least twenty-eight clear days before a private meeting of the Executive or one of its committees, the Executive must—

(a) make available at the offices of the Council a notice of its intention to hold the meeting in private; and

(b) publish that notice on the Council's website.

21.10 A notice under paragraph 9 above must include a statement of the reasons for the meeting to be held in private.

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

(a) make available at the offices of the Council a further notice of its intention to hold the meeting in private; and

(b) publish that notice on the Council's website.

21.12 A notice under paragraph 11 above must include—

(a) a statement of the reasons for the meeting to be held in private;

(b) details of any representations received by the Executive about why the meeting should be open to the public; and

(c) a statement of its response to any such representations.

21.13 Where the date by which a meeting must be held makes compliance with paragraphs 9 to 12 above impracticable, the meeting may only be held in private where the decision-making body has obtained agreement from the following—

(a) the Chair of the Overview and Scrutiny Committee; or

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

(c) where there is no Chair of the Overview and Scrutiny committee or Speaker, the Deputy Speaker,

that the meeting is urgent and cannot reasonably be deferred.

21.14 As soon as reasonably practicable after the decision-making body has obtained agreement under paragraph 13 above to hold a private meeting, it must—

(a) make available at the offices of the Council a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and

(b) publish that notice on the Council's website.

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

21.16 The Head of Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place. A meeting of the Executive may not meet to take any decisions unless the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer or their nominee are present or have waived their entitlement to attend. The meeting may only take a decision if there is an officer present with responsibility for recording and publishing the decision.

Section 22: Record of Decisions

Subsection 22.1: Executive Decisions made at Meetings

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

(a) a record of the decision including the date it was made;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected at the meeting by the decision making body at which the decision was made;

(d) a record of any conflict of interest relating to the matter which is declared by any Member of the decisions making body which made the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

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

Subsection 22.2: Executive Decisions made by Individual Members of the Executive

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

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

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

22.6 Individual decisions by Members of the Executive can only be taken in the presence of an officer.

22.7 Subject to Section 10.23 (Urgency general exception) and Section 10.24 (Urgency special urgency), the individual decision maker may not make any key decision until notice of the decision has been available for public inspection for at least twenty-eight days before the decision is made.

22.8 As soon as is reasonably practicable after an individual Member has made an executive decision they shall produce, or cause to be produced, a written statement including:

(a) a record of the decision including the date it was made;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected at the time by the Member when making the decision;

(d) a record of any conflict of interest declared by any Executive Member who was consulted by the Member which relates to the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

22.9 A copy of the written statement setting out the decision must be sent to the Monitoring Officer. All decisions of the Executive must be published on the Council's website and will be subject to call in as set out in Part G, Section 39 of this Constitution.

22.10 Nothing in these rules relating to the taking of decision by individual Members shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

Section 23: Decisions made by Officers

Subsection 23.1: Key Decisions

23.1 Where officers are taking delegated key decisions, they must follow the procedure set out above for decisions taken by Individual Members of the Executive. This includes ensuring the decision is taken on the basis of a written report setting out key legal, financial and corporate implications.

23.2 Any officer decisions taken in accordance with paragraph 1 above will be subject to call-in as set out in Part G of this Constitution.

Subsection 23.2: Other Executive Decisions (Non-Key Decisions)

23.3 As soon as is reasonably practicable after an officer has made a non-key decision delegated to the officer by a specific decision of the Executive, or another decision which incurs expenditure or savings over the threshold specified in section 7 (currently £250k) the officer must produce a written statement including:

(a) a record of the decision including the date it was made;

(b) a record of the reasons for the decision;

(c) details of any alternative options considered and rejected at the time by the officer when making the decision;

(d) a record of any conflict of interest declared by any Executive Member who was consulted by the officer which relates to the decision; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the Head of Paid Service.

23.4 Non-key decisions taken by officers are not subject to call in.

23.5 Nothing in these rules relating to the taking of a decision by individual officers shall require them to disclose confidential or exempt information or the advice of a political adviser or assistant.

23.6 This Section must be read in conjunction with the Recording of Officers' decisions at section 7.

Section 24: OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS - AFTER A DECISION HAS BEEN MADE

24.1 Subject to paragraph 2 below, any member of the Overview and Scrutiny Committee or of a Scrutiny Panel will be entitled to copies of any document which is in the possession or control of the Executive or any of its Committees, and contains material relating to:

(a) any business which has been transacted at a public or private meeting of the Executive or its Committees; or

(b) any decision taken by an individual Member of the Executive;

(c) any key decision that has been taken by an officer in accordance with executive arrangements.

Subsection 24.1: Limits on Rights

24.2 Overview and Scrutiny Committee Members and Scrutiny Panel Members shall not be entitled to:

(a) any document that is in draft form;

(b) any part of a document that contains exempt or confidential information unless;

(i) it is relevant to an action or decision that they are reviewing or scrutinising or intends to review or scrutinise; or

(ii) which is relevant to any review contained in any programme of work of an Overview and Scrutiny Committee or Scrutiny Panel;

(c) any document or part of a document that contains the advice of a political assistant.

Section 25: ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS

Subsection 25.1: Material Relating to Council and Committee Meetings

25.1 All Members are entitled to inspect any document which is in the possession or under the control of the Council and contain material relating to any business to be transacted at a meeting of Council or its Committees or Sub Committees unless 10.21.1.1 below applies:

(a) it contains exempt information falling within categories 1, 2, 3 (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract), 4, 5 or 7 as set out at Rule 10.11.5 above.

Subsection 25.2: Material Relating to Executive Meetings

25.2 All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business to be transacted at a public meeting unless either 10.21.2.1 or 10.21.2.2 below applies:

(a) It contains exempt information falling within categories 1, 2, 3, (insofar as the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) 4, 5 or 7 as set out in rule 10.11.5 above.

(b) It contains the advice of a political assistant.

25.3 After the conclusion of a private meeting of the Executive at which an Executive decision has been made, all Members are entitled to inspect any document which is in the possession or under the control of the Executive and contain material relating to business transacted at the meeting in the terms set out at 10.21.2 above.

Subsection 25.3: Material Relating to Key Decisions

25.4 All Members are entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any key decision in the terms set out at 10.21.2 above.

Subsection 25.4: Nature of Rights

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

PART C: DECISION MAKING

CHAPTER 11: HOW DECISIONS ARE MADE

Principles of Decision-Making

1. All decisions of the Council will be made in accordance with the following principles:

   (a) proportionality (i.e. the action must be proportionate to the desired outcome);

   (b) listening to relevant voices and the taking of professional advice from officers;

   (c) respect for human rights;

   (d) a presumption in favour of openness; - this means the Council will make all information relating to decisions available to the public except where there are strong reasons not to do so

   (e) clarity of aims and desired outcomes;

   (f) take account of all relevant matters;

   (g) discount irrelevant matters; and

   (h) explaining what options were considered and giving the reasons for the decision.

Responsibility for Decision-Making (Executive / Non-Executive)

2. 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 Chapter 13 below.

3. 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.

Executive and Non-Executive Examples

4.

Here are some examples of Executive and Non-Executive Functions.

Executive	Non-Executive
• Overall strategy, policy and priorities for the Council • Housing Management and Regeneration • Education and Learning • Safer Communities • Resources and Finance • Jobs, Skills and Growth • Culture, Leisure and Recreation • Environment • Public Realm • Procurement and commissioning • Health and Social Care	• Certain Licensing (e.g. alcohol) and Gambling applications • Planning Applications • Human Resources • Elections • Audit • Managing the Council's Pension Fund • Making By-Laws • Member Code of Conduct and related matters • Amending and adopting the Constitution

Executive Decision Making

5. The Mayor is responsible for Executive decision-making and is therefore responsible for most day to day decisions. The Mayor can take these decisions at Cabinet, in a Cabinet Sub-Committee or the decisions can be delegated to officers.

6. These decisions must be in line with the Council's Budget and Policy Framework. If any of these decisions change the Framework then these must be referred to Council.

Executive Key Decisions Definition

7. A "key decision" is an executive decision which is likely to:

(a) result in the local authority incurring expenditure or the making of savings of:

- Savings - Where the proposal is expected to result in savings of above £1 Million
- Revenue expenditure - Where the proposal involves revenue expenditure of above £1 Million
- Capital expenditure - Where the proposal involves capital expenditure of above £5 Million

OR

(b) be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions.

- In considering whether a decision is likely to have a significant impact, the decision maker is to consider the strategic nature of the decision and whether the outcome will have a significant material impact, for

better or worse, on the local amenity or wellbeing (including social and environmental impact) of the community or the quality of service provided to a significant number of people living or working in the locality affected.

- When officers consider the impact on the Community they will, for example, consider the effect on specific groups within that Ward (defined by other characteristics such as ‘age’, ‘culture’ etc) where those groups make up a significant proportion of that Ward’s population.
- In determining the meaning of “significant” for the purposes of these paragraphs, regard must be had to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000.

In addition to the above, officers will also consider the following guidance when determining if an issue should be treated as a Key Decision:

8. A decision to approve, update or amend a policy, strategy, plan, scheme (or similar) will only be a key decision if criterions (A) or (B) above would apply to the implementation of the document once approved, updated or amended.

9. Documents listed in Chapter 18 under the Budget and Policy Framework, are non-executive decisions reserved to Full Council and therefore cannot be key decisions. However, they are required to be prepared and developed by Cabinet in accordance with the Budget and Policy Framework Procedure Rules at Part D, Chapter 19.

10. A decision or report in relation to preparation and development of an issue, for example to begin a public consultation exercise, will not normally be a key decision unless criterions (A) or (B) above would also apply to that specific action. Even if the final determination of that issue would result in a Key Decision.

11. A decision not fulfilling the criteria at (A) or (B) above may follow the same process as a key decision if, in the professional opinion of the Chief Executive or the appropriate Corporate Director, it is a matter of particular political sensitivity.

12. A decision which is the same or similar to one taken in the past (for example, the approval of a previous iteration of a plan or strategy), and does not fulfil criterions (A) or (B) above, is not a Key Decision even if the comparable previous decision was identified as a Key Decision.

Taking Key Decisions

13. A decision taker, when making a decision may only take a Key Decision in accordance with the requirements of the Executive Procedure Rules set out in Part F of the Constitution.

14. When Key Decisions are to be made, notice of these decisions must be published in advance, in so far as they can be anticipated. If these Key Decisions are to be taken at an Executive meeting (for example Cabinet) this will generally be open for the public to attend, except for restricted agenda items which include, for example, personal, commercially sensitive or confidential matters.

15. The Health and Wellbeing Board is a statutory committee under the provisions of the Health and Social Care Act 2012 but does have certain executive functions and if this Board is making a Key decision then this will be published in advance. The meeting generally is open for the public to attend, except where restricted matters are being discussed in the same way as for other Executive meetings.

16. Part F (The Mayor and Executive) provides more detail of Executive Decision Making.

Executive Decision Making by Officers

17. The Supplementary Documents (Part J) contain the Corporate Scheme of Delegation which must be read in conjunction with the Council-wide Operating Procedures and Directorate Schemes of Delegation also published in the Supplementary Documents Pack (Part J).

18. These documents set out where Officers have delegated powers to take Executive Decisions. However, the following must always be followed in respect of officer decisions:

    - Officers may not take Key Decisions unless there has been a specific delegation by the Executive.

    - Any officer decision resulting in (revenue or capital) expenditure or savings of over £250,000 must only be taken following consultation with the Mayor and must be published on the Council's website 'as soon as is practically possible' (and following any guidance from the Monitoring Officer) after the decision has been taken.

Non-Executive Decision Making

19. The Council has responsibility for all Non-Executive functions and for approving the Budget and Policy Framework. The Council, as a whole, retains responsibility for regulatory functions and has a role in holding the Executive to account. The exception is some licensing functions which are discharged through a statutory licensing committee.

Decision-Making by Council

20. Certain decisions, such as the overall Council Budget, Council tax and the policy framework are reserved to Council. Part D, Chapter 15 sets out more details of how Council operates.

Decision-Making by Other Committees and Sub-Committees Established by the Council

21. Council has established a number of other Committees and Sub-Committees to undertaken specific decision-making functions. Part E, Chapter 20 provides more information about the Council's Committees.

Non-Executive Decision Making by Officers

22. Chapter 13 of this part of the constitution sets out the Council's Non-Executive Functions and any delegations to officers for those functions. Where decisions have been delegated to officers the following must be followed:

    - Any officer decision resulting in (revenue or capital) expenditure or savings of over £250,000 must be published on the Council's website 'as soon as is practically possible' (and following any guidance from the Monitoring Officer) after the decision has been taken.

Decision-Making by the Overview and Scrutiny Committee and Scrutiny Panels

23. The Council has established an Overview and Scrutiny Committee whose main responsibility is to review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.

24. The Overview and Scrutiny Committee, and any Scrutiny Sub-Committees it appoints, will follow the Overview and Scrutiny Procedure Rules in Part G and relevant parts of the Committee Procedure Rules in Part E of this Constitution which apply to them when considering any matter.

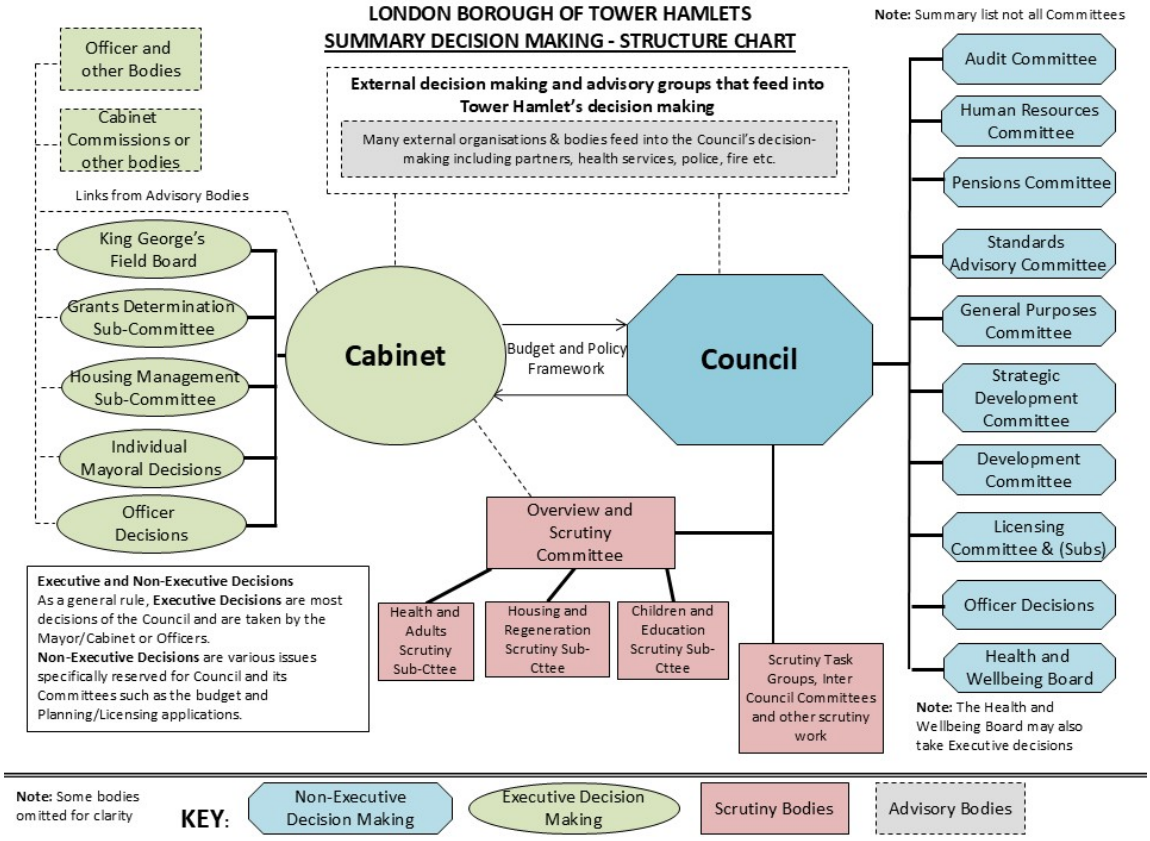
25. Part G, Chapter 38 also sets out a summary about the Overview and Scrutiny Committee.

Decision-Making by Council Bodies Acting as Tribunals

26. The Council, any Members, Committee, Sub-Committee, Panel or an officer acting as a tribunal, or in a quasi-judicial manner, or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

CHAPTER 12: COUNCIL, CABINET AND COMMITTEE STRUCTURE CHART

1. The chart below sets out the three elements of the Council's decision-making structure (Cabinet/Executive, Council/Non-Executive and the Scrutiny function). It sets out the main committees and sub-committees and the links between different functions.



CHAPTER 13: DETAILED RESPONSIBILITY FOR COUNCIL FUNCTIONS LIST

Section 1: Introduction

1.1 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.

1.2 Most Council business is classified as ‘Executive’. Non-Executive 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 Part E of this constitution.

1.3 These functions derive from specific legislation. When changes to legislation require it, the Monitoring Officer will update the Council Functions’ Section as necessary.

1.4 Note that the tables only includes those functions applicable to a London Borough Council. Where two or more posts are listed either post can take the decision unless otherwise stated.

Section 2: Table of Functions

Subsection 2.1:

2.1 1A. Functions relating to Town and Country Planning

Function	Provision of Act or Statutory Instrument	Delegation of Function
1 -	N/A	N/A
2-	N/A	N/A
3-	N/A	N/A

4-	N/A	N/A
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, Housing and Regeneration
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, Housing and Regeneration
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, Housing and Regeneration
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, Housing and Regeneration
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 and 25 and 26 of the Town and Country Planning (General	Strategic Development and Development Committees/

	Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder. **[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)]**	Corporate Director, Housing and Regeneration
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	Strategic Development and Development Committees/ Corporate Director, Housing and Regeneration
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	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).	Strategic Development and Development Committees/ Corporate Director, Housing and Regeneration
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Development Committee/ Corporate Director, Housing and Regeneration
13. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/

		Corporate Director, Housing and Regeneration
14. Power to serve a completion notice.	Section 94(2) of the Town and Country	Strategic Development and Development Committees/ Corporate Director, Housing and Regeneration
15. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992. **[The Regulations have been revoked and replaced with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (S.I. 2007/783)]**	Strategic Development and Development Committees/ Corporate Director, Housing and Regeneration
16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Housing and Regeneration
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, Housing and Regeneration

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, Housing and Regeneration
18A.Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.	Corporate Director, Housing and Regeneration
19. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Strategic Development and Development Committees/ Corporate Director, Housing and Regeneration
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, Housing and Regeneration
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, Housing and Regeneration
22. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to	Strategic Development and Development Committees/

dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	Corporate Director, Housing and Regeneration
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, Housing and Regeneration ell 24,3
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, Housing and Regeneration
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 1990and 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, Housing and Regeneration
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, Housing and Regeneration
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, Housing and Regeneration
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, Housing and Regeneration
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Strategic Development and Development Committees/ Corporate Director, Housing and Regeneration
31.Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Corporate Director, Housing and Regeneration

2.2 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, Communities
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936	Corporate Director, Communities
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, Communities
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, Communities
8.Power to license inter-track betting schemes w cell	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, Communities

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, Communities
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, Communities
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, Communities
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, Communities
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, Communities

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, Communities
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, Communities
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, Communities
14AB. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.	Corporate Director, Communities

14AC. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005	Corporate Director, Communities
14B.Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.	Licensing Committee
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, Communities
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, Communities
14D. Power to institute criminal proceedings	Section 346 of the Gambling Act 2005.	Director of Legal
14E.Power to exchange information	Section 350 of the Gambling Act 2005.	Corporate Director, Communities
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, Communities
	Part 5 of Schedule 11 to the Gambling Act 2005	

14G Functions relating to the registration and regulation of small society lotteries		Corporate Director, Communities
15. Power to license sex shops and sex cinemas.	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)]**	If objection - Licensing Committee If no objection - Corporate Director, Communities
16. Power to license performances of hypnotism.	The Hypnotism Act 1952	If objection - Licensing Committee If no objection - Corporate Director, Communities
	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982	If objection - Licensing Committee If no objection -

17.Power to license premises for acupuncture, tattooing, ear- piercing and electrolysis	**[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]**	Corporate Director, Communities
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, Communities
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]**	Corporate Director, Communities
24. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.	Corporate Director, Communities
25. Power to license scrap yards.		Corporate Director, Communities

	Section 1 of the Scrap Metal Dealers Act 1964 **[This area of law is now governed by the Scrap Metal Dealers Act 2013]**	
26.Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975	Corporate Director, Communities
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, Communities
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, Communities
31. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.	Corporate Director, Communities.
32. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.	If objection - Licensing Committee If no objection -

		Corporate Director, Communities
33. Power to license dangerous wild animals.	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, Communities
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 Services
36.Power to approve premises for the solemnisation of marriages.	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)]**	Chief Executive
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	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)]**	Corporate Director, Communities

(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).		
38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Corporate Director, Communities
40. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993	Corporate Director, Communities
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991	Corporate Director, Communities
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, Communities
47. Power to permit deposit of builder's skip on highway	Section 139 of the Highways Act 1980	Corporate Director, Communities
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, Communities

48. Power to license planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	Corporate Director, Communities
49. Power to authorise erection of stiles etc. on footpaths or bridleways.	Section 147 of the Highways Act 1980.	Corporate Director, Communities
50. Power to license works in relation to buildings etc. which obstruct the highway.	Section 169 of the Highways Act 1980.	Corporate Director, Communities
51.Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980.	Corporate Director, Communities
52.Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	Corporate Director, Communities
53.Power to restrict the placing of rails, beams etc. over highways.	Section 178 of the Highways Act 1980.	Corporate Director, Communities
54.Power to consent to construction of cellars etc. under street.	Section 178 of the Highways Act 1980.	Corporate Director, Communities
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, Communities

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, Communities
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, Communities
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, Communities
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, Communities
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.	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)]**	Corporate Director, Communities

62.Power to approve fish products premises.	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)]**	Corporate Director, Communities
63.Power to approve dispatch or purification centres.	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)]**	Corporate Director, Communities
64.Power to register fishing vessels on board which shrimps or molluscs are cooked.	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)]**	Corporate Director, Communities
65. Power to approve factory vessels and fishery product establishments.	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)]**	Corporate Director, Communities
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Corporate Director, Communities

	[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]	
67. Duty to keep register of food business premises	Regulations 1991 (S.I. 1991/2828). **[This area of law is now governed by the Food Hygiene (England) Regulations 2013 (S.I. 2005/3280)]**	Corporate Director, Communities
68. Power to register food business premises.	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)]**	Corporate Director, Communities
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, Communities
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, Communities
71. Power to register motor salvage operators		If objection - Licensing Committee

	Part 1 of the Vehicles (Crime) Act 2001 **[This area of law is now governed by the Scrap Metal Dealers Act 2013]**	If no objection - Corporate Director, Communities
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, Housing and Regeneration

2.3 1C - 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, Communities

2.4 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
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 (II 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215)	Director of Legal
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)

5. **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
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council

4. Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.	Council

2.6 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
		Chief Executive

8. Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98 (1) of the 2007 Act	
9. Power to make agreements about incidental matters	Section 99 of the 2007 Act	Chief Executive

2.7 F- BYLAWS

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

2.8 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, Communities
2. Power to authorise officers	Section 10(5) of and paragraph 1 of Schedule 2 to the Health Act 2006	Corporate Director, Communities
3. Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006.	Corporate Director, Communities

	Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (SI 2007/760)	
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcements) Regulations 2006 (SI 2006/3368)	Corporate Director, Communities

2.9 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

2.10 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	Section 26 of the Fire Services Act 1947	Not applicable to London borough councils

brigades maintained pursuant to section 4 of the Fire Services Act 1947		

2.11 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, Communities
2. Power to create footpaths, bridleways, and restricted byways.	Section 26 of the Highways Act 1980.	Corporate Director, Communities
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.	Corporate Director, Communities
4. Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980.	Corporate Director, Communities
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, Communities

6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.	Corporate Director, Communities
7. Power to make a special extinguishment order.	Section 118B of the Highways Act 1980.	Corporate Director of Communities
8. Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980	Corporate Director, Communities
9. Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.	Corporate Director, Communities
10. Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.	Corporate Director of Communities
11. Power to make a special diversion order.	Section 119B of the Highways Act 1980.	Corporate Director, Communities
12. Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.	Corporate Director, Communities
13. Power to make an SSSI diversion order.	Section 119D of the Highways Act 1980.	Corporate Director, Communities
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, Communities

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, Communities
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, Communities
17. Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.	Corporate Director, Communities
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, Communities
19. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway.	Section 135 of the Highways Act 1980.	Corporate Director, Communities
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, Communities
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, Communities

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, Communities
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c. 67).	Corporate Director, Communities
24. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	Corporate Director, Communities
25. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.	Corporate Director, Communities
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, Communities
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, Communities
29. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c. 38).	Corporate Director, Communities
30. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c. 68).	Corporate Director, Communities

	[The correct year of the Act is 1985 and not 1981 as cited in the Local 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, Communities
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, Communities
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, Communities
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, Communities
34. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.	Corporate Director, Communities
Part II: other miscellaneous functions		
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 for their dismissal).	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
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, Communities
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, Communities
		Council

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).	
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 expenditure and balance sheet, or record of payments and receipts (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590). [This area of law is now governed by the Accounts and Audit Regulations 2015 (S.I. 2015/ 234]	Audit Committee
46. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	Corporate Director, Communities
47. Powers relating to the preservation of trees.		Chief Executive

	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]	
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003.	Corporate Director, Communities
48. Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Director of Legal
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	General Purposes Committee

	[Repealed by the Police Reform and Social Responsibility Act 2011]	
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	Corporate Director, Communities
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, Communities
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	Director of Legal

CHAPTER 14: DETAILED LOCAL CHOICE FUNCTIONS AND LOCAL ACT FUNCTIONS

Section 1: Introduction

1.1 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.

1.2 This Section includes functions which the Council can choose to set as Executive or Non-Executive Functions. The Council is required to set out where there are delegations of Council functions to Committees and officers. Where the delegation is to be exercised by a Committee/Officer, the matters reserved to the Committee are specified in the relevant Committee's functions and terms of reference set out in Part E of this constitution.

1.3 Any changes to whether these are Executive or Non-Executive functions must be agreed by Council.

Section 2: Local Choice and Local Act Functions List

2.1

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, Communities
2. Removal of distribution containers on the highway.	London Local Authorities Act 1991 – Section 22	Corporate Director, of Communities
3. Licensing of special treatment premises.	London Local Authorities Act 1991 – Part II	If objection – Licensing Committee If no objection - Corporate Director, Communities
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, Housing and Regeneration Corporate Director, Communities
6. Consent for construction which causes obstruction to access to vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 6	Corporate Director, Housing and Regeneration Corporate Director, Communities

7. Consent for infilling of vaults and cellars.	Greater London Council (General Powers) Act 1986 – Section 7	Corporate Director, Housing and Regeneration Corporate Director, Communities
8. Powers relating to certain retaining walls.	Greater London Council (General Powers) Act 1986 – Section 8	Corporate Director, Housing and Regeneration Corporate Director, Comunities
9. Registration of sleeping accommodation.	Greater London Council (General Powers) Act 1984 – Part IV	Corporate Director of Housing and Regeneration
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, Communities
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, Communities Corporate Director, Housing and Regeneration
12. Control of overcrowding in certain hostels including the ability to serve notices.	Greater London Council (General Powers) Act 1981 – Part IV	Corporate Director, Housing and Regeneration

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, Communities
14. Licenses to erect scaffolding.	Greater London Council (General Powers) Act 1970 – Section 15	Corporate Director, Communities
15. Walkways.	Greater London Council (General Powers) Act 1969 – Section 11	Corporate Director, Communities
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 way of competitive bidding	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii)	If objection - Licensing Committee If no objection - Corporate Director, Communities
19. Cleansing relevant land of refuse and litter.	London Local Authorities Act 2000 – Section 19	Corporate Director, Communities

20. Making special temporary prohibitions within a special parking area.	London Local Authorities Act 1995 – Section 9	Corporate Director, Communities
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, Housing and Regeneration
25. Control of Brown Tail Moth.	Greater London Council (General Powers) Act 1979 – Section 8	Corporate Director, Communities
26. Power to extinguish rights of interment in cemeteries.	Greater London Council (General Powers) Act 1976 – Section 9	Corporate Director, Communities
27. Prohibition of person entering upon grass verge.	Greater London Council (General Powers) Act 1974 – Section 14(2)	Corporate Director, Communities
28. Authorisation of parking on verges.	Greater London Council (General Powers) Act 1974 – Section 15(4)	Corporate Director, Communities

29. Removal of vehicles for street cleaning.	Greater London Council (General Powers) Act 1974 – Section 21	Corporate Director, Communities
30. Contributions in respect of railings.	Greater London Council (General Powers) Act 1972 – Section 18	Corporate Director, Communities
31. Restoration of gas, water and electricity services.	Greater London Council (General Powers) Act 1972 – Section 19	Corporate Director, Communities
32. Boundary walls.	London County Council (General Powers) Act 1963 – Section 6	Corporate Director, Housing and Regeneration
33. Acquisition of easements etc.	London County Council (General Powers) Act 1963 – Section 8	Corporate Director, Housing and Regeneration
34. Underpinning of houses near a street improvement.	London County Council (General Powers) Act 1963 – Section 9	Corporate Director, Housing and Regeneration
35. Approval of trade refuse disposal facilities.	London County Council (General Powers) Act 1963 – Section 11	Corporate Director, Communities

36. Provision of shops etc. in subway.	London County Council (General Powers) Act 1963 – Section 14	Corporate Director, Communities
37. Power to provide illumination, floodlighting etc.	London County Council (General Powers) Act 1963 – Section 17	Corporate Director, Communities
38. Restriction of vehicular access to and from street improvements.	London County Council (General Powers) Act 1960 – Section 13	Corporate Director, Communities
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, Communities
40. Provision of accommodation and charges.	London County Council (General Powers) Act 1959 – Section 13	Corporate Director, Communities
41. Power to lease and enter into agreements.	London County Council (General Powers) Act 1959 – Section 14	Corporate Director, Communities
42. Provision of advances for erection etc. of buildings.	London County Council (General Powers) Act 1957 – Section 78	Corporate Director, Housing and Regeneration
43. Removal of bottles from streets.		

	London County Council (General Powers) Act 1957 – Section 81	Corporate Director, Communities
44. Powers of borough councils to maintain burial grounds.	London County Council (General Powers) Act 1955 – Section 36	Corporate Director, Communities
45. Return of library books	London County Council (General Powers) Act 1955 – Section 37	Corporate Director, Communities
46. Recovery of expenses of fencing certain lands.	London County Council (General Powers) Act 1955 – Section 39	Corporate Director, Communities
47. Defacement of streets with slogans etc.	London County Council (General Powers) Act 1954 – Section 20	Corporate Director, Communities
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 and Social Care
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, Communities
51. Supply of heat.	London County Council (General Powers) Act 1949 – Part II	Corporate Director, Communities
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, Communities
53. Fencing of dangerous land in or near streets.	London County Council (General Powers) Act 1948 – Section 44	Corporate Director, Communities
54. Recovery of expenses and costs.	London County Council (General Powers) Act 1948 – Section 45	Corporate Director, Communities
55. Power to provide concert halls etc.	London County Council (General Powers) Act 1947 – Section 4	Corporate Director, Communities
56. Power to provide entertainment.	London County Council (General Powers) Act 1947 – Section 5	Corporate Director, Communities
57. Contributions to cultural bodies.		

	London County Council (General Powers) Act 1947 – Section 59	Corporate Director, Communities
58. Acquisition of buildings or places of historic interest.	London County Council (General Powers) Act 1947 – Section 61	The Council/ Corporate Director, Communities
59. Enclosure of unenclosed land adjoining streets.	London County Council (General Powers) Act 1925 – Section 33	Corporate Director, Communities
60. Compensation to persons in the Council's service on abolition of office.	London County Council (General Powers) Act 1921 – Section 31	Chief Executive

Section 3: Responsibility for Council Functions - Other Local Choice Functions List

3.1

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	Director of Legal or Licensing Committee in relation to Licensing matters. Director of Legal or Appeals Committees 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, Children's Services
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, Children's Services
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, Children's Services
5. Any function relating to contaminated land.	Environmental Protection Act 1990 – Part IIA	Corporate Director, Communities
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, Communities
7. The service of an abatement notice in respect of a statutory nuisance.	Environmental Protection Act 1990 – Section 80(1)	Corporate Director, Communities

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 **(a) to any office other than an office in which he is employed by the authority;** **(b) to any body other than -** **• the authority;** **• a joint committee of two or more authorities; or** **(c) to any committee or sub-committee of such a body,** **and the revocation of any such appointment**	As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended.	General Purposes Committee 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).
9. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	As per paragraph 20 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2853) as amended	All Chief Officers
10. The passing of a resolution that Schedule 2 to the Noise and	Noise and Statutory Nuisance Act 1993 – Section 8	Council

Statutory Nuisance Act 1993 should apply in the authority's area.		
11. The inspection of the authority's area to detect any statutory nuisance.	Environmental Protection Act 1990 – Section 79	Corporate Director, Communities
12. The investigation of any complaint as to the existence of a statutory nuisance.	Environmental Protection Act 1990 – Section 80	Corporate Director, Communities
13. The obtaining of information as to interests in land.	Town and Country Planning Act 1990 – Section 330	Corporate Director, Housing and Regeneration
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, Communities

PART D: COUNCIL

CHAPTER 15: COUNCIL - AN INTRODUCTION

Summary

1. Council is a meeting consisting of all elected Councillors plus the elected Mayor.
2. Council is one of the most long-standing features of Local Government decision-making with a history stretching back to at least 1888.
3. 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.

Function of Council

4. 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 set out in Part D, Chapter 16 of this Constitution.

Council Meetings

5. There are four types of Council meetings:
   - **(a)** The annual meeting
   - **(b)** The budget meeting
   - **(c)** Ordinary meetings
   - **(d)** Extraordinary meetings
6. They will be conducted in accordance with Chapter 17 (Council Procedure Rules) of this Part of the Constitution.
7. The Mayor and all Councillors may attend meetings of Council and may participate as set out in the Council Procedure Rules.

Responsibility for Functions

8. 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.

9. The functions listed in the 'Responsibilities for the Council's functions' are those determined by legislation. If the legislation changes, the Monitoring Officer will change the Constitution in accordance with their delegated powers set out in the Supplementary Documents (Part J).

10. Subject to Section 11.13 (Decision-Making by Council Bodies Acting as Tribunals), the Council meeting will follow Chapter 17 (Council Procedure Rules) of this Part of the Constitution when considering any matter.

Housing Land Transfers

11. 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 16: COUNCIL TERMS OF REFERENCE

Section 1: Summary description

1.1 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

2.1 All elected Members of the Authority and the Executive Mayor.

Section 3: Functions

3.1

Functions	Delegation of Functions
1. Electing the speaker and Deputy Speaker	None
2. 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.
3. 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 18 of the Constitution. 5. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part B Section 10 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;	None
5. Committee Functions(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) 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.	Appointments to committees and amendments to Terms of Reference: (a) General Purposes Committee (b) Monitoring Officer
6. Power to promote or oppose local or personal Bills (a) Pursuant to Section 239 of the Local Government Act 1972	None
7. Members' Allowance Scheme (a) Adopting an allowance scheme for the Mayor and Councillors or amending, revoking or replacing any such scheme	None
8. 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

10. Change the name of the area	None
11. Conferring the title of honorary alderman or conferring the Freedom of the Borough	None
12. Appointments **Confirming the appointment of the Head of Paid Service, Section 151 (Chief Finance Officer) and/or Monitoring Officer.**	None
13. By-Laws 16. Making, amending, revoking, re-enacting or adopting bylaws.	None
14. Outside Bodies **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
15. Code of Conduct **Adoption and amendment of the authority's Code of Conduct for Members**	None
16. Pay Policy Statement **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
17. Gambling Act 24. Adopting resolutions under Section 166 of the Gambling Act 2005.	None

18. Accepting the delegation of power or function from another local authority	None
19. Discharge of Functions Arranging for the discharge of any other function of the authority which is not an executive matter **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
20. All other matters which, by law or this Constitution must be reserved to Council.	None

3.2 Quorum: Twelve voting Members of Council

Additional Information is contained in:

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

CHAPTER 17: COUNCIL PROCEDURE RULES

1. CONTENTS

Rule	Subject
1	Annual Meeting of Council
2	Budget Meeting(s)
3	Ordinary Meetings
4	Extraordinary Meetings
5	Time, Place, Postponements and Cancellations of Meetings
6	Notice of and Summons to Meetings
7	Chair of Meeting
8	Quorum
9	Duration of Meeting
10	Questions by Councillors
11	Motions on Notice
12	Motions and Amendments – Without Notice

13	Rules of Debate
14	Procedural Motions
15	Previous Decisions and Motions
16	Voting
17	Petitions
18	Standards Advisory Committee Reports
19	Exclusion of the Public
20	Councillors' Conduct
21	Disturbance by Public
22	Filming and Recording
23	Webcasts, Virtual Meeting Attendance and Hybrid Committees
24	Suspension and Amendment of Council Procedure Rules
25	Specific Exemptions applying to other meetings/Committees and Sub-Committees
Appendix	Petition Scheme

Section 1: Annual Meeting of Council

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

(a) elect a person to preside if either the Speaker or the Deputy Speaker are not present;

(b) elect the Speaker of the Council

(c) elect the Deputy Speaker of the Council

(d) receive any declarations of interest;

(e) approve the minutes of the last meeting which will then be signed by the Speaker;

(f) receive any announcements/updates from the Speaker of the Council and/or the Chief Executive and/or the Young Mayor;

(g) note the Executive Procedure Rules (Part F Section 36 of the Constitution) and any amendments made by the Mayor;

(h) appoint at least 1 Overview and Scrutiny Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;

(i) agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree;

(j) approve a programme of Ordinary Meetings of the Council for the year (if not already agreed). In an election year the schedule of meetings may be reviewed at the Annual Meeting if it has already been agreed at Council prior to the first meeting in May;

(k) the Mayor shall report on any appointments of outside bodies;

(l) the Mayor shall report on circumstances where the Special Urgency provisions have been used during the year preceding the Annual Meeting;

(m) receive a report on any changes made to the Council's Constitution since the last Annual Meeting; and

(n) consider any business set out in the notice convening the meeting including the Annual State of the Borough Debate at 1.3

1.2 **Selection of Councillors on Committees**

At the Annual Meeting, the Council will:

(a) decide which Committees to establish for the municipal year;

(b) decide the size and terms of reference for those Committees;

(c) decide the allocation of seats to political groups in accordance with the political proportionality rules;

(d) receive nominations of Councillors to serve on each Committee; and

(e) appoint to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive;

(f) Elect Chairs to those Committees except where appointments have been delegated by the Council or are exercisable only by the Mayor or Executive.

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

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

(a) The debate will last for up to 1 hour;

(b) The debate will begin with a 15 minute introduction by the Mayor;

(c) The remaining 45 minutes will be divided proportionally (to the nearest minute) between the political groups on the council (this is subject to a rule that the opposition group(s) must have a minimum of 5 minutes speaking time). It will be for each group to determine how much of their time allocation each of their speakers will be designated subject to a minimum speech length of two minutes. There is no maximum speech length providing that group's overall time limit is not breached;

(d) Lists of speakers must be provided to the Monitoring Officer before the start of the meeting;

(e) The 45 Minute Debate will end with the Mayor or the Mayor's appointee;

(f) The Mayor and the Group Leaders of the other political groups may speak twice should they wish. All other Councillors may speak only once;

(g) There will be no motions, reports or votes on the debate.

Section 2: Budget Meeting(s)

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

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

(a) As per Rule 1.1(a), Rule 1.1(d) and Rule 1.1(f);

(b) to receive any petitions which only relate to the Council's budget or to the setting of the Council Tax in line with the procedures set out in the Council's Petition scheme;

(c) to consider the report from the Mayor and Executive upon the Council's budget and setting of the Council Tax for the following year and any associated business; and

(d) any other business which by statute or in the opinion of the Chief Executive after consultation with the Speaker of the Council requires to be transacted at the meeting;

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

2.4 Motions proposing amendments to the proposals shall be submitted in writing to the Monitoring Officer by no later than 5.00 p.m. on the Friday before the Budget Meeting to enable the preparation of the advice of the Chief Finance Officer and any amendments shall be circulated to the Mayor and Councillors, with any officer comments, at least 24 hours, before the meeting.

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

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

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

2.8 Once the proposals of the Executive have been moved and seconded the other Political Group Leaders (or their nominee) shall then be invited to speak for up to 5 minutes. The order of speaking shall be commensurate with the number of

Councillors in each group from the Leader of the largest group to the Leader of the smallest group. Where groups are of equal size, the order of speaking shall be at the Speaker of the Council's discretion.

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

2.10 Once each Group Leader (or their nominee) has been invited to speak the Speaker of the Council shall invite any other Councillor who has notified an amendment prior to the deadline to speak for up to 3 minutes and during the course of their speech that Councillor shall move their amendment.

2.11 The Council will then debate the matters before it for consideration. The order of speakers shall be at the discretion of the Speaker of the Council. Subject to Rules 2.12 and 2.13 below, a Councillor may speak only once during the debate and in the course of their speech may address the proposals of the Executive and/or any amendment(s) that may be moved. All speeches shall be limited to a maximum of 3 minutes.

2.12 At the discretion of the Speaker of the Council a Group Leader (or their nominee) who has previously spoken in accordance with Rule 2.8 of these Procedure Rules may speak again during the general debate and any such further speech by a Group Leader (or their nominee) or any other Councillor shall be in accordance with the time limits and procedural requirements of Rule 13 of these Rules.

2.13 At the conclusion of the general debate the Mayor or on his behalf any other Executive Councillor who may have moved the proposals of the Executive may exercise a right of reply for up to 3 minutes.

2.14 The Council will then vote on any amendments that have been moved and seconded and not withdrawn, in the order in which they were moved. Each amendment shall be disposed of in turn and in its entirety.

2.15 Following the voting on all amendments Council shall make its determination. Pursuant to the Budget and Policy Framework Procedure Rules if the Council adopts the proposals of the Executive without amendment the decision shall become effective immediately.

2.16 If Council wishes to make any objection or amendment to the Executive's proposals, it shall require the Mayor and Executive to re-consider in the light of those objections or amendments.

2.17 At the Budget Meeting Rules 12.1(k)(iii) (Motion without notice to suspend a Procedure Rule) and 24 (Suspension and amendment of Council Procedure Rules) of these Procedure Rules shall not apply.

Section 3: Ordinary Meetings

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

(a) **Introductions, Minutes, Declarations, Announcements:** As per Rules 1.1(a), (d), (e) and (f);

(b) Mayor's Report

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

(ii) the Speaker shall invite the other Political Group leaders to respond for up to 2 minutes each;

(iii) the Speaker shall invite the Mayor to respond to the other Political Group leaders for up to 2 minutes.

(c) **Public Petitions**

(i) this is limited to up to 4 Petitions and the Petition Scheme Procedures apply;

(ii) the relevant Councillor shall report the Council's response to Petitions received;

(iii) all other petitions that have been submitted will be noted and the Speaker will announce where the Petitions will be sent for a detailed response;

(d) **Administration Motion Debate** consider an Administration Motion in accordance with Rules 11 and 13;

(e) **Opposition Motion Debate** consider a Motion from an Opposition Group in accordance with Rules 11 and 13;

(f) **Reports**

(i) receive reports from the Executive and the Council's Committees requiring a decision and receive questions and answers on any of those reports as required by law or specifically referred by those bodes, including;

(1) receive reports from the Standards Advisory Committee, Overview and Scrutiny Committee and any other Committee of Council as appropriate.

(2) receive reports noting any changes to the Mayor's Executive Scheme of Delegation made since the last Council meeting (note – changes to Cabinet Membership/portfolios do not require a report to Council).

(ii) to receive other reports as required;

(g) **Questions by Councillors on Notice** to receive questions from Councillors; and

(h) **Motions** consider motions as set out in Rule 11.

Section 4: Extraordinary Meetings

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

(a) Council by resolution;

(b) The Speaker;

(c) The Monitoring Officer; or

(d) Any 5 Councillors of Council if they have signed a requisition that has been presented to the Speaker of the Council and they have refused to call a meeting or has failed to call a meeting within 7 days of such.

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

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

Section 5: Time, Place, Postponement and Cancellations of Meetings

5.1 All Council meetings will commence at 7.00pm and take place at the Town Hall unless the Speaker or the Chair of the relevant Committee/Sub-Committee decides otherwise. This will be in consultation with the Monitoring Officer.

5.2 The Monitoring Officer in consultation with the Chief Executive is authorised to either cancel or postpone a meeting of Council if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation/ postponement.

5.3 The Monitoring Officer is authorised to vary the time, date and place of any meeting where there is good justification in consultation with the Chief Executive , the Speaker, the Mayor, Chair of the Committee/Sub-Committee and other Political Group Leaders as appropriate.

Section 6: Notice of and Summons to Meetings

6.1 The Monitoring Officer will give notice to the public of the time and place of any meeting of Council in accordance with the Access to Information Procedure Rules set out in Part B, Chapter 10 of the Constitution.

6.2 At least 5 clear working days before a meeting not including the day the notice is given and the day of the meeting, the Monitoring Officer will send a summons to the Mayor and Councillors giving the date, time and place of the meeting, specify the business to be transacted, and will be accompanied by any available reports. If necessary, additional reports to the reports on the agenda will be permitted within the preceding five days to the meeting or at the meeting subject to the report setting out 'reasons for urgency'. The Speaker must also agree to the submission of late reports.

Section 7: Chair of Meeting

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

7.2 The Chair of a meeting has the final say on the interpretation of these Procedure Rules for implementation at their meeting and their decision shall not be challenged at the meeting.

7.3 The Chair of a meeting also has the discretion to vary these rules where to do so would aid democratic participation and engagement unless this would contravene any legal requirement or the Council's Codes or Protocols.

Section 8: Quorum

8.1 Subject to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Councillors or 3 voting Councillors, whichever is the greater.

8.2 Subject to any exceptions in Rule 25, if a quorum is not reached at the scheduled start time for a meeting, the Chair/Vice-Chair shall have the discretion to extend the start time by up to 15 minutes. If a quorum is not achieved at the scheduled start time, or after any extension, the meeting will stand adjourned.

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

Section 9: Duration of Meeting

9.1 All Council Meetings will end after a period of 3 hours but an extension may be agreed by resolution to extend the meeting for an additional period of up to 30 minutes.

9.2 If the business of a Council meeting has not been concluded after it has convened for 3 hours or 3½ hours (if the extension in rule 9.1 is applied), when the Councillor speaking has concluded their speech, the Chair will draw the attention of the meeting to this rule. If a matter is being debated, the debate shall immediately be concluded as if the motion, 'That the question be now put' had been moved and carried.

9.3 Any matters, (other than motions on notice) on the agenda that have not been dealt with by the end of the meeting shall be deemed formally moved and seconded together with amendments notified in writing to the Monitoring Officer by noon on the day of the meeting. They will be put to the meeting without any further discussion. A recorded vote under rule 16.4 will be taken, if called for and the requirements of that rule are met, on matters dealt with under this guillotine. During the process in this rule the only other matters which may be raised are points of order. When all matters have been dealt with, the Chair will declare the meeting closed. Any motions on notice under Rule 12 not dealt with before the guillotine is applied shall be deemed to have been dropped with the exception of the motions for 'Administration and Opposition Motion Debates' which will be voted on along with any amendments received by noon on the day of the meeting.

Section 10: Questions by Councillors

10.1 A Councillor may ask the Mayor or the Chair of a Committee/Sub-Committee questions without notice about an item in a report of the Executive or of that Committee/Sub-Committee when it is being considered.

10.2 Subject to rule 10.4, at an Ordinary meeting of Council a Councillor may ask the Speaker or the Mayor, a question about any matter in relation to which the Council has powers or duties or which affects the Borough. Questions can also be put to the Chair of any Committee/Sub-Committee in relation to any matters that is within the Committee/Sub-Committee's remit.

10.3 Questions at an Extraordinary Council meeting must relate to a matter on that agenda only.

10.4 Questions relating to Executive functions and decisions taken by the Mayor/Cabinet will be put to and should be answered by the Mayor/Lead Member for the function. In the absence of the Mayor, the Deputy Mayor will answer questions directed to the Mayor. The Mayor should answer any questions cutting across two or more portfolios.

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

(a) notice in writing of the question has been given by noon at least 9 clear working days before the meeting not including the day that notice is given and the day of the meeting to the Monitoring Officer; or

(b) the question relates to an urgent matter; they have the consent of the Councillor to whom the question is to be put; and the content of the question is given to The Monitoring Officer by noon on the day of the meeting; or

(c) at an Extraordinary Council meeting notice in writing has been given by noon at least 2 clear working days before the meeting to The Monitoring Officer.

10.6 The Monitoring Officer may reject a question if it:

(a) is not about a matter for which the local authority has a responsibility or which affects the Borough;

(b) is defamatory, frivolous or offensive; is substantially the same as a question which has been put at a meeting of Council in the past 6 months;

(c) requires the disclosure of confidential or exempt information; and/or

(d) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints.

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

10.8 An answer may take the form of:

(a) a verbal response of up to 1 minute given at the meeting; or

(b) if a verbal response is not possible (for example because there is no time at the meeting) a written answer circulated to the questioner; or

(c) where the desired information is in a publication of the Council or other published work, a reference to that publication;

10.9 A Councillor asking a question under Rule 10.2 may ask one supplementary question without notice, but the supplementary question must arise directly out of the original question or reply. The Speaker may reject a supplementary question on any of the grounds in Rule 10.6 above or if the question takes the form of a speech.

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

10.11 Questions are limited to 1 per Councillor per meeting, plus 1 supplementary question unless the Councillor has indicated that only a written reply is required and in these circumstances a supplementary question is not permitted. A question that requires an answer in respect of 2 or more points (a multi-question) is not deemed to be 1 question.

10.12 Written responses will be published after the meeting. Where a question is put at the meeting, a time limit of 1 minute shall be applied to the question and to the oral response. Supplementary questions and responses will also be time-limited to 1 minute each.

10.13 Subject to time available at the Meeting, there will be a maximum time-limit of 30 minutes on Councillors ' questions with no extension of time, and questions not dealt with in this time will be dealt with by written responses and which are to be provided within 28 days of the Meeting. Unless the Speaker decides otherwise, the order of Councillors' questions shall alternate between the administration and one of the other Political Groups, with the questions from other Political Groups drawn in turn, starting with the largest Group. The Speaker shall have discretion, within the 30 minutes allocated for Questions, to vary the printed order of questions to allow an 'ungrouped' Councillor to put their question or to ensure that at least one Councillor from each Political Group has the opportunity to put a question.

10.14 Councillors will confine their contributions to questions and answers and must not make statements or attempt to debate. The Speaker will decide whether a Councillor is contravening this rule and if so will stop the Councillor concerned and move on to the next question if necessary. The Speaker's ruling is final.

Section 11: Motions - On Notice

11.1 Except for motions which can be moved without notice under Rules 12 and 14, written notice of every motion, signed by the Member of Council proposing the motion and a seconder, must be delivered to the Monitoring Officer no later than noon nine clear working days before the meeting not including the day of delivery of

the notice and the day of the meeting. The notice shall specify the Council meeting for which it is submitted. For any meeting, no Member of Council may propose more than one motion by way of written notice. A Member may second as many motions as they so wish.

11.2 A Member of Council who wishes to move the suspension of this Rule to enable a motion to be debated where prior notice has not been given as above must provide a copy of the proposed motion to the Monitoring Officer at least 24 hours before the meeting. They must also state the reason for urgency before the proposal to suspend this Rule is put to the meeting. If the Speaker does not accept the reason for urgency then the Motion will not be accepted.

11.3 Ungrouped Councillors may submit a motion under paragraph 11.1 without a named seconder.

11.4 Motions will be included on the agenda in order with the Administration Motion for debate first, followed by the Opposition Motion for debate. Any remaining motions shall be placed on the agenda to alternate between the administration and the other Political Groups, with the Opposition Group motions starting with the largest Political Group not to have that meeting's Opposition Motion Debate slot. It is for the Mayor/ Administration Leader to select the Administration Motion for Debate. It is for the Leader of the relevant Opposition Group to select the Opposition Motion for debate.

11.5 A motion must be about a matter for which the Council has a responsibility or which affect the area. The Monitoring Officer may reject a motion if it:

(a) is not about a matter for which the local authority has a responsibility either directly or with its partners;

(b) does not contain a clear action or resolution which is within the power of the Authority to pursue;

(c) is defamatory, frivolous or offensive or otherwise unsuitable;

(d) is substantially the same as a motion which has been put at a meeting of the Council in the past 6 months and does not meet the requirements of Rule 13.2;

(e) requires the disclosure of confidential or exempt information or a case which is currently under judicial scrutiny; and/or

(f) seeks to pursue or further a complaint against the Council, where other channels already exist for the determination of complaints;

(g) is not clear or to the point or includes repetition or does not have a clear recommendation.

11.6 If a motion is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection. The Speaker of the Council may also, on the advice of the Chief Executive, refuse any motion which contravenes these requirements.

11.7 At each ordinary meeting of Council there will be specific time set aside for one Administration and one Opposition Motion debate. The following rules will apply:

(a) The debates will be on the first administration and opposition motions set out in the Motions report included in the agenda;

(b) Motions tabled without notice may not take the place of either of these motions;

(c) Notice in writing of any amendment must be given to the Monitoring Officer by noon the day before the meeting;

(d) The opposition motion debate will alternate in sequence between the opposition groups starting at the first ordinary meeting following the local elections with the largest opposition group and then going in sequence until the next local elections. Should there be changes to the number of political groups this sequence will be adjusted as necessary;

(e) Both the administration and opposition motion debates will be for a maximum of 30 minutes each.

(f) Standard procedures for a motion debate will apply to the debate itself (including on length of speeches and tabling amendments).

(g) If the guillotine falls during or before the debate the motions and any amendments already tabled will be voted on along with any other amendments received by noon on the day before the meeting.

Section 12: Motions and Amendments - without notice

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

(a) to appoint a Chair of the meeting at which the motion is moved;

(b) in relation to the accuracy of the Minutes;

(c) to change the order of business in the Agenda in circumstances where the Speaker is satisfied that there are exceptional circumstances to permit such change. In addition, the Councillor seeking to change the order must address such exceptional circumstances;

(d) to refer something to an appropriate body or individual;

(e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;

(f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) to extend the meeting under Rule 9:

(n) to suspend a Procedure Rule to which Rule 24 applies;

(o) to exclude the public in accordance with the Access to Information Procedure Rules;

(p) not to hear a Councillor further because of misconduct (as set out in rule 22.2);

(q) to require a Councillor to leave the meeting for continued improper behaviour (as set out in rule 22.3);

(r) to give the consent of Council where its consent is required by this Constitution; and

(s) To request a recorded vote in line with Procedure Rule 16.

Section 13: Rules of Debate

13.1 Except for Motions submitted through Rule 11.3, no speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

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

13.3 When seconding a motion or amendment, a Member of Council may reserve their speech until later in the debate.

13.4 No speech may exceed 3 minutes without the consent of the Speaker except for the proposer of any motion who shall be allowed up to 4 minutes.

13.5 Subject to these procedure rules, the order of speakers shall be determined by the Speaker. The Member of Council who wishes to speak shall indicate and shall wait until called by the Speaker. In determining the order of speakers the Speaker may take into consideration whether previous speakers have supported or opposed the motion under debate; the particular concerns of any ward councillors; and/or any notification by a political group of Members of Council of their group who wish to speak on the matter.

13.6 An amendment to a motion must be relevant to the motion and may:-

(a) refer the motion to an appropriate body or individual for consideration or re-consideration;

(b) leave out words;

(c) leave out words and insert or add others; and/or

(d) insert or add words;

as long as the effect is not to completely re-write or negate the motion.

13.7 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

13.8 After an amendment has been carried, the Speaker may choose to read out the amended motion before putting it to the vote.

13.9 A Member of Council may alter a motion of which they have given notice with the consent of the meeting. The meeting’s consent will be signified without discussion. This amendment can be at the suggestion of another Member of Council at the meeting and is often referred to as a ‘friendly amendment’.

13.10 A Member of Council may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

13.11 Only alterations which could be made as an amendment may be made under this rule.

13.12 A Member of Council may withdraw a motion or amendment before or after they have moved it with the consent of both the meeting and the seconder. Consent will be signified without discussion. No Member of Council may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.13 The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

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

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

Section 14: Procedural Motions

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

(a) to withdraw the motion;

(b) to amend the motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) that the meeting continue for a further 30 minutes;

(h) to exclude the press and public;

(i) that a Member of Council be not further heard or to exclude the Member of Council from the meeting; and

(j) To request a recorded vote in line with Procedure Rule 16.

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

1. to proceed to next business;

2. that the question be now put;

3. to adjourn a debate; or

4. to adjourn a meeting.

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

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

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

14.6 A Member of Council may raise a point of order at any time and the Speaker will hear them immediately. A point of order may only relate to the alleged breach of these Council Procedure Rules or the law. The Member of Council must indicate the rule or law which must be specified at the outset and the way in which the Member of Council considers it has been broken. The ruling of the Speaker on the matter is final.

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

Section 15: Previous Decisions and Motions

15.1 A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past 6 months cannot be moved unless the notice of motion is signed by at least twenty Members of Council.

15.2 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least twenty Members of Council.

15.3 Once a motion or amendment to which this Rule applies has been dealt with, no Member of Council can propose a similar motion or amendment within the next four months.

Section 16: Voting

16.1 The Mayor and all Councillors are entitled to vote unless exempted.

16.2 Unless this Constitution (or the law) provides otherwise, any matter will be decided by simple majority of the Mayor and Councillors present.

16.3 If there are equal numbers of votes for and against, the Speaker will have a second or casting vote. There will be no restriction on how the Speaker chooses to exercise a casting vote.

16.4 Unless a recorded vote is demanded the Speaker will take the vote by a show of hands, or any other voting method that has been introduced. If there is no dissent this can be by simple affirmation of the meeting. A recorded vote must be requested before a vote is taken.

16.5 If 20 Members of Council present at the meeting request it before the vote has taken place the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.6 In relation to any debate at a Budget Council Meeting on the authority's budget and level of the Council Tax to be levied for each financial year, a recorded vote shall take place on any amendment that is put to the vote during that debate and on the substantive motion. Such votes to be undertaken in accordance with Procedure Rule 16.4.

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

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

Section 17: Petitions

17.1 The Council has adopted a Petition Scheme which is included in the Constitution. All petitions are considered in accordance with that Scheme.

Section 18: Standards Advisory Committee Reports

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

Section 19: Exclusion of the Public

19.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules set out in Part B, Chapter 10 of this Constitution or Rule 22 (Disturbance by Public).

Section 20: Councillors' Conduct

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

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

Section 21: Disturbance by Public

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

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

Section 22: Filming and Recording

22.1 Members of the press and public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If a person wishes to film a particular meeting, please liaise with the Council Officer listed on

the front of the Agenda prior to the start of the meeting so that the Speaker or Chair is aware and those attending the meeting can be made aware of any filming taking place.

22.2 Where a member of the press or public wish to film a meeting this must be done in accordance with the Filming Protocol set out in the Part B Chapter 8 of this Constitution.

Section 23: Webcasts, Virtual Meeting Attendance and Hybrid Committees

23.1 The Council will webcast most of its Council and Committee meetings for publication via the Council's webcast portal. Cameras will be focussed on those participating in the meeting but anyone present may be filmed.

23.2 Should a technical fault occur with the webcast, the meeting will proceed as usual and any recovered footage will be posted online after the meeting.

23.3 Regulations require that decision-making Members of the Council or Committee are physically present in the meeting location. Key officers must also attend in person.

23.4 Where technology is available other officers may attend remotely. Public/other participants are encouraged to attend in person but it is their choice and they can attend remotely should they so wish. However, technical problems are the responsibility of the participant and the meeting may have to proceed without their contribution if the connection fails.

23.5 Where a meeting suffers technical problems it is for the Chair, following consultation with officers, to determine where:

+ The meeting carry on without the impacted participants.

+ Some or all items be deferred.

+ An extraordinary meeting be arranged to consider deferred items or whether they should be considered at the next planned meeting.

Section 24: Suspension and amendment of Council Procedure Rules

24.1 Except where these rules provide otherwise, any of the Council Procedure Rules to which this Rule applies may be suspended for all or part of the business of a meeting at which suspension is moved by a motion.

24.2 Such a motion cannot be moved without notice unless at least ½ of the voting Councillors of the meeting are present.

24.3 This Rule applies to the Rules 10 to 13 and 17.

Section 25: SPECIFIC EXEMPTIONS APPLYING TO OTHER MEETINGS/ COMMITTEES AND SUB-COMMITTEES

25.1 General

(a) The person presiding at a meeting of any Committee or Sub-Committee may exercise any power or duty of the Speaker of the Council in relation to the proceedings of that meeting. Where these rules apply to meetings of Committees and Sub-Committees, references to the Speaker of the Council also include the Chairs of Committees and Sub-Committees

(b) Chairs of 'Committees of Council' will be elected the Council's Annual Meeting. Should a post of Chair of Committee be vacant at any other time during the year it would be for Council to consider that election at its next available meeting. Should Council fail to do that then the Committee may appoint a Chair from amongst its own Members. Different rules apply to Sub-Committees, Boards and other meetings.

(c) Rules 5 to 9, 13.1 to 13.3, 13.5, 13.6 and 16 to 24 apply to meetings of all Committees and Sub-Committees, except as specifically referred to below.

(d) As well as allocating seats on Committees and Sub-Committees/Panels, the Council will allocate seats in the same manner for substitute Councillors.

(e) For each Committee or Sub-Committee/Panel, the Council will appoint up to 3 substitute Councillors, nominated by each relevant Political Group.

159

(f) Substitute Councillors will have all the powers and duties of any ordinary Councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

(g) Substitute Councillors may attend meetings in that capacity only:

(a) to take the place of the ordinary Councillor for whom they are the designated substitute; and

(b) after notifying the Monitoring Officer (or her/his representative at the meeting) by the time scheduled for the start of the meeting of the intended substitution

(c) where they have undertaken any training that would be mandatory for a Members of that Committee.

(h) A substitute Councillor may only take the place of the ordinary Councillor for the whole of a meeting except where they are attending the Strategic Development Committee or Development Committee to consider a deferred item where they were at the previous meeting which considered that item and are there on that basis.

25.2 Appeals Committee/Sub-Committee, Development and Strategic Development Committees, and Licensing Committee/Sub-Committee

(a) After sitting for 3 hours, an extension may be agreed for up to a period of up to 1 hour so as to conclude the item/application under consideration, provided that the meeting does not extend beyond 11.30pm in any event.

(b) Where any items on the agenda that have not been dealt with by the end of the meeting shall be dealt with either at a special meeting of the Committee/Sub-Committee convened to deal with those items or at the next normal meeting of the relevant Committee/Sub-Committee.

25.3 Licensing Committee

(a) There are no substitutes permitted for the Licensing Committee.

(b) In the case of a Licensing Committee/Sub-Committee meeting being inquorate after 15 minutes the legal adviser has the authority

CHAPTER 18: BUDGET AND POLICY FRAMEWORK LIST

Policy Framework

1. The policy framework means the following plans and strategies required to be approved by Council. The table below shows those plans and strategies that are required by statute or the Council to be included in its policy framework:

Document	Relevant Legislation
Crime and Disorder Reduction Strategy	Sections 5 & 6 Crime & Disorder Act 1998
Development Plan Documents as well as Plans and Alterations which together comprise the Development Plan	Section 20 Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2011 Section 27 Town and Country Planning Act 1990
Licensing Authority Policy Statement	Section 349 Gambling Act 2005
Local Transport Plan	Section 108(3) Transport Act 2000
Youth Justice Plan	Section 40 Crime & Disorder Act 1998

With the exception of the Development Plan documents, any plans, strategies, policies or schemes which support a policy framework document will not also be part of the Budget and Policy Framework unless the principal document specifies that it is.

Budget

2. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, (including the recommended Council tax base), setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Dispute Resolution

3. Specific procedures apply where Council does not agree to the Mayor's proposals in respect of budget and policy framework reports. These are set out in the Budget and Policy Framework procedure rules below.

CHAPTER 19: BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Section 1: Summary

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

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

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

Section 2: The Framework for Executive Decisions

2.1 Council will be responsible for the adoption of its budget and policy framework as set out in Chapter 18. In relation to the budget and the plans and strategies listed in Chapter 18:-

(a) The adoption or approval of the plan or strategy is the responsibility of Council;

(b) The Mayor as the Executive has responsibility for preparing the draft plan or strategy for submission to Council; and

• If Council wishes to amend the Mayor's proposals in relation to the items included in the Budget and Policy Framework only, the Local Authorities (Standing Orders) (England) Regulations 2001 sets out the dispute resolution procedure to be followed. Council must inform the Mayor of any objections which it has to his proposals (i.e. the amendments it wishes to agree) and must give the Mayor at least five working days, starting on the day following the meeting, to reconsider his proposals and re-submit them (amended or not, with reasons) to a further Council meeting. If at this further meeting Council still wishes to amend the Mayor's revised proposals, such a decision requires a

two-thirds majority of the Members present and voting. If no valid amendment at the further meeting receives two-thirds support, the Mayor's proposals are deemed adopted in accordance with the regulations.

(c) Once a budget or a policy framework document has been agreed, it is the responsibility of the Mayor, the Executive and officers to implement it.

Section 3: Process for Developing the Framework

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

(a) The Executive will publicise, by publishing a notice in accordance with the Access to Information Procedure Rules set out in Part B, Chapter 10 of this Constitution, a timetable for making proposals to Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework and its arrangements for consultation after publication of those initial proposals.

(b) The Chair of Overview and Scrutiny Committee will be notified of proposals referred to in paragraph 1 and which shall be referred to Overview and Scrutiny Committee.

(c) For the purposes of these Procedure Rules the consultation in each instance shall be in line with the Council's normal consultation time periods except where there is an urgent need to reduce the consultation period. The period for Overview and Scrutiny Committee to respond to consultation shall be not less than ten clear working days unless the Executive considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.

(d) At the end of the consultation period, having taken account of the responses received to the consultation and the views of the Overview and Scrutiny Committee, the Executive will submit recommendations to Council.

(e) Council will consider the proposals of the Executive and may adopt them, amend them, refer them back to the Executive for further consideration or submit its own proposals to the Executive in their place.

(f) If Council adopts the Executive's proposals without amendment, the decision shall become effective immediately. However, if, having considered a draft plan or strategy, it has any objections to it Council must take the action set out in paragraph 6a(3) below.

(g) Before Council-

(i) amends or replaces the draft plan or strategy;

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

(iii) adopts (with or without modification) the plan or strategy

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

(h) Where Council requires reconsideration in accordance with paragraph 6a(3) above, it must specify a period of at least five working days beginning on the day after the date on which the requirement is made within which the Mayor may:

(i) Submit a revision of the draft plan or strategy as amended by the Executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or

(ii) Inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.

(i) If the specified period would prohibit Council from making determinations under paragraph 9 within the statutory deadline for the setting of Council Tax, Council may specify such lesser period as is necessary to ensure compliance.

(j) Subject to paragraph 10, when the period specified by Council, referred to in paragraph 8, has expired Council must, when:

(i) amending or replacing the draft plan or strategy or, if there is one, the revised plan or strategy;

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

(iii) adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of Council's objections and the Executive's reasons for that disagreement, which the Mayor submitted to Council, or informed Council of, within the period specified.

(k) Where Council proposes to –

(i) Amend/replace the draft plan or strategy or, as the case may be, the revised draft plan or strategy;

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

(iii) adopt with modifications the plan or strategy, and that plan or strategy (whether or not in the form of a draft), with any proposed amendments or modifications, is not in accordance with the draft plan or strategy or, as the case may be, the revised draft plan or strategy, the question whether to amend, to approve or to adopt the plan or strategy must be decided in accordance with paragraph 11.

(l) The question referred to in paragraph 10 must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.

(m) Subject to paragraph 18, where, before 8 February in any financial year, the Executive submits to Council for its consideration in relation to the following financial year:

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

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

(iii) estimates of such a calculation; or

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

and following consideration of those estimates or amounts Council has any objections to them, it must take the action set out in paragraph 13.

(n) Before Council makes a calculation (whether originally or by way of a substitute) in accordance with any of the sections referred to in paragraph 12 or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive's estimates or amounts and if the Mayor accepts the proposed change then it can be agreed at the relevant Council meeting otherwise Council must require the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with Council's requirements.

(o) Where Council requires reconsideration in accordance with paragraph 13, it must specify a period of at least five working days beginning on the day after the date on which the requirement is received, the Mayor may:

(i) Submit a revision of the estimates or amounts as amended by the Executive ("revised estimates or amounts") which have been reconsidered in accordance with Council's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to Council for Council's consideration; or

(ii) Inform Council of any disagreement that the Executive has with any of Council's objections and the Executive's reasons for any such disagreement.

(p) Subject to paragraph 16, when the period specified by Council referred to in paragraph 14 has expired, Council must, when making calculations (whether originally or by way of a substitute) in accordance with any of the sections referred to in paragraph 13 or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

(i) Any amendments to the estimates or amounts that are included in any revised estimates or amounts;

(ii) The Executive's reasons for those amendments;

(iii) Any disagreement that the Executive has with any of Council's objections; and

(iv) The Executive's reasons for that disagreement,

which the Mayor submitted to Council, or informed Council of, within the period specified.

(q) Where Council, for the purposes of making the calculations or issuing the precept, proposes to use estimates or amounts ('the different estimates or amounts') which are not in accordance with the Executive's estimates or amounts or, as the case may be, the Executive's revised estimates or amounts, the question whether to use the different estimates or amounts must be decided in accordance with paragraph 17.

(r) The question referred to in paragraph 16 must be decided by a two-thirds majority of the members of Council present and voting on the question at a meeting of Council.

(s) paragraphs 12 to 17 shall not apply in relation to:

(i) Calculations or substitute calculations which the Council is required to make in accordance with sections 52I, 52J, 52T or 52U of the Local Government Finance Act 1992 (limitation of council tax and precept); and

(ii) Amounts stated in the precept issued to give effect to calculations or substitute calculations made in accordance with sections 52J or 52U of that Act.

Section 4: Decisions Outside the Budget or Policy Framework

4.1 Subject to the provisions of Section 19.6 (Virement) the Mayor, Executive, Committees of the Executive and any officers or joint arrangements may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Council, then that decision may only be taken by Council, subject to section 5 below.

4.2 If the Mayor, Executive, a Committee of the Executive, any officer or joint arrangements want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to Council for decision, unless the decision is a matter of urgency, in which case the provisions in Section 19.5 (Urgent Decisions Outside the Budget or Policy Framework) shall apply.

Section 5: Urgent Decisions Outside the Budget or Policy Framework

5.1 The Mayor, Executive, a Committee of the Executive, an officer or joint arrangements may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Council if the decision is a matter of urgency. However, the decision may only be taken:

(a) if it is not practicable to convene a quorate meeting of Council; and

(b) if the Chair of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.

5.2 The reasons why it is not practicable to convene a quorate meeting of Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Speaker, and in the absence of both, the Deputy Speaker, will be sufficient.

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

5.4 Urgent Action

(a) Where an urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with an executive function, that requires a decision before a meeting of the Executive can be called; the Proper Officer, after consultation with the Mayor or the Cabinet Member in respect of which the matter is associated, shall have power to act and shall report the action to the next meeting of the Executive.

(b) Urgent action shall not be subject to the call-in procedure and may be implemented with immediate effect.

(c) Where the Proper Officer considers that urgent action is necessary to protect the interests of the Council, or the inhabitants of the Borough, in connection with a non-executive function, that requires a decision before a meeting of Council or the appropriate committee can be called; the Proper Officer, after consultation with the Speaker or Deputy Speaker, shall have power to act and shall report the action to the next meeting of Council or the relevant Committee.

Section 6: Virement

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

Section 7: In-Year Changes to Budget and Policy Framework

7.1 The responsibility for agreeing the budget and policy framework lies with Council, and decisions by the Mayor, the Executive, a Committee of the Executive, officers, or joint arrangements must be in line with it. No changes to any budget, plan or strategy which comprises part of the budget and policy framework may be made by those bodies or individuals except those changes:

(a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;

(b) which are necessary to ensure compliance with the law, ministerial direction or government guidance;

(c) in relation to the policy framework in respect of a policy which would normally be agreed annually by Council following consultation, but where the existing policy document is silent on the matter under consideration;

(d) which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

Section 8: Call-In of Decisions Outside the Budget or Policy Framework

8.1 Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.

8.2 In respect of functions which are the responsibility of the Mayor or the Executive, the report of the Monitoring Officer and/or Chief Finance Officer shall be to the Mayor and Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet within twenty-one days of receiving the report to decide what action to take in respect of the Monitoring Officer's or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

8.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until Council has met and considered the matter. Council shall meet within twenty-one days of the request from the Overview and Scrutiny Committee (or within twenty-eight days if a meeting of Council is scheduled within that period). At the meeting Council will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.

8.4 Council may either:

(a) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of Council be minuted and circulated to all Councillors in the normal way; or

(b) amend the budget, financial rule or policy concerned to encompass the decision or proposal of the body or individual responsible for that function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of Council be minuted and circulated to all Councillors in the normal way; or

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

8.5 If Council does not meet, the decision will become effective on the date of Council or expiry of the period in which Council should have been held, whichever is the earlier: providing that the Monitoring Officer and/or the Chief Finance Officer is/are satisfied that the decision is within the budget and policy framework or falls within Section 19.7, list items 1 to 4.

8.6 The decision of the Monitoring Officer and/or Chief Finance Officer is final.

Section 9: Suspension

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

PART E: COMMITTEES AND JOINT ARRANGEMENTS

CHAPTER 20: INTRODUCTION TO REGULATORY AND NON-EXECUTIVE COMMITTEES

1. Council will establish a number of Committees, Sub-Committees, Boards and Panels with delegated powers and/or responsibility for various functions of the Council including to discharge the functions described in the “Responsibility for Functions” information also in Part C Chapter 13. (These Committees can be seen in the Structure Chart in Section 3 of the Constitution.)

2. The following Committees have been established at this time (note – where a Committee of the Council has a permanent Sub-Committee which meets regularly, this is also set out below underneath its parent committee):

    - Audit Committee
    - General Purposes Committee
    - Human Resources Committee
        - Appointment Sub-Committee
        - Employee Appeals Sub-Committee
    - Licensing Committee
        - Licensing Sub-Committee
    - Licensing Regulatory Committee
    - Overview and Scrutiny Committee [see note]
        - Children and Education Scrutiny Sub-Committee [see note]
        - Health and Adults Scrutiny Sub-Committee [see note]
        - Housing and Regeneration Scrutiny Sub-Committee
    - Pensions Committee
    - Standards Advisory Committee
    - Strategic Development Committee & Development Committee

- Tower Hamlets Health and Wellbeing Board

3. NOTE - Information about the Overview and Scrutiny Committee and Scrutiny Sub-Committees is set out in Part G Overview and Scrutiny

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

5. This Part of the Constitution sets out more details for these Committees including General Committee Procedure Rules, Terms of References and any related committee-specific procedure.

CHAPTER 21: DEFAULT COMMITTEE PROCEDURE RULES

Section 1: Introduction

1.1 The following Procedure Rules apply to all formal Committees and Sub-Committees of the Council except where those bodies have agreed specific procedures either for regulatory or other purposes that better fit the requirements of that body. Where such alternative processes exist they may also call on some of the below procedure rules as required but this should be stated in that Body's Terms of Reference or Procedures.

Section 2: Chair, Membership and Substitutes of the Committee/Sub-Committee

2.1 **Chairs**of Committees will be appointed by Annual Council.

2.2 Where a vacancy occurs during the year, this will be considered at the next Ordinary Council meeting. Should this not happen then the Committee will be free to appoint its own Chair.

2.3 Unless specified in their procedures or the relevant parent committee determines otherwise (for example the Overview and Scrutiny elects the Chairs of its Sub-Committees). Sub-Committees will elect their own Chairs as required.

2.4 All Committees/Sub-Committees appoint their own Vice-Chair where this is required.

2.5 **Committee Size and Membership** will be agreed by Annual Council and Sub-Committee size and membership will be determined by the parent Committee. Where a vacancy for a Committee/Sub-Committee Member occurs during the year, the Monitoring Officer has authority to make appointments as recommended by the relevant groups/members in line with the proportionality arrangements agreed by Council.

2.6 **Up to three Substitutes** per political group will also be allocated at Annual Council. The Monitoring Officer has authority to confirm further appointments of Substitutes where vacancies occur, on the recommendation of the political groups in line with this rule.

2.7 Each ungrouped Member appointed to a Committee/Sub-Committee may also appoint one named substitute in the same manner.

2.8 Substitute Councillors will have all the powers and duties of any ordinary Councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

2.9 Substitute Councillors may attend meetings in that capacity only:

(a) to take the place of the ordinary Councillor for whom they are the designated substitute; and

(b) after notifying the Monitoring Officer (or her/his representative at the meeting) by the time scheduled for the start of the meeting of the intended substitution

(c) where they have undertaken any training that would be mandatory for a Members of that Committee.

2.10 A substitute Councillor may only take the place of the ordinary Councillor for the whole of a meeting except where they are attending the Strategic Development Committee or Development Committee to consider a deferred item where they were at the previous meeting which considered that item and are there on that basis.

2.11 No substitutes are permitted for the Licensing Committee/Licensing Regulatory Committee.

Section 3: First Meeting of the Municipal Year

3.1 **Business.**The first meeting of a Council Committee following the Annual Meeting of Council, will consider the following agenda items (alongside normal business items):

(a) elect a person to Chair the Committee for the duration of the municipal year if this has not been actioned by Annual Council;

(b) elect a vice-chair

(c) note the Committee's Terms of Reference, Membership (including any required matters in relation to attendance) and scheduled meeting dates;

(d) if required, consider the establishment of any standing Sub-Committees for that municipal year and, if necessary, appoint memberships/chairs;

Section 4: Ordinary Scheduled Meetings

4.1 Ordinary scheduled meetings of the Committee/Sub-Committee will take place in accordance with the programme below:

(a) **Administrative Items:**

(i) Appointing a chair for the meeting if the Chair and Vice-Chair are not present

(ii) Introductions and apologies as required;

(iii) Declarations of Disclosable Pecuniary Interests and other interests;

(iv) Consideration of the minutes of the previous meeting.

(v) Workplan (if relevant).

(b) Reports for Consideration

(i) Receive any unrestricted reports for consideration.

(c) Any Other Urgent Business

(i) Consider any matters which the Chair considers urgent.

(d) Exclusion of the Press and Public

(i) To agree a motion to exclude the press and public (should this be required).

(e) Exempt/Confidential Minutes

(i) Consideration of any exempt/confidential minutes of the previous meetings.

(f) Exempt/Confidential Reports for Consideration

(i) Receive any exempt/confidential reports for consideration.

(g) Any Other Exempt/Confidential Urgent Business

(i) Consider any exempt/confidential matters which the Chair considers urgent.

Section 5: Extraordinary Meetings

5.1 Those listed below may request the Monitoring Officer/Chief Executive to call extraordinary Committee or Sub-Committee meeting in addition to ordinary meetings:

(a) The Committee by resolution at a meeting;

(b) The Chair;

(c) The Monitoring Officer; or

(d) One third of the Councillors of the Committee if they have signed a requisition that has been presented to the Chair and they have failed to call a meeting within 7 days of such.

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

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

Section 6: Time, Place, Postponement and Cancellation of Meetings

6.1 Committee and Sub-Committee meetings will usually commence at 6.30pm and take place at the Town Hall unless the Chair of the relevant Committee/Sub-Committee decides otherwise. This will be in consultation with the Monitoring Officer.

6.2 The Monitoring Officer is authorised to either cancel or postpone a meeting of a Committee/Sub-Committee if it is deemed that there is insufficient business to transact or some other appropriate reason warranting its cancellation/ postponement.

6.3 The Monitoring Officer is authorised to vary the time, date and place of any meeting where there is good justification in consultation the Chair of the Committee/Sub-Committee.

Section 7: Notice of and Summons to Meetings

7.1 The Monitoring Officer will give notice to the public of the time and place of any meeting of a Committee/Sub-Committee in accordance with Section 10.4 of the Access to Information Procedure Rules.

7.2 At least 5 clear working days before a meeting not including the day the notice is given and the day of the meeting, the Monitoring Officer will send an agenda to the Members of the Committee giving the date, time and place of the meeting, specify the business to be transacted, and will be accompanied by any available reports. If necessary, additional reports to the reports on the agenda will be permitted within the preceding five days to the meeting or at the meeting subject to the report setting out ‘reasons for urgency’.

Section 8: Chairing the meeting

8.1 The person chairing the meeting has responsibility for managing the conduct of the meeting and has the final say on the interpretation of the Committees procedures the implementation of these Procedure Rules and their decision shall not be challenged at the meeting.

8.2 Participation in a Committee or Sub-Committee meeting shall be at the discretion of the person chairing the meeting.

8.3 The Chair also has the discretion to vary these rules where to do so would aid democratic participation and engagement unless this would contravene any legal requirement or the Council’s Codes or Protocols.

Section 9: Quorum

9.1 Subject to any specific quorum requirements set out in the terms of reference of a particular body, the quorum of a meeting will be one quarter of the whole number of Councillors or 3 voting Councillors, whichever is the greater.

9.2 Subject to any exceptions in Rule 25, if a quorum is not reached at the scheduled start time for a meeting, the Chair/Vice-Chair shall have the discretion to extend the start time by up to 20 minutes. If a quorum is not achieved at the scheduled start time, or after any extension, the meeting will stand adjourned.

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

Section 10: Duration of meetings

10.1 All Committee meetings will end after a period of 2 hours but an extension may be agreed by resolution to extend the meeting for an additional period of up to 1 hour (up to 2 hours for the Appeals/Employee Appeals/Development and Strategic Development Committees/Sub-Committees provided the meeting finishes before 11:30pm).

10.2 If the business of a meeting has not been concluded after 2 hours or 3 hours (if the extension in rule 9.1 is applied), when the Councillor speaking has concluded their speech, the Chair will draw the attention of the meeting to this rule. If a matter is being debated, the debate shall immediately be concluded as if the motion, ‘That the question be now put’ had been moved and carried.

10.3 Any matters requiring a decision on the agenda that have not been dealt with by the end of the meeting shall be deemed formally moved and seconded together with amendments notified in writing to the Monitoring Officer by noon on the day of the meeting. They will be put to the meeting without any further discussion. A recorded vote under rule 16.4 will be taken, if called for and the requirements of that rule are met, on matters dealt with under this guillotine. During the process in this rule the only other matters which may be raised are points of order. When all matters have been dealt with, the Chair will declare the meeting closed. Any amendments not received by Noon on the day of the meeting shall be deemed to have been dropped.

Section 11: Motions without notice

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

(a) to change the order of business in the Agenda

(b) to proceed to the next business;

(c) that the question be now put;

(d) to adjourn a debate;

(e) to adjourn a meeting;

(f) to extend the meeting under Rule 9:

(g) to exclude the public in accordance with the Access to Information Procedure Rules;

(h) not to hear a Councillor further because of misconduct (as set out in rule 22.2);

(i) to require a Councillor to leave the meeting for continued improper behaviour (as set out in rule 22.3); and

(j) To request a recorded vote in line with Procedure Rule 16.

Section 12: Rules of Debate and Public Participation

12.1 **Reports for Consideration**at meetings will usually be introduced by a Lead Officer or Member. Following that introduction the Chair will invite Members of the Committee/Sub-Committee to ask questions or seek clarifications.

12.2 Following questions, the Chair will invite Members to discuss the content of the report.

12.3 The Chair may at any time seek further clarification or comment from available officers.

12.4 At the conclusion of the debate, the Chair will provide any necessary summary and will then request from Committee/Sub-Committee Members any suggested amendments to the recommendations set out in the report. All amendments must have a proposer and a seconder. The Chair may also propose amendments (which must be seconded by another Member of the Committee/Sub-Committee).

12.5 The Chair will then seek to determine an outcome of the debate through one or more votes as necessary.

12.6 **Discussion on Other Agenda Items** will take place in a manner determined by the Chair of the meeting.

12.7 **Public Participation** is not required on most items of business at Committee/Sub-Committee meetings. However, as a general principle the Council welcomes public engagement and where the Chair considers it beneficial, they can invite non-Committee Councillors, residents, external experts and others to address the meeting about an existing item on the agenda in a manner they determine (or if no other procedure is identified, through a three-minute speech).

12.8 Committees/Sub-Committees would not normally accept additional items of business from members of the public outside of those already on the agenda.

Section 13: Voting

13.1 All Councillors are entitled to vote unless exempted. If Co-opted or other Members are entitled to vote this will be set out in the Terms of Reference for that Committee/ Sub-Committee.

13.2 Unless this Constitution (or the law) provides otherwise, any matter will be decided by simple majority of the voting Members present.

13.3 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

13.4 Unless a recorded vote is demanded before the vote has been taken, the Chair will take the vote by a show of hands, or any other voting method that has been introduced. If there is no dissent this can be by simple affirmation of the meeting.

13.5 If one third of the voting Membership at the meeting request it before the vote has taken place, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

13.6 Where any Member of the Committee/Sub-Committee requests it immediately after a vote, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

13.7 In respect of voting for Chairs/Vice-Chairs or other relevant positions, if more nominations are made than there are positions available, the meeting will vote in turn on each nomination separately, in the order in which they were nominated, until the vacant position(s) are filled. Before any vote is taken the person presiding shall establish that each candidate nominated, if present, is willing to stand.

13.8 Members are entitled to vote for their own nomination should they so wish.

Section 14: Petitions

14.1 Members are entitled to vote for their own nomination should they so wish.

14.2 Petitions are not normally considered at Council Committees/Sub-Committees outside of the Petition Scheme. However, the Monitoring Officer has discretion to allow a petition to be presented to a Committee or Sub-Committee meeting where this is considered appropriate.

Section 15: Exclusion of the Public

15.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part B, Chapter 10 of this Constitution or Section 21.16 (Conduct at Meetings).

Section 16: Conduct at Meetings

16.1 Ensuring good conduct at the meeting is the responsibility of the Chair.

16.2 When so requested by the Chair any Councillor, other Member or participant speaking must be silent.

16.3 If any participant persistently disregards the ruling of the Chair, or behaves inappropriately, offensively, or is deliberately obstructing business, that person will be provided with a warning by the Chair. If they continue to behave in any such manner the Chair has the authority to order the person in question to leave the meeting.

16.4 If there is a disturbance in any part of the meeting room open to the public the Chair shall order that part of the room to be cleared.

Section 17: Filming and Recording

17.1 Members of the press and public are permitted to film, audio record, take photographs or make use of social media (tweet/blog) at Council and Committee meetings provided that this does not disturb the business of the meeting. If a person wishes to film a particular meeting, please liaise with the Council Officer listed on the front of the Agenda prior to the start of the meeting so that the Speaker or Chair is aware and those attending the meeting can be made aware of any filming taking place.

17.2 Where a member of the press or public wish to film a meeting this must be done in accordance with the Filming Protocol set out in the Constitution.

Section 18: Webcasts, Virtual Meeting Attendance and Hybrid Committees

18.1 The Council will webcast most of its Committee/Sub-Committee meetings for publication via the Council's webcast portal. Cameras will be focussed on those participating in the meeting but anyone present may be filmed.

18.2 Should a technical fault occur with the webcast, the meeting will proceed as usual and any recovered footage will be posted online after the meeting.

18.3 Regulations require that decision-making Members of the Committee/Sub-Committee are physically present in the meeting location. Key officers should also attend in person.

18.4 Where technology is available other officers may attend remotely. Public/other participants are encouraged to attend in person but it is their choice and they can attend remotely should they so wish. However, technical problems are the responsibility of the participant and the meeting may have to proceed without their contribution if the connection fails.

18.5 Where a meeting suffers technical problems it is for the Chair, following consultation with officers, to determine where:

- The meeting carry on without the impacted participants.
- Some or all items be deferred.
- An extraordinary meeting be arranged to consider deferred items or whether they should be considered at the next planned meeting.

CHAPTER 22: AUDIT COMMITTEE

Section 1: Introduction

1.1 The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

1.2 The purpose of the Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Section 2: Audit Committee Terms of Reference

2.1 **Summary Description:**

1. The Audit Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The purpose of the Audit Committee is to provide independent assurance to the Members of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

2.2 **Membership:**7 Councillors. There can only be a maximum of one Member of the Executive on the Committee (who must not be the Cabinet Member for Resources) and they must not be the Chair.

2.3 **Independent Person:**

The Audit Committee may choose to appoint an Independent Person (IP) to advise and support the Committee. The IP will not be a member of the Audit Committee but would be entitled to attend all the meetings and associated training of the Committee. The IP can receive and comment on any reports submitted to the Committee, including restricted agenda items.

2.4 **Table of Functions**

Functions	Delegation of Functions
<u>Governance, Risk and Control</u> **1. To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.**	None
2. To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.	None
3. To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.	None
4. To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.	None
5. To monitor the effective development and operation of risk management in the Council.	None
6. To monitor progress in addressing risk-related issues reported to the committee.	None
7. To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.	None
8. To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	None

9. To monitor the counter-fraud strategy, actions and resources.	None
10. To review the governance and assurance arrangements for significant partnerships or collaborations.	None
Internal audit **11. To approve the internal audit charter.**	None
12. To review proposals made in relation to the appointment of external providers of internal audit services.	None
13. To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	None
14. To approve significant interim changes to the risk-based internal audit plan and resource requirements.	None
15. To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.	None
16. To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.	None
17. To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include: **a) Updates on the work of internal audit including key findings, issues of concern and management actions as a result of internal audit work.**	None

b) Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP). **c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and the associated Local Government Application Note (LGAN) published by the Chartered Institute of Public Finance and Accountancy (CIPFA) considering whether the non-conformance is significant enough that it must be included in the AGS.**	
18. To consider the Head of Internal Audit's annual report, including: **a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement.** **b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.**	None
19. To consider summaries of specific internal audit reports as requested.	None
20. To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.	None
21. To contribute to the QAIP and in particular to the external quality assessment of internal audit that takes place at least once every five years.	None
22. To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations	None

23. To provide free and unfettered access to the Audit Committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.	None
24. To commission work from internal audit.	None
25. To consider the Council's RIPA policy under the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016.	None
26. To consider the Council's use of surveillance in accordance with the Regulation of Investigators Powers Act 2000 and the Investigatory Powers Act 2016.	None
External audit **27. To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) or the authority's auditor panel as appropriate.**	None
28. To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	None
29. To consider specific reports as agreed with the external auditor.	None
30. To comment on the scope and depth of external audit work and to ensure it gives value for money.	None
31. To commission work from external audit.	None
	None

32. To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	
<u>Financial reporting</u> **33. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.**	None
34. To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	None
<u>Accountability arrangements</u> **35. To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.**	None
36. To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.	None
37. To publish an annual report on the work of the committee.	None

2.5 **Quorum:**3 Members of the Committee

CHAPTER 23: GENERAL PURPOSES COMMITTEE

Section 1: Introduction

1.1 The Committee is responsible for a range of non-executive functions including matters such as; electoral matters, personnel issues and byelaws, that have not been delegated to other Committees.

Section 2: General Purposes Committee Terms of Reference

2.1 Summary Description: The Committee is responsible for a range of non-executive functions including matters such as; electoral matters, the constitution and byelaws, that have not been delegated to other Committees.

2.2 Membership: 9 Councillors

2.3 Table of Functions

Functions	Delegation of Functions
This Committee is responsible for a range of non-executive functions, including electoral matters, personnel issues and appeals. It also has responsibility for considering and making recommendations to Full Council on the introduction, amendment or revocation of new byelaws and can consider and make non-material changes to the Council's Constitution	-
1. To exercise powers in relation to the holding of elections and the maintenance of the electoral register including: **(a) the provision of assistance at European Parliamentary elections;** **(b) power to make submissions to the Local Government Commission in relation to the boundaries of the borough or ward boundaries; and**	None

(c) the appointment of a proper officer for the purposes of giving various notices in relation to elections and referenda (e.g. in relation to the verification number for petitions for a referendum under Local Government Act 2000).	
2. Appointments of officers, Members or other persons to external bodies on behalf of the Council, where the appointment is not the responsibility of the Mayor	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution (from the nominations received from Members/Groups as required)
3. To recommend to Council the introduction, amendment or revocation of byelaws	None
4. Appointment and revocation of local authority school governors	None
5. To make changes to the membership and substitute membership of committees appointed by the Council and their subordinate bodies, consistent with the proportionality rules	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution (from the nominations received from Members/Groups as required)
6. To consider and make changes to the Council's Constitution upon the recommendation of the Monitoring Officer	None
	None

7. To consider and determine any appeal in respect of any function for which the Council is responsible (except where statutory arrangements exist or where the appeal function is delegated elsewhere in the Constitution) including: **(a) Education awards member level;** **(b) Appeals by governing bodies;**	
8. Appeals in respect of refusals to register premises under the Marriage Act 1994 or the attachment of any condition to an approval	None
9. To establish Appeals Sub-Committees as appropriate to be convened by the Monitoring Officer or Director of Workforce, OD and Business Support as appropriate for determination of the above appeals referred to in paragraph 7 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution. (from the nominations received from Members/Groups as required)
10. Any other functions which under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, may not be the responsibility of the Executive and which are not delegated elsewhere under this Constitution.	None
11. In cases of emergency or extreme urgency any non-executive function delegated under this Constitution whether or not reserved to the Council and where the Chief Executive does not consider it appropriate to exercise his/ her power in relation to such decisions under Part I, Chapter 57, Section 57.2 of this Constitution	None

2.4 Quorum:3 Members of the Committee

CHAPTER 24: HUMAN RESOURCES COMMITTEE AND SUB-COMMITTEES

Section 1: Introduction

1.1 The Committee is responsible non-executive human resources and staffing issues such as recruitment of chief officers and employee appeals against dismissal. Pensions Committee 18. Considers pension matters and meet the obligations and the duties of the Council under the Superannuation Act 1972 and the various statutory requirements in respect of investment matters.

Section 2: Human Resources Committee Terms of Reference

2.1 **Summary Description:** The Committee is responsible non-executive HR and personnel issues such as recruitment of chief officers and employee appeals against dismissal.

2.2 **Membership:**7 Councillors

2.3 **Table of Functions**

Functions	Delegation of Functions
1. To determine major policy on the terms and conditions on which staff hold office within allocated resources	None
2. To determine the criteria for the appointment of the Head of Paid Service and other statutory and non-statutory chief officers and deputy chief officers and to establish Appointments Sub-Committees to consider such appointments	The Monitoring Officer and the Director of Workforce, OD and Business Support are authorised to appoint members to Appointment Sub-Committees in line with the Director of Legal and Resource Directorate Schemes of Delegation in the Supplementary Documents Pack
	None

3. To make recommendations to Full Council on the appointment of the Head of Paid Service	
4. To establish a Sub-Committee to consider any proposal to discipline and/or dismiss the Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer in accordance with the Officer Employment Procedure Rules set out in Part C, Section 38 of this Constitution and to appoint a minimum of two (2) 'Independent Persons' to such Sub-Committee	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee/ Panel appointments in accordance with Section 24 of this Constitution.
5. To consider and determine any appeal by employees under human resources procedures requiring a Member level decision.	None
6. To establish an Employee Appeals Sub-Committees to be convened by the Monitoring Officer or Director of Workforce, OD and Business Support as appropriate for determination of the above appeals referred to in paragraph 6 above. Such Sub-Committees to comprise a maximum of five (5) Members of the Council with a quorum of three (3) and as far as possible to reflect ethnicity and gender balance	The Monitoring Officer is authorised to make or amend Committee/ Sub-committee appointments in accordance with Section 24 of this Constitution. The Director of Workforce, OD and Business Support is authorised to appoint Members to Employee Appeals Sub-Committees in line with the Resources Directorate Scheme of Delegation as set out in the Supplementary Documents Pack
	None

7. To receive general update reports on employee appeals against dismissal and other Appeals processes and cases as required (as determined by the Director of Workforce, OD and Business Support)	

2.4 **Quorum:**3 Members of the Committee

Subsection 2.1:

2.5 **Summary Description:** Ad-hoc Sub-Committee of the Human Resources Committee which meets to determine senior officer appointments.

2.6 **Membership:** Membership will be selected afresh for each appointment process based on the Council's proportionality calculations as agreed by the Human Resources Committee. At this time they consist of a sub-committee of 5 Councillors. Three nominated by the Leader of the Majority Aspire Group and two nominated by the Leader of the Opposition Labour Group.

2.7 **Table of Functions**

Functions	Delegation of Functions
1. To determine Chief Officer and Deputy Chief Officer appointments.	None

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

Subsection 2.2:

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

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

2.11 **Table of Functions**

Functions	Delegation of Functions
1. To determine appeals by employees requiring a Member level decision.	None

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

CHAPTER 25: LICENSING COMMITTEES AND SUB-COMMITTEE

Section 1: Introduction

1.1 The **Licensing Committee** oversees the discharge of all licensing functions of the Council as the Licensing Authority under the Licensing Act 2003 and the Gambling Act 2005 (excluding the Council's Statement of Licensing Policy).

1.2 The **Licensing Regulatory Committee** reviews licensing fees and charges and oversees the Licensing activities of the Environmental Health and Trading Standards Service.

1.3 The **Licensing Regulatory Committee** also has a responsibility to consider and determine matters under Section 2 of the Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 regarding the control of sex establishments within the borough. It also considers and determines matters under the London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the borough where objections have been received and not withdrawn.

1.4 The **Licensing Committee** establishes **Licensing Sub-Committees** to consider Alcohol and Entertainment Licensing matters under the Licensing Act 2003.

1.5 The meetings are an opportunity for councillors to make a decision based on the points of view of all relevant parties.

1.6 The Licensing Code of Conduct is at Part E, Section 25.

Section 2: Licensing Committee Terms of Reference

2.1 **Summary Description:**The Committee is responsible for overseeing the discharge of all licensing functions of the Council as the licensing authority under the provisions of the Licensing Act 2003 and the Gambling Act 2005 (with the exception of the adoption and publication of the Council's Statement of Licensing Policy and the adoption and publication of the Council's Statement of Principles for Gambling and any resolution not to permit casinos, which are functions of the Council). References to the Licensing Act 2003 and Gambling Act 2005 in these terms of reference include any amendments, regulations made under them, and any other relevant legislation.

2.2 **Membership:** As a body established under the 2003 and 2005 Acts, the Committee is not required to follow proportionality rules. However, the Council has agreed that it should have the same Membership and Chair as the Licensing Regulatory Committee.

2.3 **Table of Functions**

Functions	Delegation of Functions
1. To consider and recommend to Full Council whether to resolve not to issue a casino premises licence pursuant to Section 166 Gambling Act 2005.	None
2. All matters relating to the discharge by the authority of its licensing functions as required by s7(1) Licensing Act 2003 unless delegated to the Licensing Sub-Committee or to officers.	Delegated to the Licensing Sub-Committee where set out in its Terms of Reference. Delegated to officers where no objection is received.
3. To receive reports on Licensing Act 2003 matters, as required by the Council's Policy Statement on Licensing.	None
4. To establish Licensing Sub-Committees and determine their terms of reference. The Licensing Sub-Committee will be made up of three Members of this Committee.	None
5. To agree procedures for operation by the Licensing Committee and Licensing Sub-Committee when conducting hearings and other functions within their terms of reference.	None

6. To consider any reports which are required by statute to be submitted to the Licensing Committee.	None
7. To be responsible for the delegation to officers of functions under the Licensing Act 2003 and Gambling Act 2005.	None
8. All non-executive functions relating to the Gambling Act 2005 unless delegated to the Licensing Sub-committee as set out below or to officers within the Constitution.	As set out
9. The power to determine fees and charges under the Gambling Act 2005.	None
10. To receive reports on policy updates, changes, and other reports related to the Committee's remit.	None

2.4 **Quorum:** 3 Members of the Committee
Additional Information:

- Constitution Part C, Section 34 (Licensing Code of Conduct)
- Licensing procedure rules – Supplementary Documents Pack – S13

Section 3: Licensing Sub-Committee Terms of Reference

3.1 **Summary Description:** The Licensing Sub-Committee has been established by the Licensing Committee to determine all applications under the Licensing Act 2003 and the Gambling Act 2005 as set out in the table of functions below where an objection or relevant representation has been made.

3.2 **Membership and Chairing:** The Licensing Sub Committee shall be made up of any three Members of the Licensing Committee and Sub-Committee Chairs are designated members of the Licensing Committee and appointed by the Licensing Committee.

3.3 **Table of Functions**

Functions The Sub Committee shall consider applications submitted in accordance with the requirements of the Licensing Act 2003, including:	Delegation of Functions
1. Determination of applications for a premises licence where representations have been made (Section 18(3) of the Licensing Act 2003)	None
2. Determination of applications for provisional statements where representations have been made (Section 31(3) of the Licensing Act 2003)	None
3. Determination of applications to vary a premises licence where representations have been made (Section 35(3) of the Licensing Act 2003)	None
4. Determination of applications to vary a premises licence to specify an individual as premises supervisor following police objection (Section 39(3) of the Licensing Act 2003)	None
5. Determination of applications for transfer of a premises licence following police objection (Section 44(5) of the Licensing Act 2003)	None
6. Consideration of police objection made to interim authority notice (Section 48(3) of the Licensing Act 2003)	None
7. Determination of applications for a review of a premises licence (Section 52(2) of the Licensing Act 2003)	None
8. Determination of interim steps pending summary review (Section 53A(2)(a) or 53B Licensing Act 2003)	None
	None

9. Determination of applications for club premises certificate where representations have been made (Section 72(3) of the Licensing Act 2003)	
10. Determination of applications to vary a club premises certificate where representations have been made (Section 85(3) of the Licensing Act 2003)	None
11. Determination of applications for review of a club premises certificate (Section 88(3) of the Licensing Act 2003)	None
12. Determination of counter notice following objection to a temporary event notice (Section 105(2) of the Licensing Act 2003)	None
13. Determination of applications for grant of a personal licence following police objection (Section 120(7) of the Licensing Act 2003)	None
14. Determination of personal licence where convictions come to light after the grant or renewal of the personal licence (Section 124(4) of the Licensing Act 2003)	None
15. Determination of the review of a premises licence following a closure order (Section 167(5) of the Licensing Act 2003)	None
16. Consideration and determination of suspension or revocation of personal licence following conviction for relevant offence or relevant foreign offence (Section 132A Licensing Act 2003)	None
17. To consider all applications submitted under and in accordance with the Gambling Act 2005	None

3.4 **Quorum**: 3 Members of the Licensing Committee
Additional Information:

- Constitution Part C, Section 34 (Licensing Code of Conduct)
- Licensing procedure rules – Supplementary Documents Pack - S13

Section 4: Licensing Regulatory Committee Terms of Reference

4.1 **Summary Description:** This sub-committee of the Licensing Committee meets to determine a number of licensing matters such as to grant, review or vary a license submitted under the Licensing Act 2003.

4.2 **Summary Description:** To exercise all licensing and registration functions (including the setting of fees as appropriate) to the extent they are not the responsibility of the Licensing Committee.

4.3 **Membership:**15 Members of the Council. No substitute members may be appointed for this committee. The Chair and Vice-Chair of the Licensing Regulatory Committee shall be identical to those of the Licensing Committee.

4.4 **Table of Functions**

Functions	Delegation of Functions
1. To consider and determine matters under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) regarding the control of sex establishments within the Borough.	The Corporate Director Communities (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been made or objections have been made and withdrawn within the appropriate time frame.
2. To consider and determine matters under London Local Authorities Act 1991 in respect of premises providing or wishing to provide special treatments within the Borough.	The Corporate Director Communities (or any officer authorised by them) has the authority to consider and determine all applications for licences where no objections have been made or objections have been made and withdrawn within the appropriate time frame.

3. To note and consider reports recommending that full Council approve changes to licensing fees under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the London Local Authorities Act 1991, and the Local Government (Miscellaneous Provisions) Act 1982.	The Corporate Director, Communities (or any officer authorised by them) has the authority to determine fees for premises licences in respect of gambling.
4. To receive reports on policy updates, changes, and other reports related to the Committee's remit.	None

4.5 **Quorum:** 4 Members of the Committee
Additional Information:

- Constitution Part C, Section 34 (Licensing Code of Conduct)
- Licensing procedure rules – Supplementary Documents Pack S13

Section 5: Licensing Committee – Rules of Procedure governing applications for premises licenses and other permissions under the Licensing Act 2003

Subsection 5.1: Interpretation

5.1 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.

5.2 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.

5.3 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.

5.4 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.

5.5 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).

Subsection 5.2: Composition of Sub-Committee

5.6 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.

Subsection 5.3: Procedure

5.7 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.

5.8 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.

5.9 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.

5.10 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.

5.11 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.

5.12 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.

5.13 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.

5.14 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.

5.15 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.

5.16 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.

5.17 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.

5.18 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.

5.19 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.

5.20 The application is to be presented within the time limit that has been set.

5.21 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.

5.22 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.

5.23 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.

5.24 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.

5.25 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.

5.26 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.

5.27 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.

5.28 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.

5.29 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.

5.30 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.

5.31 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.

5.32 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.

5.33 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 then of the determination.

Subsection 5.4: Exclusions

5.34 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.

5.35 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.

Section 6: 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

Subsection 6.1: Interpretation

6.1 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.

Subsection 6.2: Composition of Sub-Committee

6.2 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.

Subsection 6.3: Procedure

6.3 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.

6.4 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.

6.5 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.

6.6 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.

6.7 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.

6.8 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.

6.9 If the Licensing Committee adjourns the hearing it should specify the date, time and place to which the hearing has been adjourned.

6.10 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.

6.11 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.

6.12 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.

6.13 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.

6.14 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.

6.15 The application is to be presented within any time limit that has been set.

6.16 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.

6.17 The objectors (or their representative) will be invited to question the applicant.

6.18 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.

6.19 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.

6.20 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.

6.21 The applicant (or their representative) will be invited to question the objectors.

6.22 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.

6.23 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.

6.24 Petitions will be considered but Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.

6.25 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.

6.26 The objectors (or their representative) will then be permitted to “Sum Up”.

6.27 The applicant (or their representative) will then be permitted to “Sum Up”.

6.28 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.

6.29 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 then of the determination.

Subsection 6.4: Exclusions

6.30 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.

6.31 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.

Section 7: Licensing Code of Conduct

Subsection 7.1: INTRODUCTION

7.1 The Licensing Code of Conduct has been adopted by Tower Hamlets Council to regulate the performance of its licensing functions that fall within the Terms of Reference for the Licensing Committee. Its major objectives are to guide Councillors and officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing functions. 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.

7.2 The Licensing Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. Whilst most decisions taken by Councillors are administrative in nature, the work of the Licensing Committee is different in that its proceedings are quasi-judicial and the rules of natural justice apply. This imposes a new and higher set of standards on those Councillors who are involved in the decision-making process.

7.3 The provisions of this Code are designed to ensure that licensing decisions are taken on proper licensing grounds, in a fair consistent and open manner and that Councillors making such decisions are, and are perceived as being, accountable for

those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from applicants, licensees and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

7.4 This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.

7.5 If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.

Subsection 7.2: HUMAN RIGHTS ACT

7.6 The Human Rights Act 1998, which came into full effect on 2nd October 2000, incorporated the key articles of the European Convention on Human Rights into domestic law. The Convention guarantees certain basic human rights. As far as possible legislation (including the licensing laws) must be interpreted in such a way as to conform to Convention rights. Decisions on licensing issues are actions of a public authority and so must be compatible with Convention rights.

7.7 Councillors of the Committee need to be aware of the rights contained in the Convention when making decisions and in particular:

- ***Article 6: Right to a fair trial*** In the determination of a person's civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

- ***Article 8: Right to respect for family and private life***

  (a) Everyone has a right to respect for his or her private life, and his or her home and correspondence.

  (b) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

- ***Article 1: of the First Protocol: Protocol of property***
  Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his or her possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
  The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

- ***Article 14: Prohibition of discrimination***
  The enjoyment of the rights and freedoms in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

7.8 Article 6 is an ‘absolute’ right and cannot be interfered with. This means that these rights can never be detracted from because it is considered to be fundamental to the rights of people. The Licensing Committee's decisions on most licensing functions are subject to independent tribunals, usually the Magistrates' Court, so satisfying the provisions of Article 6. The Licensing Committee must however conduct a fair hearing in accordance with the rules of natural justice.

7.9 Article 8 and Article 1 of the First Protocol are both qualified rights and the Council can interfere with these provided that such interference had a clear legal basis. In therefore deciding whether to interfere with this right, Councillors should consider the matter within the framework of a ‘fair balance’ test. This requires that a balance be struck between the protection of the right of property and the general interests of the community. An interference with a person’s rights must be proportionate and go no further than is necessary.

7.10 Specifically as to Article 1 of the First Protocol, an existing licence is a possession under this Article and therefore if a person does not currently hold a licence then it will not apply. Article 1 of the First Protocol also has relevance in respect of any third parties objecting to a licensing application, because of their right to the enjoyment of their property.

7.11 As to Article 14, whilst this is also an ‘absolute’ right it does not create an independent right as it only operates to prevent discrimination in the exercise of other convention rights. If there is discrimination however in respect of a particular protected right then there is no need to show a violation of the article giving such right for there to be a breach of Article 14. All it is necessary to show is that there

has been discrimination. Accordingly, in exercising its Licensing Functions, the Council must not treat persons differently where such persons are placed in an analogous situation.

Subsection 7.3: QUASI-JUDICIAL HEARINGS

7.12 A quasi-judicial hearing is one:

- which affects a person's livelihood;
- which involves disciplinary action; or
- which affects property

7.13 These hearings are subject to the rules of natural justice. Properly applied, the rules of natural justice will ensure that the requirements of the Convention that a hearing is both "fair" and presided over by an "independent and impartial tribunal" are met.

7.14 There are two principles underlying the rules of natural justice. First, all parties must be given a chance to put their case under conditions which do not put one party at a substantial disadvantage to the other party. All parties should be given sufficient notice of the hearing and the applicant should have disclosure of the nature of the objections/ representations as well as knowing who is objecting/ making a representation so that they can prepare a response to the points raised in such objections/ representations.

7.15 The rules of natural justice could also include asking questions of other parties. In respect of 'Alcohol and Entertainment Licensing' however, the Licensing Act 2003 (Hearings) Regulations 2005 ('the 2005 Regulations') provide that the hearing should take the form of a discussion led by the authority and cross-examination should not be permitted unless the Licensing Committee considers that cross-examination is required for it to consider the representations, application or notice as the case may require.

7.16 As to sufficient notice of the hearing, in respect of 'Alcohol and Entertainment Licensing', the 2005 Regulations also address this point as they specify the **period of time within which a hearing must be commenced; the**minimum time before the hearing that notice should be given; **persons to whom notice of hearing is to be given; and the documents to accompany notice of hearing. The**2005 Regulations**do provide that a failure to comply with the Regulations does not of itself render the proceedings void but**where there is such an irregularity, the authority 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.

7.17 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.

7.18 Second, a person who has an interest in an application must be disqualified from considering it. The Licensing Committee must be impartial – not only must there be no actual bias but there must be no perception of bias.

7.19 The procedure rules which govern hearings of the Licensing Committee reflect the requirements of the Human Rights Act and the rules of natural justice. To avoid any allegations of bias or perceived bias, Councillors sitting on the Licensing Committee must strictly observe those procedure rules.

7.20 The use of a party political whip is inconsistent with the rules of natural justice and must be avoided by Councillors sitting on the Licensing Committee.

Subsection 7.4: PREDISPOSITION, PREDETERMINATION OR BIAS

7.21 Section 25 of the Localism Act 2011 (‘the 2011 Act’) provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.

7.22 As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is they have made up their mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing their mind to the merits of the decision.

7.23 Councillors must not make up their mind on how they will vote on any licensing matter prior to formal consideration of the matter at the meeting of the Licensing Committee and the Councillor hearing the evidence and arguments on both sides. A Councillor should not make comments on Licensing policy or procedures, or make any commitment in advance as to how they intend to vote on a matter, which might indicate that that they have closed their mind.

7.24 Any licensing decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the council to the risk of legal challenge.

7.25 Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).

7.26 If a Councillor considers that they do have a bias or cannot be impartial then they should withdraw from being a Member of the Licensing Committee for that application.

7.27 Councillors**should** note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 5 below), they will not appear to be predetermined through-

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to prejudging the issue and the Councillor makes clear that they are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/ local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

7.28 The following advice applies:

- Councillors**must not make**up their mind, or appear to have made up their mind on how they will vote on any licensing matter prior to formal consideration of the matter at the meeting of the Licensing Committee and of the Councillor hearing evidence and arguments on both sides. This includes deciding or discussing

how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Licensing Committee on how to deal with this.

- **It must be noted that if a**Councillor**is predetermined**then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would arise where that through the Councillor's significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its licensing merits.

- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to licensing policies of the Council or to licensing policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has, due to his/ her political membership, predetermined a particular matter.

- When considering a licensing application, Councillors must:

    - act fairly and openly;

    - approach each application with an open mind; carefully weigh up all relevant issues; and

    - determine each item on its own licensing merits

- And Councillors must not:

    - take into account irrelevant issues;

    - behave in a manner that may give rise to a public perception that they may have predetermined the item; and

    - behave in such a manner which may give rise to a public perception that they may have been unduly influenced in reaching a decision.

Subsection 7.5: INTERESTS

7.29 In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the hearing.

7.30 There are three (3) categories of interests, namely:

- Disclosable pecuniary interests (DPIs);
- Other registerable interests; and
- Non registerable interests.

7.31 Chapter 7 of the 2011 Act places requirements on Councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a Councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 3.4 of the Code of Conduct for Members. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. These interests can be either an interest of the Member or an interest (of which the Member is aware) of a spouse, civil partner or a person that the Member is living with as a spouse or civil partner. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes.

7.32 A failure to register or declare a DPI or the provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.

7.33 A DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Licensing Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.

7.34 Having regard to the rules of natural justice and the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must also be given to other non-DPI personal interests that are either registrable as required by the Code of Conduct for Members or are personal interests that do not require registration.

7.35 A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the Council's area) the well-being or financial position of the Councillor, a relative or a friend or

- the employment or business carried out by those persons, or in which they might be investors (above a certain level);
- any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.

7.36 If a Councillor has a personal interest in any licensing application or other matter before the Licensing Committee then the Member shall, if present, disclose the existence and nature of the interest at the start of the meeting and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion or voting provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 5.9 below).

7.37 The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are working closely with an applicant or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a licensing matter with the Council; or generally declaring voting intentions ahead of the meeting etc.

7.38 A Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. They cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions, or give evidence, then a Councillor will have the same right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.

7.39 Being a Councillor for the ward in which particular premises are situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. **Councillors should**remember, however, that their overriding duty is to the licensing

objectives and not to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Member feels that they cannot do this then the Member must leave the room when the discussion on the item begins.

7.40 More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part H, Section 50 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer is available to give advice if required.

Subsection 7.6: Training of Councillors

7.41 As the technical and propriety issues associated with licensing are not straightforward, Councillors on the Licensing Committee must participate in a programme of training on the licensing system and related matters agreed by and organised by officers. The programme will consist of compulsory and discretionary elements. The aim of the training is to assist Members in carrying out their role properly and effectively. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of the Licensing Committee.

7.42 Councillors should be aware that training is particularly important for Councillors who are new to the Licensing Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of licensing issues.

7.43 Where a Member has a genuine difficulty in attending any particular training session officers will try when practicable to accommodate a request for an individual or repeat session.

Subsection 7.7: Application by a Councillor or Officer

7.44 The Licensing Committee may need to determine an application submitted by a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-

(a) On receipt of such an application, a copy of the application will be referred to the Corporate Director.

(b) The Corporate Director will pass a copy of the application to the Monitoring Officer who will satisfy himself/ herself that the application can be, and is being, processed and determined without suspicion or impropriety.

(c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.

(d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent their views.

(e) Councillors of the Licensing Committee must consider whether the nature of any relationship with the person (either a Member or an officer) making the application requires that they make a declaration of interest and if necessary also withdraw from the meeting.

(f) In respect of former Councillors or former officers the above requirements shall apply for a period of three years following their departure from the Council.

Subsection 7.8: APPLICATION BY THE COUNCIL (OR WHERE THE COUNCIL IS THE LANDOWNER)

7.45 Councillors may need to determine an application submitted by the Council for the Council's own land or in respect of land where the Council is the landowner. It is perfectly legitimate for such applications to be submitted to and determined by the Licensing Authority. Applications should be treated with the same transparency and impartiality as those of other applicants so as not to give rise to suspicions of impropriety.

7.46 If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Licensing Committee.

Subsection 7.9: LOBBYING

7.47 Councillors may be approached or lobbied by an applicant, agent or objector about a particular licensing application. This can happen prior to an application being made or at any time after the application is made. Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the relative merits of all the evidence presented at the hearing.

7.48 To avoid such perception, if a Member is approached then they should:

(a) inform such applicant or agent or interested party/ objector that such approach should be made to officers or to elected Councillors who are not Councillors of the Licensing Committee;

(b) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Member concerned; and

(c) keep an adequate written record so as to enable the Member to disclose the fact and nature of such an approach at any relevant meeting of the Licensing Committee.

7.49 If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental. As stated in 9.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Member to disclose the fact and nature of such an approach at any relevant meeting of the Licensing Committee.

7.50 If a Councillor who is not a Councillor of the Licensing Committee is contacted by an applicant, objector or interested party then that Councillor can discuss the issues raised by their constituent with the appropriate licensing officer and may forward any representations or evidence to that officer, who will, provided it is lawful, include the relevant information in the report to the Licensing Committee. If a Councillor wishes to make their own representations about a matter they should likewise make those representations to the appropriate Licensing officer.

7.51 When attending a public meeting at which a licensing issue is raised, a Councillor of the Licensing Committee should take great care to maintain an impartial role and not express a conclusive view on any pre-application proposals or submitted application. As stated in 9.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Member to disclose the fact and nature of such an approach at any relevant meeting of the Licensing Committee.

7.52 Correspondence received by any Councillor (whether on the Licensing Committee or not), should be passed without delay to the Corporate Director so that all relevant views can be made available to those Councillors or officers responsible for determining the application. A reply by a Councillor should, as a rule, simply note the contents of the correspondence and advise that it has been passed to officers.

7.53 Councillors**should not**accept gifts or hospitality from any person involved in or affected by licensing application. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.

7.54 Councillors **should not**become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose licensing applications. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.

7.55 Councillors**must also not**lobby fellow Councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any licensing decision is to be taken.

Subsection 7.10: PRE HEARING DISCUSSIONS

7.56 Discussions between a potential applicant and representatives of the Council may be of considerable benefit to both parties. Similarly, a meeting between the Council and potential objectors may also be beneficial. However, it would be easy for such discussions to become or be seen (especially by objectors) to become part of a lobbying process. In the circumstances, pre-application discussions should be avoided by Councillors of the Licensing Committee.

7.57 Generally, any contact with applicants and/ or objectors should only be conducted with and through officers and should always be reported to the Licensing Committee. Requests to a Councillor for a meeting should be passed to the Corporate Director.

Subsection 7.11: SITE VISITS

7.58 If a site visit takes place, its purpose is to gain information relating to the premises which are the subject of the licensing application or revocation to be considered by the Licensing Committee. A site visit may also assist Councillors in matters relating to the context of the application or revocation, the characteristics of the premises and the surrounding area. Councillors should avoid expressing opinions during site visits to any person present, including other Members. Councillors can, of course, rely upon their own local knowledge.

7.59 During site visits, Councillors of the Licensing Committee shall not engage individually in discussion with applicants or objectors.

7.60 On site visits applicants, agents, objectors or other interested parties shall only be permitted to point out to Councillors features to look at either on the premises or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application or revocation.

7.61 A Councillor of a Licensing Committee may request a site visit, prior to the meeting of the Committee, in which case their name shall be recorded. They shall provide and a record be kept of the following (this information must be provided at least one week prior to the relevant meeting for the site visit to proceed):

(a) their reason for the request; and

(b) whether or not they have been approached concerning the application and if so, by whom

and unless the Councillor provides these at least one week prior to the relevant meeting, a site visit will not proceed.

7.62 If any Councillor of the Licensing Committee wishes to informally view an application's site then that viewing must only take place if it can be done from a public place. Councillors of the Licensing Committee shall not enter any premises which are the subject of a licensing application or known by them to be likely to become such in order to meet the agent, applicant, licensee or other interested party, save in the course of a formal accompanied site visit. In exceptional circumstances such as where a Councillor is unable to attend an official site visit that has been arranged, a site visit by an individual Councillor may be carried out provided that the Councillor is accompanied by a licensing officer.

Subsection 7.12: RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

7.63 Councillors of the Licensing Committee shall not attempt in any way to influence the terms of the officers' report upon any application.

7.64 Any criticism by Councillors of the Licensing Committee or an officer in relation to the handing of any licence application should be made in writing to the Corporate Director and/ or the Monitoring Officer and *not to the Officer handling the application .*

7.65 If any officer feels or suspects that pressure is being exerted upon him/ her by any Councillor of the Council in relation to any particular application, they shall forthwith notify the matter in writing to the Monitoring Officer.

7.66 If any officer of the Council who is involved in dealing with any licensing application has had any involvement with an applicant, agent or interested party, whether or not in connection with the particular application being determined, which could possibly

lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Licensing Committee meeting.

7.67 No officer of the Council shall engage in any paid work for any licensing matter for which Tower Hamlets is the Licensing Authority other than on behalf of the Council.

Subsection 7.13: CONDUCT AT THE HEARING

7.68 The essence of the rules of natural justice is that Councillors not only act fairly but are also seen to act fairly. Councillors must follow agreed procedures at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the hearing Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.

7.69 Councillors of the Licensing Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations. Councillors shall be respectful to the Chair and to each other and to officers and Members of the public including applicants, their agents and objectors and shall not bully any person.

7.70 When questioning witnesses at a meeting of a Licensing Committee, Councillors shall ensure that their questions relate only to licensing considerations relevant to the particular application.

7.71 Councillors must ensure that they hear the evidence and arguments for and against the application, in accordance with the rules of natural justice. Councillors must ensure that both the applicant and the objectors receive a fair hearing. Applicants must have the opportunity *in advance of the hearing* to prepare their case in answer to the objectors/ interested parties/ responsible authorities.

7.72 If a Councillor of the Licensing Committee arrives late for a meeting, they will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has to leave the meeting for any length of time, they will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, they should ask the Chair for a short adjournment.

7.73 It is permissible for the Chair of the meeting to curtail statements of parties or witnesses, if they are merely repeating matters which have already been given in evidence.

7.74 In considering objections/ representations Councillors are advised that if such are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then they carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.

7.75 Also in considering the application, it may well be that hearsay evidence is presented. Councillors are advised that the strict rules of evidence do not apply in licensing applications and therefore hearsay is admissible. Indeed, hearsay might by its source, nature and inherent probability carry a greater degree of credibility than first hand evidence. What must be discounted, however, are gossip, speculation and unsubstantiated innuendo. In considering hearsay evidence, it should only be accepted where it can fairly be regarded as reliable although Councillors must give the other side a fair opportunity of commenting on it and contradicting it. Ultimately, hearsay evidence must be treated with great reservation by Councillors, who must make an assessment of its weight and credibility.

7.76 When new matters are raised as objections by any person at a hearing, the Licensing Committee is not obliged to hear them. However, if Councillors feel that the new matter raised by the objector should be considered, but the applicant needs further time to consider their response then the applicant should be offered an adjournment of the meeting (either for a short period during the meeting itself or if necessary to a new date). (This paragraph does not apply to ‘Alcohol and Entertainment Licensing’ under the Licensing Act 2003 or ‘Gambling Licensing’ under the Gambling Act 2005, as new objections cannot be raised at the hearing).

Subsection 7.14: COUNCILLORS WHO ARE NOT ON THE COMMITTEE

7.77 A Councillor who is not a member of the Committee may speak at the meeting, with the agreement of the Chair, as an advocate for either the applicant or the objectors. A Councillor wishing to speak should submit a written statement within the relevant consultation period. The applicant has the right to see any objections in advance. They also have a right of reply.

7.78 Councillors addressing the Committee should disclose any interests they may have, including the fact that they have been in touch with the applicant, the objectors or their respective agents and whether they are speaking on behalf of any of those people at the meeting.

7.79 A Councillor who is not on the Committee but who is at one of its meetings should normally sit apart from the Committee to demonstrate that they are not taking part in the discussion, consideration or vote. They should not communicate with Councillors on the Committee or pass papers or documents to them before or during the meeting. They may not attend briefings or accompany the Committee if it retires to deliberate in private.

7.80 Councillors who are opposed in principle to any category of application or form of public entertainment, either in their own ward or borough-wide, should not seek nomination to the Committee.

Subsection 7.15: MAKING THE DECISION

7.81 The decision whether or not to grant a licensing application is a decision for the Councillors of the Licensing Committee only. *The assessment of the weight and credibility of evidence is also for*Councillors*alone to decide.*

7.82 Councillors shall retire to decide the matter in closed session. The Legal Officer and Democratic Services Officer present at the meeting will retire with them. During such closed session, the Legal Officer will only provide advice on legal issues relating to the application and will assist in the drafting of any proposed conditions to ensure that they are legally enforceable.

7.83 In accordance with regulations, Councillors considering applications relating to ‘Alcohol and Entertainment Licensing’ under the Licensing Act 2003 or ‘Gambling Licensing’ under the Gambling Act 2005 should disregard any information provided by any party which is not relevant to;

(a) their application, representations or notice (as applicable); and

(b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the Police.

7.84 Councillors will normally return to open session to announce its decision and give reasons for the same 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 then of the determination.

7.85 Written notice of the decision together with Councillors' reasons will always be given and such notice will set out any rights of appeal against the decision.

7.86 Councillors own knowledge of the circumstances surrounding an application is valid provided that they are put to the applicant for a response. In reaching their decision Councillors must have regard to the evidence presented at the hearing, both the documents circulated in advance and the oral evidence. The decision must be based on the evidence alone and Councillors have a duty to ensure that they have regard to all the relevant matters before them and only those matters.

7.87 Councillors considering an application have a duty to determine it only on the facts before them relating to that individual case and not decide it as a matter of general policy. Councillors must not make unreasonable decisions that no other reasonable licensing authority would arrive at, having regard to the legal principle of "Wednesbury reasonableness".

7.88 In considering applications, Councillors must also have due regard to any Council Policy (e.g. the Council's Statement of Licensing Policy) and any statutory guidance (e.g. Licensing Guidance issued under section 182 of the Licensing Act 2003). Any departure from such should be justified and based on the facts before them.

7.89 Councillors should be aware that an unreasonable decision taking into account the above criteria is unlikely to be sustained on appeal. In this instance, the authority foregoes the opportunity to attach terms and conditions to a licence and will likely have to pay costs. The role of officers is to point this out and advise Councillors as to the potential risk of losing an appeal and being required to pay the other parties costs as a consequence. This needs to be balanced with the Council's fiduciary duty towards the local taxpayer in terms of the Council being a public body spending public money.

Subsection 7.16: APPEALS

7.90 The Licensing Committee's decision is not a final one and applicants (and in certain cases interested parties and responsible authorities) have the right to appeal to the Magistrates Court and beyond in certain cases.

7.91 An appeal must be lodged within a prescribed time of receiving written notification of the decision.

7.92 On such appeals the hearing takes on an increasingly formalised nature, based solely on the evidence given. The Council will only be able to sustain its defence if it can substantiate its grant or refusal of a licence by relevant admissible evidence.

Councillors who consider basing the grant or refusal of a licence on their personal knowledge should be prepared to testify to the relevant facts in any appeal proceedings.

7.93 Taking this factor into account along with the real risk of costs against the Council, Councillors must be wary of relying on any matters which could not readily be proved in evidence. Essentially, for Committee decisions to “stand up” on appeal and to avoid costs being awarded against the Authority, decisions to grant or refuse licences or impose conditions must be justified.

Subsection 7.17: RECORD KEEPING

7.94 In order that licensing procedures are undertaken properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every licensing application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council’s Information Governance Framework and, specifically, the Council’s Records Management Policy.

Subsection 7.18: SUMMARY DOS AND DO NOT'S

7.95 Councillors must:

- **(a)** Attend compulsory training sessions;
- **(b)** Be open minded and impartial;
- **(c)** Declare any actual interest;
- **(d)** Listen to the arguments for and against;
- **(e)** Carefully weigh up all relevant issues;
- **(f)** Ask questions that relate only to licensing considerations relevant to the particular application;
- **(g)** Make decisions on merit and on licensing considerations only;
- **(h)** Respect the impartiality and integrity of the Council’s officers;
- **(i)** Report any lobbying from applicants, agents, objectors or any other Councillor;
- **(j)** Promote and support the highest standards of conduct; and
- **(k)** Promote equality and not discriminate unlawfully against any person, and treat all people with respect.

7.96 Councillors must not:

- **(a)** Be biased or give the impression of being biased;

(b) Improperly confer an advantage or disadvantage on any person nor seek to do so;

(c) Act to gain a financial or other benefit for themselves, their family, friends or close associates;

(d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member (e.g. by accepting gifts or hospitality from any person involved in or affected by a licensing application);

(e) Place themselves in a position where their integrity might reasonably be questioned;

(f) Participate in a meeting where they have a DPI;

(g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and

(h) Express opinions during any site visit to any person present, including other Members.

Subsection 7.19: PROCEDURE NOTES

7.97 Appendix A to this Code of Conduct sets out the Rules of Procedure Governing Applications for Premises Licences and other permissions under the Licensing Act 2003. This is set out in the Supplementary Documents Pack S13.

7.98 Appendix B to this Code of Conduct sets out the Rules of Procedure Governing Applications for Sex Establishment Licences under Section 2 of and Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended). This is set out in the Supplementary Documents Pack S13.

CHAPTER 26: PENSIONS COMMITTEE

Section 1: Introduction

1.1 The Pensions Committee undertakes required responsibilities in relation to the Local Government Pensions Scheme.

Section 2: Terms of Reference

2.1 Summary Description
To consider pension matters and meet the obligations and the duties of the Council under the Superannuation Act 1972 and the various statutory requirements in respect of investment matters.

2.2 Membership
7 Councillors, 1 representative of the Admitted Bodies and 1 Trade Union representative. The Admitted Body and Trade Union representatives will be non-voting members of the Committee.

2.3 Declaration of Interests:
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.

2.4 Table of Functions

Functions	Delegation of Functions
1. To act as Trustees of the Council's Pension Fund, consider pension matters and meet the obligations and the duties of the Council under the Superannuation Act 1972, the Public Service Pensions Act 2013, and the various pensions' legislation.	None
2.To make arrangements for the appointment of and to appoint suitably qualified pension fund administrators, actuaries, advisers, investment managers and global custodians and periodically to review those arrangements.	None

3. To formulate and publish an Investment Strategy Statement.	None
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.	None
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.	None
6.To make arrangements for the triennial actuarial valuation, to monitor liabilities and to undertake any asset/liability and other relevant studies as required.	None
7.To monitor the performance and effectiveness of the investment managers and their compliance with the Investment Strategy Statement.	None
8.To set an annual budget for the operation of the Pension Fund and to monitor income and expenditure against budget.	None
9.To receive and approve an Annual Report and accounts on the activities of the Fund prior to publication.	None
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.	None
11.To keep the terms of reference under review.	None
12.To determine all matters relating to admission body issues.	None
	None

13.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 including stakeholder communications.	
14.To maintain an overview of pensions training for Members.	None
15.To ensure compliance with the LGPS Regulations, Codes of Practice or guidance issued by the Pensions Regulator and the National Scheme advisory Board as they apply to pension benefits and the payment of pensions and their day to day administration and to be responsible for any policy decisions relating to the administration of the scheme.	None
16.Selection, appointment and termination of external Additional Voluntary Contribution (AVC) providers and reviewing performance.	None
17.Approve policy on environmental, social and governance considerations, responsible investment and on the exercise of share voting rights.	None
18.To review the risks inherent in the management of the Pension Fund.	None
19.To consider any recommendations made or views expressed by the London Borough of Tower Hamlets Pensions Board.	None
20.In relation to pooled asset arrangements under the London Collective Investment Vehicle (LCIV) Shareholder Committee: **· Undertaking the role of Shareholder in relation to the Shareholder agreement relating to LCIV** **· Functions relating to the LCIV including receiving and considering reports and recommendations from the London CIV Share holder Committee.**	None

· Ensuring that appropriate measures are in place to monitor and report on the ongoing costs of investment pooling and performance of LCIV. **· Determining what the administering authority requires the pool to provide to enable it to execute its local investment strategy effectively.** **· Undertaking the role of Client in relation to the Service Level Agreement**	

2.5 **Quorum:** 3 Members of the Committee

2.6 **Meetings:**At least four times a year in the ordinary course of business and additional meetings may be arranged as required to facilitate work. Work for the year will be agreed with the Committee to include dedicated training sessions for Committee members.

Section 3: Procedure Details

Membership of the Pensions Committee

1. 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.

2. 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.

3. 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.

4. 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.

5. Notice of meetings and provision of agendas and other papers will comply with the Access to Information Procedure Rules.

CHAPTER 27: STANDARDS ADVISORY COMMITTEE

Section 1: Introduction

1.1 In accordance with the requirements of the Localism Act 2011 the Council has adopted a Code of Conduct for Members together with arrangements for dealing with any complaint of a breach of the Code including the appointment of an Independent Person. The Code of Conduct and the arrangements for dealing with any complaint of a breach of the Code are set out at Part C, Section 31 of this Constitution.

Standards Advisory Committee

1.2 In order to promote and maintain high standards of conduct, the Council at its Annual Meeting will establish a Standards Advisory Committee using its powers under section 102(4) of the Local Government Act 1972.

1.3 The Standards Advisory Committee shall have the power to create sub-committees in order to discharge its advisory role.

1.4 The Standards Advisory Committee's composition shall be set out in its Terms of Reference. It includes Councillors and Independent Co-opted Members (but may not include the Mayor or more than one Cabinet Member).

1.5 The Standards Advisory Committee has a set of procedures which govern its arrangements. These are set out in Part E, Section 27 and the Supplementary Documents Pack Section S13.

Independent Persons

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

Section 2: Standards Advisory Committee Terms of Reference

2.1 Summary Description:

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

The Committee may establish sub-committees to consider certain matters as set out in the table of functions below.

The Committee and any of its sub-committees may meet in private in accordance with relevant legislation as advised by the Monitoring Officer. Any meeting or part of a meeting that advises on 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.

2.2 Membership:

5 elected members of the Council (not including the Mayor or more than 1 Cabinet member) appointed by the Council in accordance with the requirements of political proportionality and each political group may appoint up to 3 substitutes.

2.3 Co-Opted Members:

Plus up to 5 independent co-opted members who are not Members or officers of the Council or any other relevant authority.

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

Independent co-opted members shall be appointed by full Council on the recommendation of the Monitoring Officer. The term of appointment shall be 4 years unless otherwise determined by Council or the co-optee does not continue to fulfil any required conditions as may be determined by Council from time to time. Co-opted members may serve as many terms of appointment as the Council considers appropriate.

2.4 Note - Independent Persons

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

2.5 Table of Functions

Functions	**Delegation of Functions**

1. 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.	None
2. Advising the Council on the adoption or revision of the Code of Conduct for Members.	None
3. Advising on local protocols for both Member and officer governance.	None
4. 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 may be so referred.	None
5. To monitor and advise the Council about the operation of the Code of Conduct for Members considering best practice and changes in the law.	None
6. Advising, training or arranging to train the Mayor, councillors and co-opted members on matters relating to ethics and probity and the Code of Conduct.	None
7. To receive periodic reports on the Council's ethical governance arrangements, on whistle blowing arrangements and in relation to complaints.	None
8. To monitor and review Member and officer procedures for registering interests and declaring gifts and hospitality.	None
9. As requested by the Monitoring Officer, to establish a Dispensations Advisory Sub-Committee to advise on any applications for dispensations in relation to participation at a	None

meeting by a member with a Disclosable Pecuniary Interest. The Sub-Committee shall comprise and the quorum for any meeting is two co-opted members and one elected member of the Standards Advisory Committee.	
10. To consider any reports from the Monitoring Officer on any matter relating to standards of conduct.	None
11. To advise on other functions relating to the standards or conduct of members under any relevant statutory provision or otherwise.	None
12. To report to the Council on the work of the Committee and any other matters as appropriate.	None
13. If requested by the Monitoring Officer (for example in particularly complex cases), to establish a Casework Advisory Sub-Committee to advise the Monitoring Officer:- **(a) whether or not any complaint of a breach of the Code of Conduct by the Mayor, a Councillor or a co-opted member should be referred for investigation; and/or** **(b) whether an independent investigator should be appointed; and** **(c) where a complaint has been subject to an investigation, to advise whether or not the complaint should proceed to hearing.** **(d) The Casework Advisory Sub-Committee shall comprise and the quorum for any meeting is two co-opted members and one elected member of the Standards Advisory Committee.**	None
14. To receive regular reports from the Monitoring Officer on the numbers of complaints of breach of the Code received, the decisions taken by the Monitoring Officer (in consultation with the Independent Person) on such complaints and investigation	None

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.	
15. To convene a Hearings Advisory Sub-Committee of 3 Members of the Standards Advisory Committee comprising 2 of the co-opted members and 1 elected member to consider any matter where an investigation finds evidence of a failure to comply with the Code and a local resolution is not possible or appropriate.	None
16. To receive reports on compliance with any recommendation(s) made for sanctions to be applied in respect of any member.	None

2.6 Quorum

A meeting of the Standards Advisory Committee shall only be quorate where at least three members of the Committee are present for its duration and such quorum must include at least one elected member and at least one independent co-opted member.

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.

2.7 Attendance Requirements:

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. 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.

Section 3: Hearings Advisory Sub-Committee Terms of Reference

3.1 Summary Description

The 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 Sub-Committee shall decide at the outset of the meeting whether it is in the public interest that the meeting is held in a public or private session in accordance with relevant statutory guidance as advised by the Monitoring Officer.

3.2 Membership

Two co-opted members and one elected member of the Standards Advisory Committee.

3.3 Table of Functions

Functions	Delegation of Functions
To make such recommendations to Council in respect of the matter as the Sub-Committee considers appropriate including:	None
1. Reporting its recommendations to Council for information;	None
2. 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.	None
3. Recommending to the Mayor removal from the Executive, or from particular Portfolio responsibilities.	None
4. Recommending the Monitoring Officer arrange training for the Member.	None
5. Recommending removal from outside appointments to which they have been appointed or nominated.	None

6. Recommending withdrawing facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access.	None
7. 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.	None
8. Recommending the Member to contact the Council via specified point(s) of contact.	None

3.4 Quorum

A meeting of the Hearings Advisory Sub-Committee shall only be quorate where three members of the Sub-Committee are present for its duration and such quorum must include at least one elected member and at least two independent co-opted members.

3.5 Notes

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.

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 Advisory Sub-Committee as an observer but may not vote or participate in the decision making.

The Sub-Committee, before making any recommendation(s), must have regard to any views of the Independent Person whether or not the Independent Person attends the meeting.

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 Advisory Sub-Committee as an observer but may not vote or participate in the decision making.

The Sub-Committee, before making any recommendation(s), must have regard to any views of the Independent Person whether or not the Independent Person attends the meeting.

CHAPTER 28: STRATEGIC DEVELOPMENT AND DEVELOPMENT COMMITTEES

Section 1: Introduction

1.1 **Development Control –**Tower Hamlets Council is a local planning authority for its area. Local Planning Authorities must make a Local Plan for their area and make decisions on planning applications for new development that are submitted.

1.2 The executive Mayor, Cabinet and full Council are responsible for decisions about the Council's Local Plan. Most decisions on planning applications are made by senior planning officers under powers that are delegated to them. Applications for the largest scale developments or those which have attracted significant public interest are determined by one of the Council's two planning committees - the **Development Committee** and the **Strategic Development Committee**. The terms of reference for both committees are set out below.

Section 2: Development Committee Terms of Reference

2.1 **Summary Description:** To determine applications for planning permission and listed building consent which have triggered over 20 representations (for or against) and/or that meet certain criteria with regards to size amongst other issues. Note that certain applications exceed the remit of the Development Committee and these are considered by the Strategic Development Committee.

2.2 **Membership:**7 Councillors (each political group may appoint up to 3 substitutes).

2.3 **Table of Functions**

Functions	**Delegation of Functions**
1. Applications for planning permission **A. To consider and determine recommendations from the Corporate Director, Housing and Regeneration to GRANTplanning permission for applications made under the Town and Country Planning Act *1990 (as amended);* that meet any one of the following criteria:** **(i) Proposals involving the erection, alteration or change of use of buildings, structures or land with more than 35 residential units of any use class,**	The Corporate Director, Housing and Regeneration (or any officer authorised by them) has the authority to make decisions on planning matters with the exception of those specifically reserved to

including shared accommodation. **(ii) Proposals involving the erection, alteration or change of use of buildings, structures or land with a gross floor space exceeding 10,000 square metres.** **(iii) Retail development with a gross floor space exceeding 5,000 square metres.** **(iv) Proposals involving buildings on Metropolitan Open Land with a gross floor space exceeding 100 square metres.** **(v) If in response to the publicity of an application the Council receives in writing, by email or other electronic form 20 or more individual representations; or a petition (received from residents of the borough whose names appear in the Register of Electors, business addresses in the borough or local Councillors) raising material planning objections to the development, and the Corporate Director, Housing and Regeneration considers that these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Housing and Regeneration.** **B. To consider and determine recommendations from the Corporate Director, Housing and Regeneration to REFUSE planning permission for applications made under the Town and Country Planning Act 1990 (as amended), where in response to the publicity of an application the Council has received in writing, by email or other electronic form, more 20 or more individual representations supporting the development or a petition in the form detailed in part 1.A. (v) supporting the proposed development. Representations (either individual or petitions) received after the close of the consultation period will be counted at the discretion of the Corporate Director, Housing and Regeneration.** **C. To consider and determine recommendations from the Corporate Director of Place to GRANTpermission for applications to vary or delete conditions attached to a planning permission (section 73 of the Town and**	the Development Committee, unless:- (i) these are expressly delegated to them; or where it is referred to the Committee in accordance with Development Procedure Rule No 15

Country Planning Act) which was previously determined by the Development Committee and as a result of publicity any of the criteria in Part 1.A.(v) apply and the representations received relate directly to matters arising from the proposed amendments to the permission and not the original application.	
2. Applications for listed building consent **To consider and determine recommendations from the Corporate Director, Housing and Regeneration to GRANT listed building consent for applications made under the Planning (Listed Buildings and Conservation Areas) Act 1990 where any of the criteria in 1.A.(i)-(v) apply; and/or an objection has been received from either the Historic Buildings and Monuments Commission for England (known as Historic England) and/or one of the statutory amenity societies and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.**	As above including to refuse listed building consent.
3. Applications for hazardous substance consent **To consider and determine recommendations from the Corporate Director, Housing and Regeneration to GRANThazardous substance consent for applications made under the Planning (Hazardous Substances) Regulations 2015 where the criteria in 1.A(v) apply and/or an objection has been received from any of the consultation bodies listed in the Regulations and these objections cannot be addressed by amending the development, by imposing conditions and/or by completing a legal agreement.**	As above including to refuse hazardous substance consent.
4. Observations to other planning authorities **To respond to requests for observations on planning applications referred to the Council by other local authorities, Development Corporations the Mayor of London, Government Departments statutory undertakers and similar organisations where the**	As above

development would appear to be contrary to policies in the adopted Development Plan or would raise especially significant borough-wide issues.	
5. Confirmation of Tree Preservation Orders **To consider and determine recommendations from the Corporate Director, Housing and Regeneration to CONFIRM Tree Preservation Orders under s198 of the Town and Country Planning Act 1990 where such orders are the subject of a sustained objection. A sustained objection is defined as one that is maintained despite attempts to resolve it, or is one that is considered to be incapable of resolution by negotiation.**	As above
General **(a) To consider any application or other planning matter referred to the Committee by the Corporate Director, Housing and Regeneration including pre-application presentations (subject to the agreed protocol) where she/he considers it appropriate to do so (for example, if especially significant borough-wide issues are raised).** **(b) To consider any matter which would otherwise be referred to the Strategic Development Committee but which the Corporate Director, Housing and Regeneration, following consultation with the Chairs of both Committees, considers should more appropriately be considered by the Development Committee.**	None

Note - It shall be for the Corporate Director, Housing and Regeneration to determine whether a matter meets any of the above criteria.

2.4 Quorum:3 Members of the Committee

Section 3: Strategic Development Committee Terms of Reference

3.1 Summary Description: To determine larger-scale major or strategic planning matters, within and exceeding the remit of the Development Committee in terms of size and scale amongst other issues.

3.2 Membership: 9 Councillors

3.3 Table of Functions

Functions	Delegation of Functions
1.To consider any matter listed within the terms of reference of the Development Committee (including applications to vary or delete planning conditions and observations to neighbouring authorities and the Mayor of London) where any one of the following criteria applies: **(a) The proposed development includes one or more buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames);** **(b) Residential development with more than 500 residential units (of any use class including shared accommodation), or on sites exceeding 10 hectares in area;** **(c) Applications for non-residential floor space on sites of more than 4 hectares;** **(d) Major infrastructure developments;** **(e) Applications for development that would not be in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres;** **(f) Applications on Metropolitan Open Land involving buildings with a gross floor space exceeding 1000 square metres;** **(g) Applications for developments including 200 or more car parking spaces;** **(h) Legal proceedings in relation to the matter are in existence or in contemplation;** **(i) Three or more members of the Development Committee are disqualified in some way from participating in the decision;**	None

(j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee.	
2. To consider any application or other planning matter, including pre-application presentations (subject to the agreed protocol) referred to the Committee by the Corporate Director, Housing and Regeneration where they consider it appropriate to do so and where especially significant strategic issues are raised.	None

Note - It shall be for the Corporate Director, Housing and Regeneration to determine whether a matter meets any of the above criteria.

3.4 Quorum: 3 Members of the Committee

Section 4: Council Guidelines for Determining Planning Applications under the Town and Country Planning Act 1990

4.1 Set of Guidelines

(a) 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.

(b) 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”.

(c) 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.

(d) Material considerations can include (but are not limited to):-

(i) Local, strategic, national planning policies and policies in the Development Plan;

(ii) Emerging new plans which have already been through at least one stage of public consultation;

(iii) Government and Planning Inspectorate requirements - circulars, orders, statutory instruments, guidance and advice;

(iv) Previous appeal decisions and planning Inquiry reports;

(v) Principles of Case Law held through the Courts;

(vi) Loss of sunlight (based on Building Research Establishment guidance);

(vii) Overshadowing/loss of outlook to the detriment of residential amenity (though not loss of view as such);

(viii) Overlooking and loss of privacy;

(ix) Highway issues: traffic generation, vehicular access, highway safety;

(x) Noise or disturbance resulting from use, including proposed hours of operation;

(xi) Smells and fumes;

(xii) Capacity of physical infrastructure, e.g. in the public drainage or water systems;

(xiii) Deficiencies in social facilities, e.g. spaces in schools;

(xiv) Storage & handling of hazardous materials and development of contaminated land;

(xv) Loss or effect on trees;

(xvi) Adverse impact on nature conservation interests & biodiversity opportunities;

(xvii) Effect on listed buildings and conservation areas;

(xviii) Incompatible or unacceptable uses;

(xix) Local financial considerations offered as a contribution or grant;

(xx) Layout and density of building design, visual appearance and finishing materials;

(xxi) Inadequate or inappropriate landscaping or means of enclosure; and

(xxii) Disabled persons access.

(e) Matters which are <u>not</u> material considerations again can include (but are not limited to):-

(i) Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.;

(ii) Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.;

(iii) Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts);

(iv) Opposition to the principle of development when this has been settled by an outline planning permission or appeal;

(v) Applicant's personal circumstances (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability – see (vi) below);

(vi) Previously made objections/representations regarding another site or application;

(vii) Factual misrepresentation of the proposal;

(viii) Opposition to business competition;

(ix) Loss of property value;

(x) Loss of view; and

(xi) Personal remarks (e.g. the applicant's motives).

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) Account should be taken of previous Council decisions, appeal decisions in relation to the site, or other related appeal decisions.

(k) It is not permissible to prevent, inhibit or delay development which could reasonably be permitted.

(l) 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.

Section 5: Strategic Development Committee / Development Committee - Development Procedure Rules

Subsection 5.1: SCOPE

5.1 These rules apply to all meetings of the Development Committee, Strategic Development Committee and Council in relation to the determination of planning applications.

5.2 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.

Subsection 5.2: REPORTS

5.3 All applications are the subject of written reports with officer recommendations. Reports will be produced in a standard form approved by the Corporate Director, Housing and Regeneration, and will identify and analyse major material considerations of which the Committee need to take account when exercising its planning judgment.

5.4 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.

Subsection 5.3: ADDENDUM UPDATE REPORTS

5.5 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.

5.6 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.

5.7 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, Housing and Regeneration, has an absolute discretion in this regard.

5.8 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.

Subsection 5.4: REPRESENTATION AND PETITIONS

5.9 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.

Subsection 5.5: ORDER OF PROCEEDINGS

5.10 Except as otherwise stated on the agenda, generally meetings take place at Tower Hamlets Town Hall, 160 Whitechapel Road, London E1 1BJ commencing at 6.30 pm.

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

5.12 The procedure for considering each application shall be as follows:

(a) The item will be introduced by the Corporate Director, Housing and Regeneration, or their representative

(b) The Corporate Director, Housing and Regeneration, 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.

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

5.14 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.

5.15 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.

5.16 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.

Subsection 5.6: PUBLIC SPEAKING

5.17 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.

5.18 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.

5.19 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.

5.20 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.

5.21 For objectors, the allocation of slots will be on a first come, first served basis.

5.22 For supporters, the allocation of slots will be at the discretion of the applicant.

5.23 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.

5.24 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.

5.25 Where a planning application has been recommended for refusal by officers and the applicant or their supporters 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.

5.26 The order of public speaking shall be as stated in Rule 5.3.

5.27 Public speaking shall comprise verbal presentation only. The distribution of additional material or information to Members of the Committee is not permitted.

5.28 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.

5.29 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.

5.30 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.

5.31 Speakers and other members of the public may leave the meeting after the item in which they are interested has been determined.

Subsection 5.7: COUNCILLORS EXERCISING THEIR PUBLIC SPEAKING RIGHTS

5.32 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.

Subsection 5.8: COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

5.33 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.

5.34 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).

5.35 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.

5.36 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.

5.37 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.

5.38 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.

Subsection 5.9: DECISIONS CONTRARY TO OFFICER RECOMMENDATIONS

5.39 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.

5.40 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.

Subsection 5.10: DECISIONS CONTRARY TO THE DEVELOPMENT PLAN

5.41 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.

5.42 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.

5.43 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.

Subsection 5.11: DEFERRALS

5.44 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.

5.45 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.

5.46 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.

5.47 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.

Subsection 5.12: SITE VISIT BEFORE A COMMITTEE MEETING

5.48 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.

5.49 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.

Subsection 5.13: FORMAL SITE VISITS BY THE COMMITTEE

5.50 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, Housing and Regeneration a site visit is recommended. Site visits should only be selected where there is a clear and substantial benefit to be gained.

5.51 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.

Subsection 5.14: DELEGATED POWERS

5.52 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, Housing and Regeneration, 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.

5.53 At the beginning of the agenda there is a general resolution to give delegated powers to the Corporate Director, Housing and Regeneration, 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 exce ed the substantive nature of the Committee’s determination and any amendment or addition which would do so shall be referred back to the Committee.

Subsection 5.15: REFERRAL TO COMMITTEE OF A PLANNING APPLICATION DELEGATED TO THE CORPORATE DIRECTOR, HOUSING AND REGENERATION

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

5.55 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.

Section 6: Planning Code of Conduct

6.1 Introduction

The Planning Code of Conduct has been adopted by Tower Hamlets Council to regulate the performance of its planning functions. Its major objectives are to guide Councillors and officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.

The Planning Code of Conduct is in addition to the Code of Conduct for Members adopted under the provisions of the Localism Act 2011. Councillors should follow the requirements of the Code of Conduct for Members and apply this Code in light of that Code. The purpose of this Code is to provide more detailed guidance on the standards to be applied specifically in relation to planning matters.

Planning decisions involve balancing many competing interests and making an informed judgement against a local and national policy framework. In doing this, Councillors need to make decisions having regard to the wider public interest on what can sometimes be controversial proposals. The provisions of this Code are designed to ensure that planning decisions are taken with sound judgement and for justifiable reasons, in a fair consistent and open manner and that Councillors making such decisions are perceived as being accountable for those decisions. The Code is also designed to assist Councillors in dealing with and recording approaches from developers and objectors and is intended to ensure that the integrity of the decision-making process is preserved.

This Code applies to Councillors at all times that they are involved in the planning process. This would include, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings. It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

This Code is part of the Council's ethical framework and in addition to the Code of Conduct for Members should be read in conjunction with the Member/Officer Protocol. If a Councillor does not abide by the Code then that Councillor may put the Council at risk of proceedings on the legality or maladministration of the related

decision and the Councillor may be at risk of either being named in a report to the Standards Advisory Committee or Council. A failure to abide by the Code is also likely to be a breach of the Code of Conduct for Members and which could result in a complaint being made to the Monitoring Officer.

If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early, from the Monitoring Officer and preferably well before any meeting takes place.

6.2 Predisposition, Predetermination or Bias

Section 25 of the Localism Act 2011 ('the 2011 Act') provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This reflects the common law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and changing their mind in light of all the information presented at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the Councillor was biased.

As to predetermination, this is a legal concept and is used in situations where a decision maker either has, or appears to have, a closed mind. That is they have made up their mind in advance of proper consideration of an issue and the merits of an application. Section 25 of the 2011 Act does not amount to the abolition of the concept of predetermination however, as no one should decide a case where they are not impartial or seen to be impartial. Critically, Councillors need to avoid any appearance of bias or of having a predetermined view before taking a decision. Indeed, Councillors should not take a decision on a matter when they are actually biased in favour or against the application, or where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Councillor has predetermined the matter by closing their mind to the merits of the decision.

Any planning decision made by a Councillor who can be shown to have approached the decision with a closed mind will expose the Council to the risk of legal challenge.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear they are willing to listen to all the considerations presented at the committee before deciding on how to vote (predisposition).

If a Councillor considers that they do have a bias or cannot be impartial then they **must** withdraw from considering that application.

Councillors**should** note that, unless they have a disclosable pecuniary interest or a significant personal interest (see section 3 below), they will not appear to be predetermined through-

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to prejudging the issue and the Councillor makes clear that they are keeping an open mind;
- seeking information through appropriate channels; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided the Councillor explains their actions at the start of the meeting or item and makes it clear that, having expressed the opinion or ward/ local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

The following advice applies:

- Councillors**must not make**up their mind, or appear to have made up their mind on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Committee and of the Councillor hearing the officer's presentation and evidence and arguments on both sides. This includes deciding or discussing how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. If a Councillor has an interest in a local lobby group or charity or pressure group they may appear predetermined by their actions and/ or statements made in the past. The Councillor should take advice from the Legal Adviser to the Committee on how to deal with this.
- **It must be noted that if a**Councillor**is predetermined**then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or predetermination or, a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- A Councillor may appear pre-determined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. This would amount to more than a matter of membership of both the Cabinet and Development Committee, but that through the Councillor’s significant personal involvement in preparing or advocating the proposal the Councillor will be, or perceived by the public as

being, no longer able to act impartially or to determine the proposal purely on its planning merits. (See Section 6 below for guidance on applications submitted by the Council).

- Councillors should recognise that in being a Councillor of a political group they are allowed to be predisposed in relation to planning policies of the Council or to planning policies of the Councillor's political party, providing that predisposition does not give rise to a public perception that the Councillor has due to his/ her political membership predetermined a particular matter. (See Section 7 below relating to Lobbying).

- When considering a planning application or any other planning matter Councillors must:

    - act fairly and openly;

    - approach each planning issue with an open mind;carefully weigh up all relevant issues; and

    - determine each item on its own planning merits

- And Councillors must not:

    - take into account irrelevant issues;

    - behave in a manner that may give rise to a public perception that they may have predetermined the item; and

    - behave in such a manner which may give rise to a public perception that they may have been unduly influenced in reaching a decision.

6.3 Interests

In order to avoid allegations of bias it is important that Councillors are scrupulous in declaring interests at the meeting.

Chapter 7 of the 2011 Act places requirements on councillors regarding the registration and disclosure of their pecuniary interests ('DPI') and the consequences for a councillor taking part in consideration of an issue in the light of those interests. The definitions of DPI taken from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are set out in paragraph 5.1 of the Members' Code of Conduct. A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes. A failure to register or declare a DPI or the

provision of false or misleading information on registration, or participation in discussion or voting in a meeting on a matter in which a Councillor has a DPI, are criminal offences.

DPI relating to an item under discussion requires the immediate withdrawal of the Councillor from the Committee. In certain circumstances, a dispensation can be sought from the Monitoring Officer to take part in that particular item of business and which could arise where the Councillor is the applicant or has made a representation for or against the application.

Having regard to the requirement that a Councillor who has an interest in an application must be disqualified from considering it, then consideration must also be given to personal interests. A personal interest in a matter arises if a Councillor anticipates that a decision on it might reasonably be regarded as affecting (to a greater extent than other council tax payers, ratepayers or residents of the Tower Hamlets) the well-being or financial position of the Councillor, a relative or a friend or:

- the employment or business carried out by those persons, or in which they might be investors (above a certain level)
- any of the bodies with which the Councillor is associated, and which the Councillor will have registered in the register of interests.

If a Councillor has a personal interest in any planning then the Councillor shall, if present, disclose the existence and nature of the interest at the start of the meeting and, in any event, before the matter is discussed or as soon as it becomes apparent. The full nature of the interest must be declared. If, in accordance with the Members' Code of Conduct, the interest is 'sensitive', the Councillor must disclose to the meeting that they have an interest that is sensitive but need not disclose the nature of the interest or any other sensitive information. The declaration and disclosure of a personal interest does not usually debar a Councillor from participation in the discussion provided that the personal interest is not so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest (see 3.6 below).

The position is different however where a member of the public, with knowledge of the relevant facts, would reasonably regard the personal interest as so significant that there is a real possibility of bias or predetermination and which is likely to prejudice the Councillor's judgement of the public interest. Examples of this are the Councillor is working closely with a developer or a group of objectors to achieve a certain outcome; lobbying other Councillors on the Committee; acting as an agent for a person pursuing a planning matter with the Council; or generally declaring voting intentions ahead of the meeting etc.

Councillor with a personal interest which might appear to a fair and informed observer that there was a real possibility of bias must not participate in the discussion on the application and must leave the room immediately when the discussion on the item begins or as soon as the interest becomes apparent. They cannot seek to influence the decision, save that if a member of the public has the right to attend the meeting, make representations, answer questions etc., then a Councillor will have the same right. Once the Councillor has exercised that right then the Councillor must withdraw from the room for the rest of that item and play no further part in the discussion or vote.

Being a Councillor for the ward in which particular premises is situated is not necessarily declarable and as a general rule Councillors of the Committee may deliberate on matters affecting their wards provided they do so with an open mind. Councillors**should**remember, however, that their overriding duty is to the whole community not just to the residents and businesses within their ward. Councillors have a duty to make decisions impartially, and should not improperly favour, or appear to improperly favour, any person, company, group or locality. If a Councillor considers that it is appropriate to make representations for their ward then the Councillor can declare this and make representations and must not participate in the debate and vote. It may be that by remaining in the Committee room during the debate and vote that a reasonable person could perceive that the Councillor was seeking to influence the decision by their continued presence. In deciding therefore whether to remain, Councillors, especially Executive Members or the Mayor, should consider the perception that their continued presence could cause.

More information on what constitutes an interest as well as the obligation on Councillors to register their interests is contained in the Code of Conduct for Members set out in Part H, Section 50 of the Constitution. The ultimate responsibility for fulfilling these requirements rests with individual Councillors but the Council's Monitoring Officer is available to give advice if required.

Further, at Appendix C, there are a series of What Ifs and which will assist in Councillors determining whether they have a personal interest which they should declare and whether it could give rise to a reasonable observer in possession of the facts considering that the Councillor would be biased or would be unable to be impartial.

6.4 Training of Councillors

As the technical and propriety issues associated with planning are not straightforward, Councillors who sit on either the Development Committee or the Strategic Development Committee must participate in a programme of training on the planning system and related matters agreed by and organised by officers. The

programme will consist of compulsory and discretionary elements. If a Councillor fails to participate in the compulsory elements of the training this may result in that Councillor being asked to stand down as a Councillor of relevant Committee.

Councillors should be aware that training is particularly important for those who are new to the Development Committee and for Councillors who have not attended training in the recent past. Other Councillors are free to attend the training in order to gain an understanding of planning issues.

The compulsory training programme will cover issues relating to probity in planning, principles in planning to reflect government guidance and case law. Discretionary training will seek to extend Councillors' knowledge of planning law, regulations, procedures, Codes of Practice, Development Plans and best practice. The aim of the training is to assist Councillors in carrying out their role properly and effectively.

Where a Councillor has a genuine difficulty in attending any particular training session officers will try, when practicable, to accommodate a request for an individual or repeat session.

6.5 Application by a Councillor or Officer

Councillors may need to determine an application submitted by or made on behalf of a Councillor or an officer, or by a company or individual with which a Councillor or officer has an interest or relationship. For the avoidance of doubt, the term Councillor or an officer includes any former Councillors or officers. In such cases, it is vital to ensure that such application is handled in a way that gives no grounds for accusations or favouritism. Accordingly the matter will be dealt with as follows-

(a) The matter will be referred to the Corporate Director, Housing and Regeneration, who shall decide whether or not the application should be referred to the relevant Committee, or determined under delegated powers, if the application is in accordance with development plans and all other material planning considerations.

(b) On receipt of such an application, the Corporate Director, Housing and Regeneration will pass a copy of the application to the Monitoring Officer who will satisfy himself/herself that the application can be, and is being, processed and determined without suspicion or impropriety.

(c) If a Councillor or an officer submit their own proposal to the Council which they serve, they must take no part in its processing or the decision making process.

(d) The Councillor making the application would almost certainly have a DPI and should not address the Committee as the applicant but should appoint an independent agent to represent their views.

(e) Councillors of the Committee must consider whether the nature of any relationship with the person (either a Councillor or an officer) applying for planning permission requires that they make a declaration of interest and if necessary also withdraw from the meeting.

(f) In respect of former Councillors or former officers the above requirements shall apply for a period of three (3) years following their departure from the Council.

The onus is on the Councillor or Officer to bring to the attention of the Corporate Director, Housing and Regeneration that they are personally involved in an application as well as the nature of that involvement.

6.6 Application by the Council

Councillors may need to determine an application submitted by or on behalf of the Council for the Council's own development. It is perfectly legitimate for such proposals to be submitted to and determined by the Local Planning Authority. Proposals for such development should be treated with the same transparency and impartiality as those of private developers so as not to give rise to suspicions of impropriety. In the interests of transparency, the Committee Report will clearly state that the application is made by or on behalf of the Council.

If a Councillor has been heavily committed or involved in an area of policy/issue relating to such an application (e.g. as a Cabinet Member), then that Councillor must consider whether they have an interest which should be disclosed. In such circumstances, the Councillor should seek advice from the Legal Adviser to the Committee.

6.7 Lobbying

Lobbying is the process by which applicants and their agents, objectors, non-Committee Councillors and other interested parties seek to persuade Councillors who sit on the Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Councillors who sit on Committee as these discussions can help Members to understand the issues and concerns. This can happen prior to an application being made or at any time after the application is made.

Whilst lobbying is a normal and perfectly proper part of the political process, it can cause the perception of bias or predetermination especially when a Councillor must enter the meeting with an open mind and make an impartial determination on the

relative merits based on all the evidence presented at the meeting. To avoid such perception if a Councillor is approached they should following the principles set out in section 2.6 of this Code and also:

(a) explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee;

(b) explain the procedures by which representations can be made;

(c) explain the kinds of planning issues that the Council can take into account;

(d) inform the person making the approach that such approach should be made to officers within the Housing and Regeneration Directorate or to elected Councillors who are not Councillors of the either the Development Committee or Strategic Development Committee;

(e) forthwith notify in writing to the Monitoring Officer the fact that such an approach has been made, identifying the application, the nature of the approach, by whom it was made, and the action taken by the Councillor concerned. This should include any offers made of planning gain or constraint of development, through a proposed section 106 Planning Obligation or otherwise; and

(f) keep an adequate written record so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Committee.

If the Councillor does discuss the case then in no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental. As stated in 7.2(c) above, the Councillor must keep an adequate written record of the discussion so as to enable the Councillor to disclose the fact and nature of such an approach at any relevant meeting of the Development Committee.

Councillors**should not**accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, then the Councillor must comply with the provisions in the Code of Conduct for Members on Gifts and Hospitality.

Councillors should **not**become a member of, lead or represent a national charity or local organisation whose primary purpose is to lobby to promote or oppose planning proposals. If a Councillor does then it is likely to appear to a fair and informed observer that there is a real possibility of bias and that Councillor will be required to withdraw from the debate and decision on that matter.

Where Councillors contact fellow Councillors regarding their concerns or views they must not seek to attempt to persuade or put pressure on the Councillor that they should vote in a particular way.

In no circumstances should a Councillor give an indication of voting intentions or otherwise enter into an unconditional commitment to oppose or support the application. To do so without all relevant information and views would be unfair and detrimental.

Where a Committee member feels that they have been unreasonably or excessively lobbied on a particular proposal they must make a declaration at the Committee on that application that they have been lobbied. Provided that member has followed the principles in this Code then they will still be able to speak and vote on the application.

6.8 Pre-Meetings, Presentations and Briefing Sessions

Councillors should avoid agreeing to any formal meeting with applicants, developers or groups of objectors. If a Councillor considers that a formal meeting would be useful in clarifying the issues, then the Councillor should not seek to personally arrange such a meeting but should request the Director of Planning and Building Control to organise it and a planning officer will attend any such meeting. This ensures that if such a meeting takes place then it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee. The Councillor should take no other person to the meeting unless that person is that Councillor’s carer.

If a Councillor does arrange a private meeting with an applicant, developer, agent or objector then this must be declared at the Development Committee meeting by the Councillor. The Councillor should also arrange to be accompanied by a planning officer and they should take no other person to the meeting unless that person is that Councillor’s carer. As in Section 7.2(c) above, the Councillor should keep an adequate written record of the meeting. This record should then be referred to the Director of Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

Where there is to be a presentation by applicants/ developers, Councillors should not attend unless it has been organised by an officer. If a Councillor does attend a presentation not organised by officers then the Councillor must inform the Director of Planning and Building Control that they have done so. The Councillor should keep an adequate written record of the presentation. This record should then be referred to the Director of Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

When Councillors attend presentations, they should ask relevant questions to clarify their understanding of the proposal. Councillors should be mindful, however, that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Development Committee.

Councillors should bear in mind that a presentation is a form of lobbying and they must not express any strong view or state how they or other Councillors might vote. Further Councillors are reminded that if they do attend a presentation then any hospitality or gifts received over the value of £25.00 must be disclosed and registered in the normal way.

Public meetings are sometimes organised as part of the Council's pre-application process (contained in the Council's Planning tool kit). All Councillors are encouraged to participate in such pre-application discussions.

Further where briefing sessions (generally for major applications) have been arranged (by officers) for Councillors following submission of an application then Councillors should attend these sessions as it will give them an opportunity to better understand the Council's planning policies and its economic objectives.

Councillors should note that the Code of Conduct of Member and this Code apply to any of the above meetings, presentations or briefing sessions and that at any subsequent Committee considering the application that Councillors must disclose attendance at any such meetings and/ or presentations.

6.9 Site Visits

Site visits by Councillors determining schemes are an essential part of determining a planning application. It is good practice for Councillors to visit an application site before a meeting, so that they can familiarise with the site or surrounding area and Councillors should try to attend the pre-Committee site visits organised by officers. A site visit may also assist Councillors in matters relating to the context of the application and the characteristics of surrounding area. Whilst Councillors can make comments and ask appropriate questions during the site visit they should avoid expressing opinions which can cause the perception of bias or predetermination. Further Councillors shall not make a decision whilst on site. Councillors can, of course, rely upon their own local knowledge.

During site visits, Councillors of the Planning Committees shall not engage individually in discussion with applicants or objectors.

On site visits applicants, developers, objectors or other interested parties who attend shall only be permitted to point out to Councillors features to look at either on the site or in the vicinity, which are relevant to the application. No discussion will take place on the merits of the application.

Should it is not possible for a Councillor to attend an organised site visit and a Councillor then carries out a site visit on their own, the guidelines below apply-

- The Councillor must notify the Director of Planning and Building Control of the intention to visit (which will be recorded on the file).
- The Councillor must carry out the visit discreetly and the Councillor must not make himself/ herself known to the applicants or neighbours.
- The Councillor must treat the site visit as an opportunity to seek information and to observe the site only. The Councillor must not use the site visit as or allow it to become an impromptu lobbying opportunity for the applicant or objectors.
- Councillors should not hear representations from the applicant or any other party and the Councillor shall have regard to the provisions on Lobbying in Section 7 above, and advise them that they may make representations in writing to the Council and direct them to relevant officers.
- Councillors must not express opinions or views on the application to anyone as this may lead to an allegation of apparent bias or pre-determination.
- Councillors should note that the Code of Conduct for Members and this Code apply to any such visit.

As in Section 7.2(c) above, the Councillor should keep an adequate written record of the site visit, including any new information gained from such visit. This record should then be referred to the Director of Planning and Building Control to organise it so that it will be properly recorded on the application file and a record of the meeting will be disclosed when the application is considered by the Committee.

Once the application has reached the determination stage, Councillors should not request a site visit unless the Councillor considers that it is really necessary, and the Committee may decide to revisit the site where particular site factors are significant in terms of the weight attached and it would be difficult in the absence of a site visit to assess the application or there are significant policy or precedent implications and specific site factors need to be carefully addressed.

6.10 The Role of the Executive

The Executive consists of 10 people, namely the Mayor and 9 Councillors. Each of the 9 Councillors has a specific Portfolio and one of those Portfolios is Strategic Development. The Mayor is responsible for most decisions about day-to-day Council services but this excludes the regulatory council functions such as planning.

Councillors on the Planning Committees have specific responsibility for planning. However, planning is important to all Councillors and can help deliver other local objectives. Further, planning takes account of wider, long-term public interests including the environment, economic growth and prosperity, a cohesive and empowered society, good health and wellbeing, enhancement of heritage, conservation, local culture and community identity.

The Executive therefore has an interest in Strategic Planning: hence the Member of the Executive with the Strategic Development portfolio. As such, the Mayor, the lead Member and other Members of the Executive may be approached regarding or become involved in planning applications. This is perfectly acceptable but where the Mayor, the lead Member or other Members of the Executive are approached or become involved then this Code of Conduct also applies to them, particularly paragraphs 6, 7, 8 and 10. Further, they should not attend the pre-Committee site visits organised by officers unless they sit on the Planning Committee.

Additionally, Councillors of the Executive should not meet to discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so.

6.11 Relationship Between Councillors and Officers

Councillors shall not attempt in any way to influence the terms of the officers' reports upon any application including a particular recommendation. Officers are advising Councillors. They must give impartial policy advice on planning considerations and the recommendations as set out in the report without seeking to persuade Councillors. (This does not prevent a Councillor from asking questions or submitting views to the Director of Planning and Building Control, which may be incorporated into any Committee report).

Any criticism by Councillors of an officer in relation to the handing of any application should be made in writing to the Corporate Director, Housing and Regeneration and/ or the Monitoring Officer rather than to the Officer handling the application.

If any officer feels or suspects that pressure is being exerted upon him/her by any Councillor in relation to any particular application, they shall forthwith notify the matter in writing to the Monitoring Officer.

If any officer of the Council who is involved in dealing with any application has had any involvement with an applicant, developer or objector, whether or not in connection with the particular application being determined, which could possibly lead an observer with knowledge of all the relevant facts to suppose that there might be any possibility that the involvement could affect the officer's judgement in any way, then that officer shall declare this interest in the public register held by the Monitoring Officer and take no part. This public register is to be available for inspection at the Development Committee meeting.

No officer of the Council shall engage in any paid work for any planning matter for which Tower Hamlets is the Planning Authority other than on behalf of the Council.

6.12 Conduct at the Committee

Councillors must not only act fairly but must also be seen to act fairly. Councillors must follow agreed procedures (at all times and should only ask questions at the appropriate points in the procedure. At no time should a Councillor express a view which could be seen as pre-judging the outcome. During the course of the meeting Councillors should not discuss (or appear to discuss) aspects of the case with the applicant, a developer, an objector, their respective advisers or any member of the public nor should they accept letters or documents from anyone other than an officer from Democratic Services or the Legal Advisor to the Committee.

Councillors of the Committee shall refrain from personal abuse and party-political considerations shall play no part in the Committee's deliberations. Councillors shall be respectful to the Chair and to each other and to officers and members of the public including applicants, developers, objectors and their representatives and shall not bully any person.

When asking questions at a meeting, Councillors shall ensure that their questions relate only to planning considerations relevant to the particular application.

The Committee must ensure that they hear the evidence and arguments for and against the application and approach each planning issue with an open mind.

If a Councillor arrives late for a meeting, they will not be able to participate in any item or application already under discussion. Similarly, if a Councillor has to leave the meeting for any length of time, they will not be able to participate in the deliberation or vote on the item or application under discussion at the time of their absence. If a Councillor needs to leave the room, they should ask the Chair for a short adjournment.

It is permissible for the Chair of the meeting to curtail statements of parties if they are merely repeating matters which have already been said.

In considering the application, Councillors are advised that if objections are founded on a demonstrable misunderstanding of the true factual position, or otherwise indicate no more than an uninformed reaction to a proposal then such carry no weight whatever and must be ignored. Further Councillors are advised that the mere number of objections irrespective of their content can never be a good reason for refusing an application. What matters are the grounds on which such are based.

6.13 Decision Making

When a report goes before the Committee rather than being determined through officer delegation, the reasons why will be set out in the report to the Committee.

Councillors must come to meetings with an open mind and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2007 and section 70(2) of the Town and Country Planning Act 1990, Councillors must make decisions in accordance with the Development plan unless material considerations indicate otherwise.

Councillors should only come to their decision after due consideration of all of the relevant information reasonably required upon which to base a decision. If it is considered that there is insufficient time to digest new information or that there is simply insufficient information before Councillors then Councillors can request that further information be provided and, if necessary, defer or refuse the application.

Councillors must not take part in the meeting's discussion on a proposal unless they have been present to hear the entire debate, including the officers' introduction to the matter. If an application has previously been deferred then the same Councillors will be asked to reconsider the application when it is returned to Committee.

Where Councillors take a decision to defer any proposal then the reasons for Committee's decision must be given and recorded.

When a Councillor is proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan then they must clearly identify and understand the planning reasons leading to this conclusion/ decision. These reasons must be given prior to the vote and be recorded. The Councillor must be aware that they may have to justify the resulting decision by giving evidence in Court or at Enquiry in the event of any challenge. Further advice on this is set out in the Development Procedure Rules at Appendix B.

Prior to deciding the matter before the Committee, Councillors must consider the advice that planning, legal or other officers give to the Committee with respect to the recommendation or any proposed amendment to it.

At the end of the day, Councillors must bear in mind that they are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. When Councillors take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Councillors must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.

6.14 Record Keeping

In order that planning applications are processed properly and that any complaints can be fully investigated, record keeping will be complete and accurate. Every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings, significant telephone conversations and any declarations of interests by Councillors. Records will be kept in accordance with the Council's Information Governance Framework and, specifically, the Council's Records Management Policy.

6.15 Dos and Do Not's

Councillors must:

(a) Attend compulsory training sessions;

(b) Be open minded and impartial;

(c) Declare any actual interest;

(d) Act solely in the public interest;

(e) Listen to the arguments for and against;

(f) Carefully weigh up all relevant issues;

(g) Ask questions that relate only to planning considerations relevant to the particular application;

(h) Make decisions on merit and on material planning considerations only;

(i) Respect the impartiality and integrity of the Council's officers;

(j) Report any lobbying from applicants, agents, objectors or any other Councillor;

(k) Promote and support the highest standards of conduct; and

(l) Promote equality and not discriminate unlawfully against any person, and treat all people with respect.

Councillors must not:

(a) Be biased or give the impression of being biased;

(b) Improperly confer an advantage or disadvantage on any person nor seek to do so;

(c) Act to gain financial or other benefit for themselves, their family, friends or close associates;

(d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a Councillor (e.g. by accepting gifts or hospitality from any person involved in or affected by a planning proposal);

(e) Place themselves in a position where their integrity might reasonably be questioned;

(f) Participate in a meeting where they have a DPI;

(g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and

(h) Express opinions during site visits to any person present, including other Councillors.

6.16 What If?

Examples

(a) What if you have a good friend who lives next door to the premises in respect of which there is an application and the friend has objected?
Would be considered predetermined – do not participate

(b) Now what if your spouse/ significant other is a good friend of that person?
Would be considered predetermined – do not participate

(c) Now what if you know the person casually but they are not a good friend?
Could be considered predisposed – could still determine with open mind – declare interest but can still participate

(d) Now what if person works in the same organisation as you and you may say hi occasionally but there is no other interaction?
Could not be considered predisposed – can determine with open mind – nothing to declare

(e) What if you are a member of the Board of Tower Hamlets Homes (THH) and the application is by or on behalf of THH?
Firstly, not a DPI as membership of the Board does not amount to an office carried on for profit or gain – C ould be considered predisposed or predetermined due to membership of Board however – This is dependent on nature of the application and is a matter of whether the application

can be determined with an open mind – If the application has not been discussed at the Board or is not relevant to Board projects then likely to be considered predisposed and therefore declare the interest but you can still participate in the meeting – If however application was discussed at the Board or is relevant to projects discussed at the Board then likely to be considered predetermined and therefore declare an interest and do not participate

6.17 Guidance / Procedure Notes

Members should also refer to Guidelines for Determining Planning Applications and the Development Procedure Rules also set out in this Chapter of the Constitution.

CHAPTER 29: TOWER HAMLETS HEALTH AND WELLBEING BOARD

Section 1: Introduction

1.1 The Health and Wellbeing Board provides support in relation to the executive matters set out in the Terms of Reference linked to the Health and Social Care Act 2012.

Section 2: Tower Hamlets Health and Wellbeing Board - Terms of Reference

2.1 **Summary Description:**The Health and Social Care Act 2012 created a statutory Health and Wellbeing Board (HWBB) in every Upper-Tier Local Authority in England, effective from April 2013. The HWBB is a formal committee of the local authority charged with promoting greater integration and partnership between bodies from the NHS, public health and local government.

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

2.3 **Voting members of the Board**

- **Chair**: To be determined by the Board
- **Vice Chair**: Tower Hamlets Place Lead, NHS North-East London*
- **At least one Councillor** nominated by the Mayor of London Borough of Tower Hamlets*
- **Local Authority Officers - LBTH**
    - Director of Public Health*
    - Corporate Director of Children Services*
    - Corporate Director of Health and Adults Social Care*
- **Representative from Tower Hamlets Healthwatch***
- (* = Statutory Member)

2.4 **Partner Members of the Board (Non-voting)**

- Representative from Barts Health NHS Trust

- Representative from East London Foundation Trust
- Representative from North-East London NHS Integrated Care Board
- Representative from the London Metropolitan Police
- Representative from the THCVS
- Representative from the Tower Hamlets Housing Forum
- Independent Scrutineer of Tower Hamlets Safeguarding Children Partnership
- Independent Chair of Tower Hamlets Safeguarding Adults Board
- Chair of Tower Hamlets Together Board
- The Young Mayor or nominated Deputy Young Mayor (LBTH)
- Chair of the Health Scrutiny Sub-Committee (LBTH)
- Councillor nominated by Council from the largest opposition group

2.5 Table of Functions

Functions	Delegation of Functions
To lead the improvement of health and wellbeing in Tower Hamlets, undertaking duties required by the Health and Social Care Act 2012.	None
To encourage integrated working between organisations who arrange for the provision of any health or social services in Tower Hamlets for the advancement of the health and wellbeing of the people in Tower Hamlets.	None
To identify health and wellbeing needs and priorities across Tower Hamlets and publish and refresh a Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions are evidence-based.	None

To prepare and oversee the development and implementation of a Joint Health and Wellbeing Strategy to reduce health inequalities in Tower Hamlets, ensuring that integrated care strategies prepared by the Integrated Care Board (ICB) are taken into account in this process.	None
To provide advice, assistance, or other support to encourage partnership arrangements under Section 75 of the NHS Act 2006.	None
To promote integration and partnership working between health and the council, including social care and public health by providing oversight and accountability of the Tower Hamlets Together partnership.	None
To review, endorse and oversee the successful implementation of the Better Care Fund (BCF).	None
Lead the needs assessment of the local population and subsequent preparation of the borough's Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy. It will ensure that both are updated an at regular intervals and that integrated care strategies that are prepared by the Integrated Care Board.	None
To encourage those who arrange for the provision of any health-related services in Tower Hamlets (e.g., services related to wider determinants of health, such as housing) to work closely with the HWB.	None
To develop, prepare, update, and publish the local Pharmaceutical Needs assessments.	None
To be involved in the development of any NHS local strategy delivery plans and commissioning plans that applies to Tower Hamlets and to give its opinion to the NHS North-East London and the Integrated Care Board on any such proposed plan.	None

To communicate and engage with local people on how they could achieve the best possible quality of life and be supported to exercise choice and control over their personal health and wellbeing. This will involve working with Local HealthWatch to make sure there's a continuous dialogue with the public to ensure services are meeting need.	None
Ensure decisions, service developments and programmes impacting on health and wellbeing in the borough are driven by community needs and have coproduction and co-design at its core.	None
Seek assurance of partner plans to responding to a health related emergency, e.g. pandemics.	None
To have oversight of the quality, safety, and performance mechanisms operated by member organisations of the Board, and the use of relevant public sector resources across a wide spectrum of services and interventions, with greater focus on integration across outcomes spanning health care, social care and public health. Areas of focus to be agreed from time to time by members of the Board as part of work planning for the Board.	None
Such other functions delegated to the Board by the Local Authority.	None
Such other functions as are conferred on Health and Wellbeing Boards by enactment.	None

2.6 **Quorum:**3 Voting Members of the Committee

CHAPTER 30: OTHER BODIES AND PANELS INVOLVING MEMBERS

Section 1: Introduction

1.1 The Council also operates a number of other bodies and panels to take decisions or offer scrutiny or guidance in a number of specific areas. These are often set up under specific legislation. Those involving Members of the Council are listed here. Others are listed in the Supplementary Documents. Brief Terms of Reference are presented below, whilst full procedures for certain bodies are set out in the Supplementary Documents Pack.

1.2 The currently listed bodies and panels involving Members are:

- Corporate Parenting Board
- Fostering Panel
- Freedom of the Borough Ad-Hoc Panel
- Pensions Board
- Standing Advisory Council on Religious Education (SACRE)

1.3 The Chief Executive and/or the Mayor may from time to time establish working parties or advisory bodies which include in their membership Councillors and/or officers and/or representatives from partner organisations or the local community. These are not constituted as Committees or Sub-Committees of the Council and are not authorised to make decisions on behalf of the Council. A list of such bodies is maintained and updated by the Monitoring Officer.

Section 2: Corporate Parenting Board

Membership of the Corporate Parenting Board

2.1 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. Including:

- Lead Cabinet Member for Cabinet Member for Education, Youth and Lifelong Learning (Chair)
- Three additional co-opted Members

- Director of Legal
- Young people representatives (from the Children in Care Council – Young People's Group)
- Foster Carer representative
- CAMHS in Social Care Team Lead

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

- Director, Children's Social Care (Supporting Families)
- 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)

2.3 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.

2.4 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.

2.5 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

2.6 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)
- 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.

Section 3: Fostering Panel Terms of Reference and Procedures

3.1 Summary Description

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

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

3.2 Membership

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

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

3.3 Table of Functions

Functions	

	Delegation of Functions
The panel has the following areas of responsibility:	-
1. 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.	None

2. 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**
	None

• **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**	

3.4 Quorum

At least 5 members including the Chair or Vice-Chair. At least one Tower Hamlets social worker and at least two independent members must be present.

3.5 Procedures

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

Section 4: Freedom of the Borough Ad Hoc Panel Terms of Reference

4.1 Summary Description

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

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

4.2 Membership:

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

The Panel shall be chaired by the Speaker of the Council.

4.3 Table of Functions

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

4.4 Quorum:

3 voting Members of the Panel

Section 5: Pensions Board Terms of Reference and Procedures

Subsection 5.1:

5.1 Pensions Board Terms of Reference

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

5.3 Membership: The Board shall consist of 6 voting members, as follows:

- 3 Member Representatives
- 3 Employer Representatives

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

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

5.6 Table of Functions

Functions	Delegation of Functions
The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:	None

(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.** **Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means**	
More details are set out in the Procedure Rules below	-

5.7 Quorum: A meeting is only quorate when at least one person of each member and employer representatives are present plus an independent chair or 50% of both member and employer representatives are present. A meeting that becomes inquorate may continue but any decisions will be non-binding.

Subsection 5.2:

5.8 Pensions Board Procedures

Introduction

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).

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.

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.

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

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

The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

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

- 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;
- to ensure the effective and efficient governance and administration of the Scheme.

Duties of the Board

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 members.

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

Establishment

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

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:

- 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

Membership

The Board shall consist of 6 voting members, as follows:

- 3 Member Representatives; and
- 3 Employer Representatives.

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

There shall also be 1 other representative who is not entitled to vote.

Member representatives

Member representatives shall either be scheme membersAuthorial note [1]: Active, deferred or pensioner members or have capacity to represent scheme members of the Fund.

Member representatives should be able to demonstrate their capacityAuthorial note [1]: See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means. to attend and complete the necessary preparation for meetings and participate in training as required.

Substitutes may be appointed. Where appointed, substitutes must be named and must undertake the same training as full members.

A total of 3 member representatives shall be appointed 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

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.

Employer representatives should be able to demonstrate their capacityAuthorial note [1]: See paragraphs 5.16 to 5.20 of the Guidance which outlines what 'capacity' in this context means. to attend and complete the necessary preparation for meetings and participate in training as required.

Substitutes shall be appointed. Where appointed substitutes should be named and must undertake the same training as full members.

New content

A total of 3 employer representatives shall be appointedAuthorial note [1]: See paragraphs 5.25 to 5.28 of the Guidance for further information on the process for appointing employer representatives 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 membersAuthorial note [1]: 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

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.

Other members do not have voting rights on the Board.

Appointment of chair

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.*

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

(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

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 Office Authorial note [1]: 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

The term of office for Board members is 4 years.

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

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

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 FundAuthorial note [1]: This includes active, deferred and pensioner members..

(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.

(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 interest Authorial note [1]: See section 7 of the Guidance for more information on Conflicts of Interest.

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.

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.

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) Authorial note [1]: See section 6 of the Guidance for more information on Knowledge and Understanding.

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.

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.

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

The Board shall as a minimum meet 4 timesAuthorial note [1]: See 5.35.11 in Guidance for more advice on the number of meetings to hold each year. each year.

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

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

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.

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

Board administration

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

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.

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.

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.

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.

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.

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

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).

The following will be entitled to attend Board meetings in an observer capacity (requests to speak will be at the discretion of the Chair):

(a) Members of the Pensions Committee,

(b) Any person requested to attend by the Board.

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.

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.

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.

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 allowances Authorial note [1]: 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

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

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

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:

Core functions

(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.

(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.

The first core function of the Board is to assistAuthorial note [1]: Please see paragraph 3.28 of the Guidance for more information on what assisting the Administering Authority means. 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) 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.

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:

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.

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.

Reporting

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.

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

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.

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

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.

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.

The appropriate internal route for escalation is to the Monitoring Officer and/or Acting Corporate Director, Resources, the Section 151 Officer.

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.

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

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.

These Terms of Reference were adopted on 01 April 2015.

Section 6: Standing Advisory Council on Religious Education (SACRE) Terms of Reference and Procedures

Subsection 6.1: Summary Description

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

Subsection 6.2: Membership

6.2 Representatives from Groups A to D

- **Group A:** 17 representatives from such Christian and other religious denominations as in the opinion of the Authority will appropriately reflect the principal religious traditions in the area.
  [1 African Caribbean Pentecostal Churches; 1 Buddhist; 1 Free Church; 1 Hindu; 1 Jewish; 6 Muslim; 3 Roman Catholic; 1 Sikh; and 1 Society of Friends] and 1 Representative of Non-Religious World Views (Humanist)
- **Group B:** 6 representatives from The Church of England
- **Group C:** 7 representatives from associations representing teachers as, in the opinion of the Authority, ought to be represented having regard to the circumstances of the area.
- **Group D:** 4 representatives from the Local Authority
  [3 elected Members; and 1 officer]

Subsection 6.3: Table of Functions

6.3 Functions

Functions	Delegation of Functions
1vTo provide advice to the Council as local authority (LA) on all aspects of its provision for religious education in its schools, excluding voluntary aided schools	None
2 To support the LA in its duty to establish an occasional body called an Agreed Syllabus Conference at least once every 5 years to decide whether the LA's agreed syllabus for religious education needs to be reviewed and to require the LA to do so.	None
3 To provide advice to the LA on collective worship in its schools	None
	None

4 To consider any requests from head teachers to lift the requirement that provision for collective worship be wholly or mainly of a broadly Christian nature	
5 To advise on matters relating to training for teachers in religious education and collective worship	None
6 To advise the LA on RE in accordance with the agreed syllabus, and on matters related to its functions, whether in response to a referral from the LA or as it sees fit. (Section 391(1)(a) Education Act 1996	None
7 Statutory duty to publish an annual report on its work and on actions taken by its representative groups, specifying any matters on which it has advised the LA, broadly describe the nature of that advice, and set out reasons for offering advice on matters not referred to it by the LA. (Section 391(6) and (7) Education Act 1996.	None
8 To consider any other matters relating to its remit.	None

Subsection 6.4: Quorum

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

(a) 2 representatives from Group A – representing 2 different denominations

(b) 1 person from Group B

(c) 2 representatives from Group C – representing different associations
New content

(d) 2 people from Group D – including at least one Councillor

CHAPTER 31: JOINT COMMITTEES INVOLVING MEMBERS

Section 1: JOINT ARRANGEMENTS AND PARTNERSHIP WORKING

1.1 As set out in more detail in Chapter 13, the Council, or any officer delegated under the Council's Scheme of Delegation, may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions in any of the participating authorities, or advise the Council on any matter. Such arrangements may involve the appointment of a joint Committee with these other local authorities and/or their Executives.

1.2 The Council or the Executive in order to promote or improve the economic, social or environmental well-being of the whole or any part of the borough, may:

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

1.3 The Mayor or Executive may establish joint arrangements with one or more local authorities to exercise functions that are executive functions. Such arrangements may involve the appointment of joint Committees with these other local authorities and/ or their Executives.

1.4 The Mayor or Executive may only appoint Executive Members to a joint Committee except where:

(a) the joint committee is discharging a function in relation to five or more relevant authorities; or

(b) the function which the joint committee is discharging is a function which is required by statute to be discharged by a joint committee,

1.5 Every person appointed to the joint committee by the Executive may be a member of the Executive or of the Council.

1.6 The political balance requirements do not apply to the appointments in 4 and 5 above.

Current Joint Committees

1.7 Section 101 of the Local Government Act 1972 and section 9EB of the Local Government Act 2000 permit the Council to participate in joint committees. The Council is a Member of joint committees under the umbrella of London Councils (formerly known as the Association of London Government or the ALG). These are-

- London Councils' Committee (known as the Leaders' Committee)
- London Councils' Grants Committee
- London Council's Pensions CIV Sectoral Joint Committee
- London Councils' Transport and Environment Committee

1.8 Additionally, the Council is also a member of the following joint committees:

- Inner North East London Joint Health Overview and Scrutiny Committee
- Joint Committee of the Six Growth Boroughs
- London Housing Consortium

1.9 These Joint Committees shall have delegated authority to discharge the functions of the Council as per the terms of reference for these joint committees as set out in Part E, Chapter 31 of this Constitution.

1.10 Further information, including Terms of Reference for Joint Bodies involving Members are set out below.

Access to Information

1.11 Access to information rules are contained in the Access to Information Procedure Rules in Part B, Chapter 10 of the Constitution.

1.12 If all the members of any joint Committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.

1.13 If the joint Committee contains Members who are not on the Executive of any participating authority the access to information rules in Part V of the Local Government Act 1972 will apply.

Delegation to and from Other Local Authorities

1.14 The Council or the Mayor or Executive or any officer delegated under the Council's Scheme of Delegation may delegate their powers and functions to another local authority or, in certain circumstances, the Executive of another local authority.

1.15 The decision whether or not to accept such a delegation from another local authority shall be for Council or the Mayor or Executive or officer delegated under the Council's Scheme of Delegation as appropriate depending upon how the relevant power or function is assigned or delegated in the authority.

Contracting Out

1.16 The Mayor or Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, providing there is no delegation of the Council's discretionary decision making.

Partnership Working – General Arrangements

1.17 The Tower Hamlets Strategic Partnership brings together all of the key stakeholders in the borough – residents, the Mayor and Council, Police, the health service, other public services, voluntary and community groups, faith communities and businesses – with the aim of working together to improve the quality of life of people who live and work in the borough. The Council provides support for the administration of the Partnership but the Partnership is independent of the local authority.

1.18 The Partnership delivers its vision through The Tower Hamlets Plan 2018-23, which has the key objective - tackling inequality by building a strong, inclusive and fair borough – as well as four themes:

- **A better deal for children & young people** – this is about ensuring young people are supported to build on their aspirations and achieve their full potential.
- **Good jobs and employment**– this is about helping people be job ready by taking up the skills training available, as well as working with employers to make sure they have practises in place which support the community, through inclusive recruitment, responsible employment and fair access to jobs.
- **Strong, resilient and safe communities**– this is about ensuring people are active, and reducing isolation and the fear of crime.
- **Better health and wellbeing**– person-centred care, empowering people to live on their own independently. It's about improving the quality of life for our residents, tackling health inequalities and managing demand for services.

1.19 In order to deliver its vision, the Partnership will review and establish arrangements to support its operation including executive support, development and delivery of initiatives, engagement with stakeholders as well as performance management.

Section 2: London Councils Grants Committee Terms of Reference

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

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

(a) To ensure the proper operation of the London Boroughs Grants Scheme;

(b) To make recommendations to the Leaders' Committee on overall policies, strategies and priorities;

(c) To make recommendations to the Leaders' Committee on the annual budget for the London Borough Grants Scheme;

(d) To consider grant applications and make grants to eligible voluntary organisations; and

(e) To make all decisions relating to the making of grants and the operation of the scheme save those which are specifically reserved to constituent councils.

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

Section 3: Inner North East London Joint Health Overview and Scrutiny Committee Terms of Reference

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

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

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

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

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

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

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

3.8 **Role:** Consider and respond to any health matter which:
Impacts on two or more participating local authorities or on the sub region as a whole, and for which a response has been requested by NHS organisations under Section 244 of the NHS Act 2006; and
All participating local authorities agree to consider as an INEL JHOSC

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

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

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

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

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

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

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

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

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

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

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

Decision Making Process

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

Reporting Arrangements

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

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

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

3.24 Any report produced by the JHOSC will be submitted to the local authority's council meetings for information.

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

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

Frequency and Administration

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

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

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

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

(a) providing legal advice;

(b) liaising with health colleagues ahead of the meeting;

(c) updating action sheets from previous meetings;

(d) producing agenda papers and co-ordinating public forum;

(e) creating formal minutes and actions sheets;

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

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

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

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

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

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

Petitions, Statements and Questions

3.37 Members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer of the host authority (and include their name and address and details of the wording of the petition, and in the case of a statement or question a copy of the submission), by no later than 12 noon ONE WORKING DAY BEFORE the meeting, may present a petition, submit a statement or ask a question at meetings of the JHOSC. The petition, statement or question must relate to the terms of reference and role and responsibility of the committee;

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

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

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

3.41 **(a)** "that the petition / statement be noted"; or

(b) if the content relates to a matter on the agenda for the meeting: "that the contents of the petition / statement be considered when the item is debated";

Response to Questions

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

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

Principles of Effective Scrutiny

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

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

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

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

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

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

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

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

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

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

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

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

Section 4: Joint Committee of the Six Growth Boroughs Terms of Reference

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

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

(a) Management and expenditure of the annual budget as defined by the Inter Authority Agreement made between the six boroughs dated [……]

(b) Management and expenditure of external funding and all other financial resources allocated to the joint committee, including any funding allocated to the joint committee by any or all of the six boroughs in addition to the annual budget.

(c) Approval of an annual business plan.

(d) Joint promotion of the Growth Boroughs area and its unique portfolio of assets including the Olympic afterglow.

(e) Consistent approach to enforcing through planning and procurement requirements the promotion of convergence by developers and contractors.

(f) Collective promotion of transport and other infrastructure investment including its prioritisation over other parts of London.

(g) Joint bidding for funding, training and employment programmes, e.g. funding from the European Union and Regional Growth Fund (RGF) where bids from one Borough will not be entertained.

(h) Convergence and the prioritising of the social and economic needs of the Growth Boroughs area.

(i) Collective action in respect of the National and Regional allocation of local government housing, health, policing and transport resources based on need and population.

(j) Working together to protect Growth Boroughs' interests in respect of National and Regional policy and action.

(k) Collective working with employers on jobs and skills.

(l) Contextual recognition of the varying economic, housing and investment opportunities related to the character and resources of each of the Growth Boroughs.

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

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

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

Section 5: London Council's Committee (known as the Leader's Committee) Terms of Reference

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

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

(a) To consult on the common interests of the London Local Authorities and to discuss matters relating to Local Government.

(b) To represent the interests of the London Local Authorities to national and Local Government, to Parliament, to the European Union and other international organisations and to other bodies and individuals, and to negotiate as appropriate on behalf of member authorities.

(c) To formulate policies for the development of democratic and effectively management Local Government.

(d) To provide forums for the discussion of matters of common concern to the London Local Authorities and a means by which their views may be formulated and expressed.

(e) To appoint representatives or staff to serve on any other body.

(f) To represent the interests of the London Local Authorities as employers.

(g) To provide services to the London Local Authorities including the dissemination of information on Local Government and on other relevant issues.

(h) To provide information to the public, individuals and other organisations on the policies of London Councils and Local Government issues relevant to London.

(i) To act as the regional body of the Local Government Association.

(j) To act for, and on behalf of London Local Authorities in their role as employers, through the provision and development of a range of services.

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

Section 6: Pensions CIV Sectoral Committee Terms of Reference and Procedures

Pensions CIV Sectoral Committee Terms of Reference

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

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

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

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

6.3 New content

Functions	Delegation of Functions
1. As set out in the Committee procedures (Supplementary Documents Pack S14)	

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

Pensions CIV Sectoral Committee Procedures

Constitution

6.5 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.)

6.6 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).)

6.7 The Pensions CIV Joint Committee shall appoint a Chair and Vice-Chair.

6.8 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.

6.9 Subject to Paragraph 8 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.

6.10 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

6.11 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

6.12 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).

6.13 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.

6.14 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).

6.15 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:

(a) the appointment of directors to the ACS Operator board of directors;

(b) the appointment and removal of auditors of the company;

(c) agreeing the Articles of Association of the company and consenting to any amendments to these;

(d) receiving the Accounts and Annual Report of the company;

(e) 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

6.16 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").

6.17 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:

6.18 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.

6.19 Shareholder Meetings

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

6.20 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.

Section 7: London Councils' Transport and Environment Committee Terms of Reference

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

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

(a) Appoint and provide accommodation and administrative support for parking adjudicators and determine the places at which parking adjudicators are to sit.

(b) Determine the penalty charge levels and fees for de-clamping, vehicle recovery, storage and disposal subject to the approval of the Secretary of State.

(c) Determine the rate of discount for early payment of penalty charge notices.

(d) Determine the form for aggrieved motorists to make representations to London Local Authorities under Section 71 of the Road Traffic Act 1991.

(e) The publication and updating as necessary of the Code of Practice for Parking in London.

(f) The co-ordination and maintenance of vehicle removal and clamping operations.

(g) The establishment of links with the Metropolitan and City Police and County Courts and the DVLA.

(h) Ticket processing, general data collection and service monitoring.

(i) The establishment of common training standards in connection with parking standards, the accreditation of training centres and award qualifications.

(j) The establishment of London-wide parking schemes.

(k) Implementation and enforcement of the London Lorry Ban.

(l) Managing the Concessionary Fares Scheme.

(m) Managing the London Taxicard Scheme.

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

CHAPTER 32: OTHER JOINT AND LOCAL BODIES

Section 1: Regional Adoption Panel Terms of Reference and Procedures

Subsection 1.1: Adoption Panel Terms of Reference

Summary Description: All adoption decisions for relinquished children and matches for children are considered by the Adopt London East (ALE) Adoption Panel, with whom Tower Hamlets works in partnership alongside three other boroughs as a Regional Adoption Agency. ALE assesses and approves adopters via this panel.

Membership:
ALE maintains 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

1.3	**Responsibilities**	**Delegation of Functions**
	The panel is responsible for the following in relation to recommendations to the Tower Hamlets Agency Decision Maker: **To make adoption decisions for relinquished children.** **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 five working days in advance of the actual panel date.** **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.**	None

To consider a brief report when the assessing social worker is recommending that the applicant's assessment should be terminated. **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** **Give advice and make recommendations on any other matter or case as appropriate.** **In addition the panel has the following duties and functions:** **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.** **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.** **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.** **Exploring the support offered to adopters and post- and pre-placement children and making recommendations accordingly**	

1.4 Quorum:

From the central list the agency must appoint:-

(a) A person to chair the panel, who is independent of the agency,

(b) One or two people as vice-chairs, who may act as chair if necessary

1.5 Additional Information:

- Supplementary Documents Pack, S14 (Adoption Panel Meeting Procedure Rules)

Subsection 1.2: Adoption Panel Procedures

THE ADOPTION PANEL – PROCEDURES AND GUIDANCE

1.6 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

1.7 Guidance

(a) Statutory Adoption Guidance 2011 (SG)

1.8 Standards

(a) Adoption National Minimum Standards 2011 (NMS)

1.9 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

1.10 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.

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

Values

1.12 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

1.13 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.

1.14 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

1.15 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:

1.16 **(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:

1.17 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

1.18 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

1.19 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

1.20 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

1.21 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

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

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

1.24 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.

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

Chair

1.26 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

1.27 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

1.28 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

1.29 **(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

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

Vice Chair

1.31 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

1.32 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

1.33 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

1.34 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

1.35 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.

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

Appointment of Members

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

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

Performance

1.39 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 Director Children's Social Care (Supporting Families).

1.40 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.

1.41 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

1.42 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.

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

Appointment and Checks for Panel Members

1.44 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.

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

1.46 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.

1.47 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.

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

Reaching a Recommendation

1.49 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.

1.50 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.

1.51 It is the Panel Chair's role to ensure that panel members take a consistent approach. Often, an evenly divided panel will suggest that 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.

1.52 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***.***

1.53 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)*

1.54 No panel member may take part in the agency decision.

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

1.56 The Director Children's Social Care (Supporting Families) (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***.***

1.57 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.

1.58 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.

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

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

1.61 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.

1.62 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

1.63 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.

1.64 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

1.65 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

1.66 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

1.67 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

1.68 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 Director Children's Social Care (Supporting Families).

Social Workers and Adopters Attending Panel

1.69 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.

1.70 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

1.71 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

1.72 Training for Panel members should come in three forms:

(a) A briefing/training session prior to starting as a panel representative.

(b) Attendance at an annual training day. When appropriate additional training days should be provided to panel members.

(c) 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.

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

Appeals

1.74 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

1.75 The primary objective of PAST is to provide a service to the children who need permanent families with in 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.

1.76 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

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

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

Referral to the Consortium

1.79 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.

Section 2: The Channel Panel Terms of Reference

2.1 **Summary Description:** The Counter Terrorism and Security Act 2015 sets out the statutory duty on local authorities to provide support for people vulnerable from being drawn into terrorism. This duty is met through the Channel Panel.

2.2 **Membership:** The Panel is chaired by the local authority and comprises of the Deputy Chair, representatives from Adult Social Care, Children's Social Care, the Metropolitan Police, East London NHS Foundation Trust, National Probation Service, National Health Service, and London Borough of Tower Hamlets Community Safety Service. Additional members to the Panel can also be appointed on an ad hoc basis.

2.3

Functions	**Delegation of Functions**
To identify individuals at risk of being drawn into terrorism, assess the nature of the risk and develop an appropriate safeguarding support plan for the individual concerned.	None
Commission relevant support services or other interventions for vulnerable individuals.	None

Identification and signposting to alternative forms of support including health care and social care services where Channel is not appropriate.	None
Provide a quality assurance function in relation to any commissioned supportive intervention.	None
Undertake reviews of casework in line with national policy.	None

2.4 **Quorum**: Three voting members including the Chair or Vice Chair and a panel member not employed by the local authority. All decisions are by way of a majority vote with the Chair holding the casting vote (as set out in the Channel Duty Guidance 2020)

2.5 **Additional Information:**

- Counter Terrorism and Security Act 2015 and the Channel Duty Guidance 2020

Section 3: Children's Social Care Complaint Review Panel Terms of Reference

3.1 **Summary Description:** The Children Act 1989 Representations Procedure (England) Regulations 2006 ('the 2006 Regulations') provides that local authorities are required to put in place systems for complaints to be made verbally to a member of staff or in writing about the actions, decisions or apparent failings of a local authority's children's social services provision. Complaints can be made by the child or young person and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right.

3.2 **Membership:** The Panel consists of three independent people and independent means a person who is neither a member nor an officer of the Council, nor the spouse or civil partner of such a person. The Independent Person appointed to Stage 2 may not be a member of the Panel.

3.3

Functions	**Delegation of Functions**
	None

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they will be eligible to request further consideration of the complaint by the Review Panel and the Review Panel should: **(a) listen to all parties;** **(b) consider the adequacy of the Stage 2 investigation;** **(c) obtain any further information and advice that may help resolve the complaint to all parties' satisfaction;** **(d) focus on achieving resolution for the complainant by addressing his clearly defined complaints and desired outcomes;** **(e) reach findings on each of the complaints being reviewed;** **(f) make recommendations that provide practical remedies and creative solutions to complex situations;** **(g) support local solutions where the opportunity for resolution between the complainant and the local authority exists;** **(h) to identify any consequent injustice to the complainant where complaints are upheld, and to recommend appropriate redress; and** **(i) recommend any service improvements for consideration by the authority.**	

3.4 **Quorum:** All three independent members of the panel

Section 4: Private Fostering Panel Procedure

4.1 **Summary Description:** To consider private fostering arrangements and related issues.

4.2 **Membership:** The Panel can have up to ten Members including the Chair, Vice-Chair, medical representative, education representative, independent member, and agency member. Advisors to the Panel can also be appointed.

4.3

Functions	Delegation of Functions
	None

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;	
To make decisions to impose requirements or prohibitions and whether to refuse to consent to allow a person who is disqualified to privately foster a child/young person;	None
To give advice and make recommendations on any other matter or case that Tower Hamlets Private Fostering Service feels appropriate to recommend to it.	None
The private fostering panel will provide a quality assurance function in relation to the assessment process – in particular: **• To monitor and review the work of the assessor;** **• To provide feedback;** **• To identify problems and concerns;** **• 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),**	None

4.4 **Quorum**: Three voting members including a panel member not employed by the Children's Directorate and also either the Chair or Vice Chair.

Section 5: Additional Guidance and Procedures

5.1 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.

5.2 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.

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

5.4 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),

Membership

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

Member 1 – The panel chair

5.6 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.

5.7 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.

Member 2 – The vice chair

5.8 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.

Member 3 – A medical representative

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

Member 4 - An education representative.

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

Member 5 – An independent member

5.11 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.

Member 6 – An Agency Member

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

Advisers

Adviser 1 – Legal adviser

5.13 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.

The Panel Administrator

5.14 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.

Appointment of members

5.15 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.

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

Tenure of office

5.17 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.

Checks for panel members

5.18 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.

Reaching a recommendation

5.19 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.

5.20 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.

5.21 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.

5.22 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.

5.23 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.

5.24 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.

5.25 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).

5.26 Expenses

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

5.27 Frequency and venue

The private fostering panel will meet monthly.

5.28 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.

5.29 Training

Training for panel members should come in two forms:

(a) A briefing/ training session prior to starting as a panel representative.

(b) 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.

5.30 Confidentiality

A confidentiality agreement is signed by all panel members.

Section 6: Safeguarding Adults Board

Subsection 6.1: Summary Description

6.1 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.

Subsection 6.2: Membership:

6.2 To comply with the Care Act 2004, there must be representation from the Local Authority, Local Clinical Commissioning Group and the Police. Exact current membership set out in the Board's Procedures.

Subsection 6.3: Table of Functions

6.3 Functions

Functions: The SAB has three duties under the Care Act 2004	**Delegation of Functions**
1. It must publish a strategic plan for each financial year that sets how it will meet its main objective and what the members will do to achieve this.	None
	None

2. It must publish an annual report detailing what the SAB has done during the year to achieve its main objective and implement its strategic plan, and what each member has done to implement the strategy as well as detailing the findings of any Safeguarding Adults Reviews and subsequent action.	
3. It must conduct any Safeguarding Adults Review in accordance with Section 44 of the Act.	None

Subsection 6.4: Quorum

6.4 Is not based on numbers but on an adequate balance of representation. Including ensuring the meeting is complaint with the Care Act. The Safeguarding Adults Board/LD Strategy Manager and The Adult Safeguarding /MCA Manager must also be in attendance.

Subsection 6.5: Additional Information and Procedures

6.5 Introduction

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.

6.6 Purpose

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.

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.

6.7 Duties

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.

6.8 Membership and Administration

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

The Board will comprise of:

- An Independent Chair
- **Representatives from London Borough of Tower Hamlets**
    - A Councillor
    - Corporate Director, Health and Social Care
    - Service Manager for Policy, Programmes and Community Insight
    - Safeguarding Adults Board Manager
    - 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**
    - Director of Neighbourhood Services
    - 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.

Representatives from other agencies / organisations may be invited to attend meetings for specific agenda items or may be co-opted for pre-determined periods.

The SAB shall be chaired by an independent Chairperson, recruited externally and appointed after interview by senior representatives from the Tower Hamlets Partnership (THP).

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.

The SAB shall be programmed to meet bi-monthly and as required (e.g. in case of urgent Serious Case Reviews).

6.9 Authority

The SAB is accountable to the THP through Corporate Director, Health and Social Care.

6.10 Responsibilities

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.

Section 7: School Admissions Forum

Subsection 7.1: Summary Description

7.1 The forum's primary purpose is to consider and promote a fair and effective schools admission system, which advances social equity and inclusion, ensuring that the interests of local parents and children come first. It will discuss and give advice to the Local Authority and other admission authorities on a range of school admissions issues including those listed below:

Subsection 7.2: Membership

7.2 The core membership of twenty representatives are nominated by various groups. Full details in the Forum's Procedures.

Subsection 7.3: Table of Functions

7.3 Functions

Functions	Delegation of Functions
1. Considering existing and proposed admissions arrangements;	None
2. Promoting local agreement on admission issues;	None
3. Considering improvements to admissions processes;	None
4. Reviewing admissions guidance for parents;	None
5. Promoting agreement on arrangements for dealing with in-year admissions including arrangements for vulnerable and looked after children;	None
	None

6. Publishing advice representing the agreed views of the Forum, this is distributed to the governors of all schools which are their own admission authorities;	
7. Having regard to guidance published from time to time by the Secretary of State, particularly the revised Codes of Practice on School Admissions, School Admission Appeals and 'Hard to Place' Pupils.	None

Subsection 7.4: Quorum

7.4 7 Core Members

Subsection 7.5: Additional Information and Procedures

7.5

Purpose

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.

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.

The forum does not have a remit with individual admissions cases.

7.6 Obligations and Responsibilities

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.

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.

7.7 Core Membership

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

7.8 Alternate Members

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.

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.

7.9 Term of Office

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.

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.

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.

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.

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.

Any member may resign at any time by giving written notice to the Clerk to the Forum.

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.

7.10 Conduct

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.

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.

7.11 Clerk of the Forum

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

7.12 Election of Chair and Vice Chair

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.

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.

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.

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.

7.13 Role of the Chair

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.

7.14 Quorum

The quorum for the Admissions Forum is seven core members.

7.15 Meetings and Proceedings

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.

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.

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.

7.16 Publication and Circulation of Meeting Minutes

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.

Section 8: Secure Accommodation Panel

Subsection 8.1: Summary Description

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

Subsection 8.2: Membership

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

Subsection 8.3: Table of Functions

8.3 Functions

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

Subsection 8.4: Quorum

8.4 All voting Members of the Panel

Section 9: Tower Hamlets Safeguarding Children Board

Subsection 9.1: Summary Description

9.1 The Local Safeguarding Children Board (LSCB) established through the Children Act 2004 Section 14.1, is a statutory mechanism for agreeing how the relevant organisations in each local area will co-operate to safeguard and promote the welfare of children, and for ensuring the effectiveness of what they do.

Subsection 9.2: Membership

9.2 The Membership is reviewed on an annual basis and will be published separately.

Subsection 9.3: Table of Functions

9.3 Functions - The broad scope of the LSCB is to address:

Functions	Delegation of Functions
1. Activity that affects all children and aims to identify and prevent maltreatment or impairment of health or development, and ensure children are growing up in circumstances consistent with safe and effective care	None
2. Proactive work that aims to target particular groups	None
3. Responsive work to protect children who are suffering, or likely to suffer, significant harm	None

Subsection 9.4: Quorum

9.4 N/A

PART F: THE MAYOR AND EXECUTIVE AND THE EXECUTIVE PROCEDURE RULES

CHAPTER 33: THE ROLE OF THE MAYOR AND THE EXECUTIVE

The Role of the Executive

1. The Executive will carry out all the local authority's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

2. Subject to Section 11.13 (Decision-Making by Council Bodies Acting as Tribunals), the Mayor and Executive will follow the decision-making procedures set out in Part C of this Constitution when considering any matter.

3. The following parts of the Constitution, insofar as they relate to executive functions, constitute the Executive Arrangements:
   Part D, Chapter 11 - (How decisions are made)
   Part F - The Mayor and Executive
   Part G, Chapters 38/39 (Overview and Scrutiny Introduction and Overview and Scrutiny Procedure Rules)
   Part E, Chapter 31 (Joint Committees involving Members)
   Part B, Chapter 10 (Access to Information Procedure Rules)

Who may make Executive Decisions?

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

   (a) The Mayor

   (b) The Executive as a whole (the Cabinet);

   (c) A Committee/Sub-Committee of the Executive (but only Cabinet Members can be given voting rights);

   (d) An individual Member of the Executive;

   (e) The Chief Executive, a Chief Officer or an officer;

   (f) An area Committee; or a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007;

(g) Through joint arrangements; or

(h) Another local authority;

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

5. The arrangements for the discharge of executive functions at Tower Hamlets are set out in the executive arrangements adopted by the Council as set out in this Part of the Constitution and other relevant Parts as listed in Paragraph 3 above. Currently decisions on executive functions are taken by the Mayor, either at the Cabinet meeting or separately, unless the Mayor has delegated either a function as set out in those parts of the Constitution or a specific executive decision.

Form and Composition

6. The Executive will consist of the Mayor and between two and nine Councillors appointed by the Mayor, called Cabinet Members. One of the Cabinet Members will be appointed by the Mayor as the Statutory Deputy Mayor. When the Mayor and Cabinet Members meet together in Committee this is known as a meeting of the Cabinet.

7. The King George's Field Charity Board and the Grants Determination Sub-Committee are also Executive Bodies having executive decision-making powers. The Health and Wellbeing Board also has certain Executive functions

The Mayor

8. The Mayor will exercise strategic political leadership by developing and communicating clearly to citizens, businesses and service users the authority's purpose and vision and its intended policy outcomes. In developing strategic policy the Mayor will work closely with the Chief Executive and have regard to advice tendered.

9. The Mayor will be a person elected to that position by the electors of the borough in the Mayoral election. In the event that a serving Councillor of the London Borough of Tower Hamlets is elected as Mayor, a vacancy shall be declared in that person's Council seat and a by-election shall be held (if required) in accordance with the relevant legislation.

10. The term of office of the Mayor will normally be four years. They will take office on the fourth day after their election and will continue in office until the fourth day after their successor is elected, unless they die, are disqualified or resign.

The Statutory Deputy Mayor

11. The Statutory Deputy Mayor will be a Councillor appointed to that position by the Mayor from among the Cabinet members.

12. The Mayor may replace the Statutory Deputy Mayor at any time but otherwise the Statutory Deputy Mayor shall remain in post for the duration of the Mayor's term of office, unless:

    a) they resign from office; or

    b) they are no longer a Councillor

13. The Statutory Deputy Mayor shall have authority to exercise the Mayor's powers only in the event that for any reason the Mayor is unable to act at any time or should the post of Mayor be vacant for any reason.

Other Executive Members

14. The Mayor shall appoint between two and nine Councillors to be members of the Executive (Cabinet Members) alongside the Mayor. All of the Cabinet Members must be serving Councillors of the authority. The Mayor may allocate to each Cabinet Member a portfolio of responsibility for Council business relating to their role as an Executive Member (see below).

15. The Mayor must appoint one of the Cabinet Members as the Statutory Deputy Mayor.

16. The Mayor may replace or remove a Cabinet Member, and/or may vary or delete their portfolio responsibilities, at any time and notify the Monitoring Officer as soon as a replacement is made.

17. Executive Members shall hold office until:

    a) They are removed or replaced by the Mayor;

    b) They resign from office; or

    c) They are no longer a Councillor.

18. In the case of a vacancy arising in any post of Cabinet Member the Mayor may choose to appoint another Councillor to the vacant post. The Mayor shall notify the Monitoring Officer as soon as a replacement is made.

Cabinet Responsibilities

19. The Executive Members will have portfolios as set out in the Executive Scheme of Delegation.

20. The portfolios may be subject to change from time to time if the Mayor chooses and will be updated by the Monitoring Officer as soon as reasonably practically possible when so advised by the Mayor.

Proceedings of the Cabinet

21. Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules.

Responsibility for Functions

22. The Monitoring Officer will maintain a list as part of this Constitution, setting out which individual Cabinet Members or Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

Interests

23. Where a Member of the Executive has a disclosable pecuniary interest this should be dealt with as set out in the Council's Code of Conduct for Members at Part H, Chapter 50 of this Constitution.

If every Member has either a registerable or non-registerable interest and in the case of either interest it might appear to a fair and informed observer that there was a real possibility of the Members' judgement being or likely to be impaired by the interest then this also should be dealt with as set out in the Council's Code of Conduct for Members in Part H, Chapter 50 of this Constitution.

Where a Member of the Executive has either a registerable or non-registerable interest and in the case of either interest it might appear to a fair and informed observer that there was a real possibility of the Member's judgement being or likely to be impaired by the interest then this should be dealt with as set out in the Council's Code of Conduct for Members at Part H, Chapter 50 of this Constitution.

If the exercise of an executive function has been delegated to a Committee/Sub-Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should a disclosable pecuniary interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part H, Chapter 50 of this Constitution.

If the exercise of an executive function has been delegated to a Committee/Sub-Committee of the Executive, an individual Member, the Chief Executive, a Chief Officer or an officer, and should either a registerable or non-registerable interest arise and if either interest might appear to a fair and informed observer that there was a real possibility of that person's judgement being or likely to be impaired by the

interest arising, then the function will be exercised in the first instance by the person or body by whom the delegation was made or otherwise as set out in the Council's Code of Conduct for Members at Part H, Chapter 50 of this Constitution.

CHAPTER 34: RESPONSIBILITIES FOR EXECUTIVE FUNCTIONS

Section 1: General

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

Section 2: Executive Functions – Local Choice – Local Act Functions

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

Section 3: Executive Functions – Other Local Choice Functions

3.1

FUNCTION	PROVISION OF ACT OR STATUTORY INSTRUMENT	DELEGATION OF FUNCTION
In relation to or in support of an Executive function only, the appointment of any individual: **(a) to any office other than an office in which he is employed by the authority;** **(b) to any body other than – the authority; a joint committee of two or more authorities; or**	As per paragraph 19 of Schedule 2 to the Local Authorities (Functions & Responsibilities) Regulations 2000 (SI 2000/ 2853) as amended	The Mayor, except that the Mayor may not appoint a Councillor to any paid position (including external bodies) other than that of Cabinet Member. **NB:** This function in relation to or in support of a Council function, or in relation to any appointment of a Councillor to a paid position other than that of Cabinet Member, is allocated to the Council

(c) to any committee or sub-committee of such a body. **and the revocation of any such appointment.**		

Section 4: Other Executive Functions

4.1

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

Section 5: Responsibility for Executive Functions

5.1 All executive functions of the Council are vested in the Mayor. The Mayor may exercise those functions themselves or may delegate specified executive functions to be exercised by the Cabinet meeting, a Cabinet committee, an individual Cabinet Member or an officer; or under the provisions of Section 236 of the Local Government and Public Involvement in Health Act 2007 only, by a ward councillor. The Mayor may revoke any such delegations at any time.

5.2 The Mayor will provide the Monitoring Officer with a list ("the Executive Scheme of Delegation") setting out who of the following (not specified in the delegations contained in Paragraphs 3 and 4 above) are responsible for particular Executive functions.

- The Mayor and Cabinet collectively;
- or an individual Cabinet Member;
- or a committee of the Cabinet;
- or an officer;

- or a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or

- through joint arrangements.

5.3 If the Mayor amends the Executive Scheme of Delegation the Mayor must provide the Monitoring Officer with an updated scheme within five working days.

5.4 In the event that the Mayor wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, they will first take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.

CHAPTER 35: MAYOR'S EXECUTIVE SCHEME OF DELEGATION

Section 1: The Composition of the Executive

1.1 The Executive shall consist of ten (10) people, namely the Mayor and nine (9) Cabinet Members as set out below:-

1.2

Portfolio	Name
Deputy Mayor and Cabinet Member for Education, Youth and Lifelong Learning (Statutory Deputy Mayor)	Cllr Maium Talukdar
Resources and the Cost of Living	Cllr Saied Ahmed
Regeneration, Inclusive Development and Housebuilding	Cllr Kabir Ahmed
Safer Communities	Cllr Abu Talha Choudhury
Environment and the Climate Emergency	Cllr Shafi Ahmed
Health, Wellbeing and Social Care	Cllr Sabina Akhtar
Jobs, Enterprise, Skills and Growth	Cllr Musthak Ahmed
Equalities and Social Inclusion	Cllr Bodrul Choudhury
Culture and Recreation	Cllr Kamrul Hussain

1.3 Where Cabinet roles are held by job share Cabinet Members one of the two councillors for the portfolio will be appointed as the official Cabinet Member who will retain official responsibility for the whole portfolio for the first six months. Following this, the second Cabinet Member will take up the official role for the second six-month period. Only the Councillor designated as the ‘official’ Cabinet Member at any given time may vote at the relevant meeting of Cabinet but both Job Share Members may introduce reports and take part in discussions.

1.4 Job share Cabinet Members will have day to day advisory responsibility for distinct areas of the portfolio. These responsibilities will be published on the council’s website.

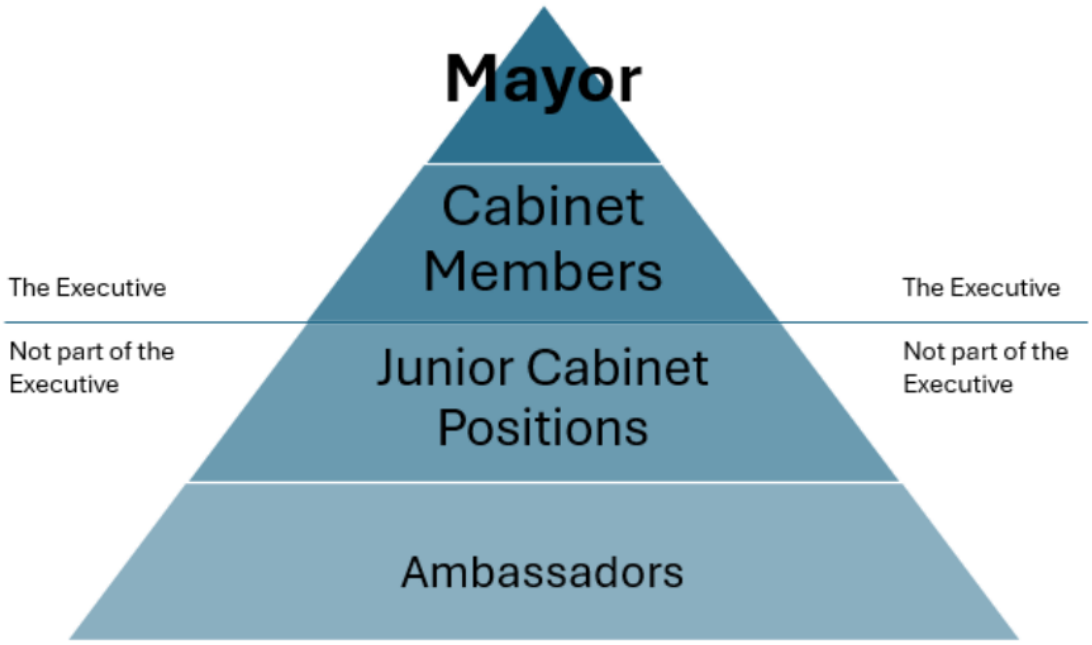
1.5 Special Responsibility Allowances for both job share Cabinet Members will be paid monthly with each receiving the equivalent of half a Cabinet Member Special Responsibility Allowance.

1.6 For the purposes of the Constitution, both job share Cabinet Members will be treated as if they were members of the Executive. For example, they would not be able to serve on Overview & Scrutiny Committee during the six months they were not the ‘official’ Cabinet Member.

1.7 The Council has the power to appoint Councillors to Junior Cabinet Positions to provide support to specific Cabinet Members and their portfolios or Ambassador roles to give specific focus and to cross cutting themes and mayoral priorities, communities or projects. Junior Cabinet Positions and Ambassador roles are not Executive positions. Once appointed the Mayor will determine the areas of responsibility for the appointees.

Section 2: A visual representation of the Executive Structure

2.1



Section 3: Delegations

3.1 The Mayor may, in accordance with Paragraph 4 above, establish such Committees/Sub-committees of the Executive as he considers appropriate from time to time and these are set out in Paragraph 6 above.

3.2 The Mayor has not delegated his decision-making powers to the Executive acting collectively as the Cabinet or as the Housing Management (Cabinet) Sub-Committee. He has delegated decision-making powers to the Grants Determination (Cabinet) Sub-Committee and also the King George's Field Charity Board as it is a Charitable Body.

3.3 Subject to the Mayor's prerogative to make decisions on all matters relating to all of his statutory powers, including as individual mayoral decisions taken outside of Cabinet, the Mayor delegates to each Cabinet Member individually the power to make decisions on matters within their portfolio after consultation with the Mayor and subject to the Mayor raising no objection to the proposed decision. Any such decision by a cabinet member will be subject to a written report and the same procedure as applies to individual mayoral decisions.

3.4 In accordance with section 14(6) of the Local Government Act 2000 (as amended), any arrangements made by the Mayor for the discharge of an executive function by an executive member, Committee/Sub-Committee or officer does not prevent the Mayor from exercising that function.

Section 4: Delegations to officers

4.1 The Mayor has delegated to officers decision making powers in relation to executive functions as set out at Parts B and D of the Council's Constitution.

4.2 Officers may not take Key Decisions unless there has been a specific delegation by the Executive.

4.3 Any officer executive decision resulting in (revenue or capital) expenditure or savings over £250,000 must only be taken following consultation with the Mayor.

4.4 Executive decisions delegated to officers will be taken in accordance with the Corporate Scheme of Delegation, council-wide operating procedures and directorate/service schemes of delegation as appropriate.

Section 5: Exceptions to Standard Delegations

5.1 For clarity, the following sets out a number of situations where the standard delegation rules do not apply (in particular that officers are delegated to take decisions which are not key decisions). Where there is a clash, this paragraph overrides other rules.

5.2

Item	Title	Details
1.	Grants	The Grants Determination Cabinet Sub-Committee retains significant additional decision-making authority in relation to certain grant areas and these are set out in the Sub-Committee Terms of Reference.
2.	Any collective enfranchisement disposal pursuant to The Leasehold Reform Housing and Urban Development Act 1993 as amended from time to time.	There are no delegations to officers in relation to these decisions.

Section 6: Other Delegations

6.1 The Mayor has not delegated any executive powers to any area committee, or to any ward Councillor in accordance with section 236 of the Local Government and Public Involvement in Health Act 2007.

6.2 The Mayor has delegated executive powers to joint arrangements with other local authorities as set out in Part C, Chapter 13 and Part E, Chapter 31 of the Council's Constitution.

6.3 Subject to paragraph 30 above, the Mayor has not delegated any executive powers to any other local authority.

Section 7: Sub-Delegation of Executive Functions

7.1 Where the Mayor, the Executive, a Committee/Sub-Committee of the Executive or an individual Member of the Executive is responsible for an executive function, they may delegate further to an area Committee, through joint arrangements or an officer.

7.2 Unless the Mayor directs otherwise, if the Mayor delegates functions to the Cabinet then Cabinet may, following consultation with the Mayor, delegate further to a Cabinet Committee/Sub-Committee or an officer.

7.3 Unless the Mayor directs otherwise, a Committee/Sub-Committee of the Executive to whom functions have been delegated may, following consultation with the Mayor, delegate further to an officer.

7.4 Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated them.

7.5 Permanent delegations should be added to the relevant Schemes of Delegation.

Section 8: Non-Executive Decisions

8.1 No delegated power in this Executive Scheme of Delegation applies to any decision that relates to a matter that is not an executive function either by law or by the allocation of local choice functions under the Council's Constitution.

Section 9: Confirming the Executive Scheme of Delegation

9.1 At the Annual Meeting of the Council directly after the Local Elections (and every subsequent Annual Meeting) the Mayor will present to the Council a copy of this Section as a written record of delegations made by the Mayor ('The Executive

Scheme of Delegation') for inclusion in the Council's Constitution. The document presented by the Mayor must set out who of the following are responsible for particular executive decisions (along with any limitations on those responsibilities):

- The Mayor and Cabinet collectively; or
- an individual Cabinet Member; or
- a Committee/Sub Committee of the Cabinet; or
- an officer; or
- a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007; or
- through joint arrangements.

9.2 The document must also contain the following information in so far as it relates to executive functions:

(a) The extent of any authority delegated to any individual Executive Member or ward Councillor including details of the limitation on their authority.

(b) The terms of reference and membership of such Executive Committees/Sub-Committee as the Mayor appoints and the names of Executive Members appointed to them.

(c) The nature and extent of any delegation of executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year.

(d) The nature and extent of any delegation of executive functions to officers not already specified in Chapter 62 of Part J of this Constitution, with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

Section 10: Amending the Executive Scheme of Delegation

10.1 The Mayor may update the Executive Scheme of Delegation at any time and may amend or revoke any delegation of an executive function at any time.

10.2 If the Mayor amends the Executive Scheme of Delegation they will provide the Monitoring Officer with a copy of the Executive Scheme of Delegation (this Section of the Constitution) setting out the amendments and any reasons for the change(s) within five working days.

10.3 In the event that the Mayor wishes to delegate executive decision-making powers to an individual Cabinet Member or Members; or to a ward councillor in accordance with Section 236 of the Local Government and Public Involvement in Health Act 2007, they will first take advice from the Monitoring Officer as to the appropriate rules that will need to be in place to govern the exercise of such powers before they are so exercised.

10.4 Whenever the Monitoring Officer receives notification from the Mayor of any change(s) to the Executive Scheme of Delegation (including Cabinet appointment(s) or portfolio(s)), the Monitoring Officer will inform all Councillors of the change(s) made and any reasons given by the Mayor. Where the Monitoring Officer considers the changes to be significant, they will present the updated Scheme to the next appropriate meeting of Council for information.

CHAPTER 36: EXECUTIVE PROCEDURE RULES

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

Section 1: Cabinet Meeting Rules

1.1 The following rules (Paragraphs 49 to 62) will apply to all meetings of Cabinet and Cabinet Committees/Sub-Committees

Section 2: Meeting Dates, Location and Access to Information

2.1 Meetings dates and locations will be determined by the Mayor or Chief Executive. Meetings shall normally take place at the Council's main offices (Whitechapel Town Hall, 160 Whitechapel Road, E1 1BJ) or at another location if so determined by the Mayor or Chief Executive.

2.2 Meetings will be subject to the Access to Information Procedure Rules and any other relevant procedure rules in this Constitution.

Section 3: Quorum

3.1 The quorum for a meeting of the Executive shall be three Members of the Cabinet/ Sub-Committee including the Executive Mayor, or where notified in advance to the Monitoring Officer, the Statutory Deputy Mayor.

Section 4: Who Chairs the meeting (Presides)?

4.1 If the Mayor is present they will preside. In their absence, then the Deputy Mayor shall preside. In the absence of both the Mayor and the Deputy Mayor then the meeting is not quorate and may not meet unless different arrangements are set out in the Terms of Reference of a specific Cabinet Committee/Sub-Committee.

Section 5: Who may Attend?

5.1 Meetings will normally be open to the public unless confidential or exempt information is to be discussed.

5.2 Subject to the Access to Information Procedure Rules in Part B Section 10 of this Constitution, meetings may occasionally be private.

5.3 The Chair (or Vice-Chair) of the Overview and Scrutiny Committee, or their nominee, and the Leaders of any Opposition Groups have a standing invitation to observe meetings.

Section 6: What Business will be conducted?

6.1 At each meeting of the Cabinet/Committee/Sub-Committee the following business will be conducted:

(a) consideration of the minutes of the last meeting;

(b) declarations of disclosable pecuniary interest, if any;

(c) a verbal update (of no more than ten minutes) by the Chair of the Overview and Scrutiny Committee (or nominated deputy) on the work of the Committee and also on any issues or Pre-Decision Scrutiny Questions relevant to the reports for consideration on the agenda and an opportunity for the Mayor and Cabinet Members to respond to that presentation.

(d) matters set out in the agenda for the meeting. The agenda will set out which items are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in Part B Section 10 of this Constitution.

(e) consideration of reports from Overview and Scrutiny;

(f) matters referred to the Cabinet Committee/Sub-Committee (whether by Overview and Scrutiny or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in this Constitution;

Section 7: Community Engagement/ Consultation

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

Section 8: Who can put Items on the meeting agenda?

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

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

Section 9: Public and Member Engagement

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

9.2 In addition to rights set out in 59 above, the Chair (or Vice-Chair in their absence) of the Overview and Scrutiny Committee and the Leaders of any Opposition Groups can request to raise their key issues/questions in relation to the reports on the agenda. The Mayor or other person presiding at a meeting may also at their discretion allow other persons to contribute. All requests to raise issues or ask questions must be received by the clerk to the meeting (whose details are on the agenda front sheet) by 5pm the day before the meeting.

9.3 All contributions to the meeting will be taken in a 15 minute question and answer session at the start of the meeting. Each contribution will normally be limited to three minutes. The Mayor or other person presiding at a meeting has discretion to vary these procedures especially where there are large numbers of requests or submissions.

Section 10: Application of Council Procedure Rules

10.1 Rules 5 – 9, 17 to 24 of the Council Procedure Rules (Part D Section 17 of this Constitution) shall also apply to meetings of the Cabinet./Committees/Sub-Committees.

Section 11: Taking Executive Decisions outside of meetings (including Individual Mayoral Decisions)

11.1 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.

11.2 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 (Part F, Section 36) of the Constitution and to which the Access to Information Rules (Part B Section 10) of the Constitution shall apply; or
(b) in accordance with the procedure at paragraph 5 below.

11.3 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.

11.4 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.

11.5 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.

11.6 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 Director of Legal / Monitoring Offier 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.

11.7 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.

11.8 An Individual Mayoral Decision Proforma will be used to record the decision. An example of the type of information required on the form is shown below:

Individual Mayoral Decision Proforma **Decision Log No: (To be inserted by Democratic Services)**	**[LBTH Logo]**
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	(Report author to set out a summary of 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 Director of Governance and Legal Services; implications for Equalities, Risk Assessment; Background Documents; and other relevant matters are to be set out in an attached report.)
Decision	(The decisions made.)
Approvals	(The form will set out the senior manager, Chief Finance Officer, Monitoring Officer and Mayoral signatories as required. Deputies may be used where necessary.)

CHAPTER 37: TERMS OF REFERENCE – THE EXECUTIVE (CABINET) AND ITS SUB-COMMITTEES

1. Terms of Reference of the following Executive Bodies are set out:

    - Cabinet
    - King George's Field Board
    - Grants Determination Cabinet Sub-Committee
    - Housing Management Cabinet Sub-Committee

Section 1: Cabinet

1.1 **Summary Description :** The Cabinet is forum for the Mayor and Cabinet Members to take decisions related to the executive functions of the Council.

Membership: The Mayor and at least 2 and not more than 9 other Cabinet Members appointed by the Mayor.

Functions	Delegations
1) To discharge all functions not specified as the responsibility of the full Council or of any other Committee, where the Mayor has delegated his powers to the Cabinet as set out in the Executive Scheme of Delegation.	None (from Cabinet)
2) In relation to any executive function for which the Mayor has not delegated his powers to the Cabinet, to advise the Mayor on the discharge of that function.	None (from Cabinet)
3) To refer to the Standards Advisory Committee for consideration any report which contains implications for the Council's ethical framework	None (from Cabinet)

Quorum: 3 Members of the Cabinet including the Mayor or, where notified in advance to the Monitoring Officer, the Statutory Deputy Mayor.

Additional Information:

Part C – Decision Making

Section 2: King George's Fields Charity Board

2.1 Summary Description:

The original charity was set up following the grant of moneys from a national appeal to perpetuate the memory of the late King George V.

The foundation made grants for the laying out of the playing fields and it was agreed that they would be preserved in perpetuity as a memorial to King George V. The current King George's Field Charity Board is a Cabinet Committee fulfilling the Council's obligations as charity trustee. Currently the work is split into two charities, King George's Field Mile End and King George's Field Tredegar Square. Both are dealt with by the Board.

This covers a number of pieces of land including Stepney Green Park, Whitehorse Road Open Space, Tredegar Square and most of Mile End Park including Mile End Park Leisure Centre and Mile End Stadium.

This includes 10 shop units situated beneath the 'Green Bridge' at Mile End.

Membership : All Members of the Cabinet

Functions	Delegations of Functions
1) To administer the affairs of the King George's Field, Mile End charity, registered number 1077859 and the King George's Field – Stepney (Tredegar Square, Bow) charity, registered number 1088999 and discharge all duties of the Council as sole trustee of these charities.	No delegations
2) To administer the affairs and discharge the duties of trustee of such other charities controlled by the Council as the Mayor might authorise.	No delegations

Quorum: 3 Members of the Board

Section 3: Grants Determination (Cabinet) Sub-Committee

3.1 Summary Description:

A Cabinet Sub-Committee, chaired by the Mayor, established to consider matters relating to grants.

Membership: Four Members of the Cabinet as appointed by the Mayor. All other Executive Members can substitute where necessary.

Functions	Delegation of Functions
1. To determine all applications for grant funding received by the Council that require a Member level decision where there is no specific delegation to officers	Various grants decisions have been specifically delegated to officers (see 3 below).
2. To determine all applications for corporate match funding received by the Council.	No delegations
3. The Sub-Committee may delegate decision making to individual officers, provided that the extent of this delegation is made clear and that it is minuted properly. **Delegations agreed by the Sub-Committee will be listed at the bottom of the Terms of Reference in respect of decisions from May_2021**	As delegated by the Sub-Committee.
4. Where decision making has been delegated, to receive a report advising as to the exercise of a discretion at the next Sub-Committee meeting following the exercise of such discretion.	No delegations
5. To receive quarterly update reports against defined parameters in order for the Council to demonstrate either: that delivery is in line with the application and, therefore, the grant achieved its purpose; or to provide clear	No delegations

delineation where outcomes were not achieved and the reasons for such failure are apparent. Such Monitoring should therefore include measuring performance against the expected outcomes.	

3.2 **Quorum:** 3 Members of the Sub-Committee

3.3 **Officer delegations agreed by the Grants Determination Sub-Committee since May 2021.**

- Small Grants Programme and Older People's Services Fund
- Emergency Funding to local VSC organisations
- Innovation Fund
- Community Benefit Rent Reduction
- Carbon Reduction Community Grants Programme
- Community Gardens Programme
- Community Centres Local Infrastructure Fund (LIF) Capital Grant Programme
- Food Pantry Programme Funding – Family Action
- Connecting Communities – Digital Inclusion
- Whitechapel Levelling up fund
- London Square New Town Hall (CIL)
- Grant Payment for St Anne's Catholic Primary School Expansion
- Aberfeldy Pocket Park - Grant offer to Poplar HARCA using Local Infrastructure Fund (LIF) to support the design and delivery of a pocket park, public realm improvements and engagement near Dee Street
- Historic Buildings Grants
- Middlesex Street Area Regeneration Programme Grants.
- Grant offers to Toynbee Hall
    - to support the production of an updated Conservation Area Appraisal & Management Plan for the Wentworth Street Conservation Area
    - £90,000 to Toynbee Hall for the Petticoat Lane Cultural Programme

- For a Memories, Craft and Community Hub, as part of the Petticoat High Street Heritage Action Zone programme.

Section 4: Housing Management (Cabinet) Sub-Committee

4.1 Summary Description

A Cabinet Sub-Committee, chaired by the Mayor, established to advise on all matters relating to the delivery of the Council's Landlord Housing Management function. With specific emphasis on ensuring the safety of residents living in Council-owned homes and ensuring residents shape service design and delivery.

Membership

The Mayor and three members of the Cabinet as appointed by the Mayor, to include the Cabinet Member responsible for housing management functions.

The Mayor will take decisions on the advice of the Sub-Committee.
All other Cabinet members act as substitute attendees in the event that the appointed members are unable to attend.
Up to three industry expert advisors ("Independent Advisors") to be appointed, on the recommendation of the Sub-Committee, to provide independent specialist support and advice around finance, compliance, customer services and asset management.

Functions	Delegation of Functions
1. To oversee and advise the Mayor on the Council's compliance with the Regulatory Standards, Building Safety Act and Fire Safety Act	None
2. To oversee and advise the Mayor on the Housing Management Strategic Risk Register	None
3. To review and advise the Mayor on the performance of all landlord housing functions and the engagement of residents in the effective delivery of services.	None
	None

4. To monitor and advise the Mayor on the impacts of investment in ensuring the Council maintains decent homes, fire and building safety and customer satisfaction, and ensuring the effective delivery of our Asset Management Strategy	
5. To advise the Mayor on the approval of any strategies or policies relating to housing management functions that require a member level decision.	None
6. To advise the Mayor on driving and monitoring continuous improvement, service improvements and transformation programmes related to housing management functions, with particular regard to any improvements recommended by the Regulator of Social Housing and Housing Ombudsman.	None
7. To provide reports to the Council's Cabinet, Mayor and to relevant Council Scrutiny Committees including the Housing and Regeneration Scrutiny Sub-Committee and Tenants' Voice panel.	None
8. To receive reports in relation to compliance with the Housing Ombudsman Complaints Handling Code on the direction of the Cabinet Lead Member (who is the responsible member for the council's adherence to the code).	None
9. To receive reports and consider recommendations produced from any internal and external audits and reviews, including those of Tenants' Voice and Scrutiny Committees	None

4.2 Quorum

The quorum is three Members of the Sub-Committee (one of which must be the Mayor).

PART G: OVERVIEW AND SCRUTINY

CHAPTER 38: INTRODUCTION

1. Overview and Scrutiny provide an important check and balance function to ensure that the decisions of the Executive, Mayor and Cabinet are in the best interests of residents and that the council is providing high quality services.

2. The scrutiny process provides non-executive councillors and co-opted Members with an opportunity to examine the services provided by the council and partner agencies, ask questions on how decisions are made and to consider whether service improvements can be put in place. Members of all political parties can work together in a challenging and constructive way to propose improvements not only to the way the council works, but also to other public services in the local area more generally.

Scrutiny Committees and Sub-Committees

3. Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Sections 9F to 9FI of the Local Government Act 2000; Section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or any functions which may be conferred on it by virtue of regulations under Section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).

4. Council will appoint a Member to serve as the Chair of the Overview and Scrutiny Committee. The Committee will appoint its own Vice-Chair.

5. The Committee will appoint a Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 (including scrutiny of the local health service) to be known as the Health and Adults Scrutiny Sub-Committee and it may also appoint such other Sub-Committees as the Committee considers appropriate to carry out its work programme. The Overview and Scrutiny Committee will appoint Members as Chairs of any such sub-committees. The Sub-Committees will appoint their own Vice-Chairs.

6. The Overview and Scrutiny Committee and its Scrutiny Sub-Committees will generally meet in public and will conduct their proceedings in accordance with the Procedure Rules in Section 30 of this Constitution.

Scrutiny Leads

7. The Overview and Scrutiny Committee may appoint from amongst its Members, ‘Scrutiny Lead Members’ with responsibility for specific portfolios.

General Role and Responsibilities

8. Section 39 (Overview and Scrutiny Procedure Rules) sets out in more detail how the Overview and Scrutiny Committee and its Sub-Committees will operate. In summary, their roles include the following:

    • Scrutiny of decisions or actions taken by the executive.

    • Provide advice and reports to the Executive on key issues including making recommendations to Council and/or the Mayor/Executive.

    • Question Members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.

    • Liaise with external organisations operating in the area to ensure the interests of local people are enhanced by collaborative working including by reviewing the performance of public bodies in the area and inviting reports from them.

    • Exercise the right to ‘call in’ for reconsideration decisions made but not yet implemented by the Mayor/Executive.

    • Assist the Council and the Executive in the development of its budget and policy framework and in the in-depth analysis of policy issues.

    • Look to enhance community participation in the development of policy options including through petitions to Scrutiny meetings following the rules set out in the Council’s Petition Scheme.

    • To consider issues under the ‘Councillor Call for Action’ procedure (set out in the Councillor Call for Action guide in the Supplementary Documents Pack – S13).

Reporting

9. The Overview and Scrutiny Committee reports annually to Council on its work.

10. The Overview and Scrutiny Committee and the Scrutiny Sub-Committees will report to Council, Cabinet or the Mayor or appropriate Cabinet member and make recommendations, as appropriate. This process is set out in more detail in Section 30 (Overview and Scrutiny Procedure Rules).

CHAPTER 39: OVERVIEW AND SCRUTINY PROCEDURE RULES

STATUTORY SCRUTINY OFFICER

1. As required under Section 9FB Local Government Act 2000, the Council will appoint a Statutory Scrutiny Officer whose role is to oversee the arrangements for the Overview and Scrutiny function.

2. The Statutory Scrutiny Officer shall be the officer holder of the following post:
•Director of Strategy, Improvement and Transformation.

THE ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

3. Council will appoint an Overview and Scrutiny Committee (OSC) to discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; section 19 of the Police and Justice Act 2006 (local authority scrutiny of crime and disorder matters); or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters).

4. There will be one standing Scrutiny Sub-Committee to discharge the Council's functions under the National Health Service Act 2006 and OSC may also appoint such other Sub-Committees as the Committee considers appropriate to carry out its work programme.

5. The role of Overview and Scrutiny is to:

   (a) Review or scrutinise decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Executive.

   (b) Make reports or recommendations to Council and/or the Mayor or the Executive in connection with the discharge of any functions which are the responsibility of the Executive.

   (c) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive.

   (d) Make reports or recommendations to Council and/or the Mayor or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive.

   (e) Make reports or recommendations to Council and/or the Mayor or the Executive on matters affecting the Council's area or its inhabitants.

   (f) Exercise the right to call in for reconsideration decisions made but not yet implemented.

(g) Refer any report it receives with implications for ethical standards to the Standards Advisory Committee for its consideration.

(h) Consider any local matters referred to the Committee by a Councillor in accordance with the Council's Councillor Call for Action procedure.

THE OVERVIEW AND SCRUTINY COMMITTEE

6. The Overview and Scrutiny Committee will comprise nine Members of the Council and up to two co-opted members. Up to three substitutes per political group may be appointed. Its terms of reference are set out in detail in Chapter 40 of this part of the Constitution but they include:

(a) The performance of all overview and scrutiny functions on behalf of the Council

(b) The appointment of such Scrutiny Sub-Committees as it considers appropriate to fulfil those functions; determining those Sub-Committees' composition (including any co-opted Members); and the terms of reference of those Sub-Committees.

(c) To have a strategic and co-ordinating role over the Council's scrutiny function and to approve an annual overview and scrutiny work programme including the work programme of any Scrutiny Sub-Committees it appoints to ensure that there is efficient and effective use of the Committee's time and the time of its Scrutiny Sub-Committees.

(d) To advise the Mayor and Cabinet of key issues/questions to be considered in relation to reports due to be considered by the Executive.

(e) To exercise the right to call in for reconsideration any executive decisions taken but not yet implemented.

(f) To determine whether to request Council to review or scrutinise any decision called in, where considered contrary to the budget and policy framework and whether to recommend that the decision be reconsidered.

(g) To receive and consider requests from the Executive for scrutiny involvement in the annual budget process.

(h) To monitor the Executive's forward plan to ensure that appropriate matters are subject to scrutiny.

(i) To consider any local matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007 and S.9 FC of the Local Government Act 2000 as amended (set out in the Councillor Call for Action guide in Chapter 47 in this part of the constitution).

(j) To discharge the functions conferred by the Police and Justice Act 2006 as the Council's Crime and Disorder Committee.

SCRUTINY SUB-COMMITEES

7. The Overview and Scrutiny Committee may establish such Sub-Committee as it considers appropriate. At this time the following sub-committees have been established:

    • Children and Education Scrutiny Sub-Committee

    • Health and Adults Scrutiny Sub-Committee

    • Housing and Regeneration Scrutiny Sub-Committee

8. The Health and Adults Scrutiny Sub-Committee will undertake the Council's functions under the National Health Service Act 2006 and consider matters relating to the local health service as provided by the NHS and other bodies including the Council:

    (a) To review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;

    (b) To respond to consultation exercises undertaken by an NHS body; and

    (c) To question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of the services.

9. The membership of individual Scrutiny Sub-Committees and their terms of reference will be determined by the Overview and Scrutiny Committee. They will include the following:

    (a) To investigate, scrutinise, monitor and advise in relation to:

        (i) How services are being delivered and the Council's functions discharged.

        (ii) How policies have been implemented and their effect on the Council's corporate strategies (i.e. equal opportunities, antipoverty and crime and disorder).

        (iii) The development of relevant policy.

        (iv) How resources are being used, spent and managed.

        (v) Any other matter, relevant to the specific remit of the Scrutiny Sub-Committees, which affects the Council's area or any of its inhabitants.

10. It is expected that Scrutiny Sub-Committees would meet at least five times a year.

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

11. The Chair of the Overview and Scrutiny Committee and the Chairs of the Scrutiny Sub-Committees will be drawn from among the Councillors sitting on the Committee.

12. Council shall appoint a Member to serve as Chair of the Overview and Scrutiny Committee. If Council does not, and subject to the requirement at 11. above, the Committee may appoint such a person as it considers appropriate as Chair.

13. The Overview and Scrutiny Committee will appoint the Chair and Members of any Sub-Committees. The Vice-Chair of each Committee and Sub-Committee shall be appointed by the Committee or Sub-Committee itself.

SCRUTINY LEAD MEMBERS

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

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

15. *To Chair the related Scrutiny Sub-Committee.

These themes may be subject to change from time to time and will be agreed by the Overview and Scrutiny Committee.

WHO MAY SIT ON OVERVIEW AND SCRUTINY?

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

CO-OPTEES

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

EDUCATION REPRESENTATIVES

18. The Children and Education Scrutiny Sub-Committee must include in its membership the following voting representatives in respect of education matters:

(a) 1 Church of England diocese representative;

(b) 1 Roman Catholic diocese representative; and

(c) 3 parent governor representatives elected under the procedures contained in the Parent Governor Representatives (England) Regulations 2001.

19. The Committee may also include a Muslim representative who can also vote in respect of education matters.

20. These Members may speak but not vote on any other (i.e. non educational) matters.

21. Rules 16 to 18 also apply to any other Scrutiny meeting where an education matter is to be discussed.

22. These Members may also receive the same Executive unrestricted and restricted agenda papers in relation to executive decision making as the Councillor Members of the Committee/Sub-Committee to which they are appointed.

MEETINGS

23. The Overview and Scrutiny Committee shall meet in accordance with the calendar of meetings approved by Council. The Chair of the Committee may call an extraordinary meeting of the Committee at any time subject to the ordinary rules on the convening of meetings and the Access to Information Procedure Rules set out in Part B, Chapter 10 of the Constitution.

24. The Scrutiny Sub-Committees shall meet in accordance with a timetable agreed by the Overview and Scrutiny Committee, but will establish their own pattern of meetings within this framework and the Chair of the Overview and Scrutiny Committee may decide to lead any Scrutiny Sub-Committees.

25. The Overview and Scrutiny Committee and its Sub-Committees will generally meet in public and will conduct their proceedings in accordance with these procedure rules and the Access to Information Rules set out in Part B, Chapter 10.

QUORUM

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

WORK PROGRAMME

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

AGENDA ITEMS

28. Any Member of the Overview and Scrutiny Committee and/or any Scrutiny Sub-Committee shall be entitled to give notice to the Statutory Scrutiny Officer that they wish an item relevant to the functions of the Committee to be included on the

agenda for the next available meeting. On receipt of such a request the Stautory Scrutiny Officer will ensure that it is included on the next available agenda provided that it is relevant to the Committee work programme.

29. The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from Council and if it considers it appropriate the Mayor or Executive to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Mayor/Executive and/or Council. The Executive shall consider the matter at one of its next two meetings following receipt of the report. If the matter is relevant to the Council only then will they consider the report at their next meeting.

30. Any Council Member may refer to the Overview and Scrutiny Committee a local government matter in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. In relation to any matter referred under this provision, the Committee shall consider whether or not to exercise its powers under section 21B of the Local Government Act 2000 to make a report or recommendation(s) to Council or the Executive on the matter.

31. A “local government matter” at 28 above is one that

(a) relates to the discharge of any function of the authority;

(b) affects all or part of the Member’s electoral area or any person who lives or works in that area; and

(c) is not an excluded matter.

32. Excluded matters are:

- any matter relating to a planning decision;
- any matter relating to a licensing decision;
- any matter relating to an individual in respect of which the individual has a right of appeal; and
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or disclosed at, the Overview and Scrutiny Committee or Sub-Committee.

33. If the Committee decides not to exercise any of its powers in relation to a matter referred to it under 28 above, it shall notify the Member who referred the matter of its decision and the reasons for it. If the Committee does make any report or recommendation(s) to the authority or the executive on the matter referred, it shall

provide the Member with a copy of that report or recommendation(s), subject to the provisions of section 21D of the Local Government Act 2000 regarding confidential or exempt information.

SPECIFIC ROLE OF THE SCRUTINY COMMITTEE AND SUB-COMMITTEES

34.

(a) Review and scrutinise the performance of the Council in relation to its policy objectives and performance targets and/or particular service areas.

(b) Question the Mayor, members of the Executive and/or Committees and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects.

(c) Make recommendations to the Mayor/Executive as well as appropriate Committees and/or Council arising from the outcome of the scrutiny process.

(d) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the relevant scrutiny body and local people about their activities and performance.

(e) Question and gather evidence from any person.

(f) **Pre-Scrutiny**. The Overview and Scrutiny Committee may consider a matter prior to its consideration and make comments in connection with the issue so that such comments can to be taken into account by the decision maker when making the decision on the matter.

(g) **Finance**. The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it.

(h) New content

(i) New content

POLICY REVIEW AND DEVELOPMENT

35. The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules set out in Part D, Chapter 19 of the Constitution. A summary is set out below:

(a) Assist the Council and the Executive in the development of its budget and policy framework by in depth analysis of policy issues.

(b) Conduct research, consultation with the community and other consultation in the analysis of policy issues and possible options.

(c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

(d) Question members of the Executive and/or Committees and chief officers about their views on issues and proposals affecting the area.

(e) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

36. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Mayor or Executive for developments in so far as they relate to matters within its terms of reference.

37. The Overview and Scrutiny Committee or any Scrutiny Sub-Committee established for this purpose may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

REPORTS FROM OVERVIEW AND SCRUTINY

38. The Overview and Scrutiny Committee will report to Council, Cabinet or the Mayor or appropriate Cabinet Member and make recommendations as appropriate. All reports from Scrutiny Sub-Committees will be agreed by the relevant sub-committee and the Chair of that Committee will provide an update at the next meeting of the Overview and Scrutiny Committee. If the report cannot be agreed by the Sub-Committee, or if there are not any meetings of Sub-Committee, and in other exceptional circumstances, the report can be agreed by the Overview and Scrutiny Committee. Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Executive Mayor and relevant Cabinet Member and Senior Officers for consideration and a formal response (if the proposals are consistent with the existing budgetary and policy framework) or to Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

39. The Executive shall consider the report of the Overview and Scrutiny Committee and/or Sub-Committee at one of its future meetings setting out its response to any recommendations. The Council will consider the report at its next ordinary meeting if appropriate.

SCRUTINY REVIEW GROUPS

40. The following rules apply to reports prepared by Scrutiny Review Groups replacing the general rules set out above. The Overview and Scrutiny Committee or its Sub-Committee may set up a 'Review Group' to examine a particular service or issue. The Review Group will comprise Scrutiny Members and internal and external experts as required. At the conclusion of its work the Review Group will report back to its parent Committee/Sub-Committee with its findings and recommendations.

41. The parent Committee/Sub-Committee will then consider those findings and recommendations. It may, should it wish then refer those recommendations to the Mayor and Executive or the Council for a response.

42. If, following consultation with the Mayor and Executive, officers are in agreement with the proposed recommendations set out, then the report shall be accepted by the relevant Corporate Director under delegated authority. This determination must take place within one month of receipt of the report.

43. If no decision under 38 is taken, there is a challenge to the recommendations, or the Mayor and Executive specifically wish to comment on the report, then the Executive shall consider the report of the Overview and Scrutiny Committee at one of its future meetings following submission of the report. The Council will consider the report at its next ordinary meeting if appropriate.

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

44. Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Statutory Scrutiny Officer who will allocate it to either the Executive or the Council for consideration in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) and the Local Authorities (arrangements for the Discharge of Functions) Regulations 2000.

45. If the Statutory Scrutiny Officer, following consultation with the Monitoring Officer, refers the matter to Council, they may first refer it to the Mayor or Executive, who will have two weeks in which to consider the Overview and Scrutiny report and formulate any additional comments or recommendations.

46. For the avoidance of doubt, the Mayor or Executive shall not alter or amend any Overview and Scrutiny Committee report before referring it to Council, but shall only make additional comments or recommendations (including any corporate, financial or legal implications) as may be appropriate. However, if Council does not agree with the Mayor's or Executive's recommendations, the disputes resolution procedure in Section 19.1 of the Budget and Policy Framework Procedure Rules (Part D, Chapter 19) will apply.

47. If the contents of the report would not have implications for the Council's budget and policy framework, and is thus not referred to Council by the Monitoring Officer, the Mayor or Executive will have two weeks in which to consider the matter and respond to the overview and scrutiny report.

48. Where the Overview and Scrutiny Committee makes a report or recommendations to the authority or the Mayor or Executive in accordance with section 21B of the Local Government Act 2000 as amended, the Committee shall by notice in writing require the authority or Mayor or Executive:-

(a) to consider the report or recommendations;

(b) to respond to the Overview and Scrutiny Committee indicating what (if any) action the authority propose, or the Mayor or Executive proposes, to take;

(c) if the Overview and Scrutiny Committee has published the report or recommendations, to publish the response,

(d) if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a Member of the Authority under paragraph 9.4 of these Procedure Rules then it is to provide that Member with a copy of the response, and to do so within two months beginning with the date on which the authority or Mayor or Executive received the report or recommendations or (if later) the notice.

49. It is the duty of the authority or Mayor or Executive to which a notice is given under 45 above to comply with the requirements specified in the notice.

RIGHTS OF COMMITTEE MEMBERS TO DOCUMENTS

50. In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee or a Scrutiny Sub-Committee have such additional rights to documents, and to notice of meetings as may be set out in the Access to Information Procedure Rules (Part B, Chapter 10) of the Constitution.

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

MEMBERS AND OFFICERS GIVING ACCOUNT

52. The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling their role, they may require the Mayor, any other Member of the Executive, a Councillor, the Head of Paid Service and/or any senior officer to attend before it to explain in relation to matters within their remit:

(a) any particular decision or series of decisions;

(b) the extent to which the actions taken implement Council policy; and/or

(c) their performance, within their area of responsibility; and it is the duty of those persons to attend as so required.

(d) any function exercisable by a Councillor in accordance with any delegation made by the Council under section 236 of the Local Government and Public Involvement in Health Act 2007.

53. Where the Mayor, any Member or officer is required to attend the Overview and Scrutiny Committee or a Scrutiny Sub-Committee under this provision, the Chair of the Committee or Sub-Committee will inform the Chief Executive. The Chief Executive shall inform the Mayor, Member or officer in writing giving at least fifteen working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee or Sub-Committee. Where the account to be given to the Committee will require the production of a report, then the Mayor, Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

54. Where, in exceptional circumstances, the Mayor, Member or officer is unable to attend on the required date, then the Committee or Sub-Committee shall in consultation with the Mayor, Member or officer arrange an alternative date for attendance, to take place within a maximum of twenty-one working days from the date of the original request.

55. Except in exceptional circumstances, any failure by the Mayor or Member to attend the Committee or Sub-Committee will be considered a breach of the Code of Conduct for Members and investigated accordingly. Any failure by an Officer to attend will be dealt with under the appropriate disciplinary procedure.

ATTENDANCE BY OTHERS

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

CALL-IN

57. When a decision is made by the Mayor, the Cabinet, an individual Member of the Executive, a Committee of the Executive, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be

published on the Council's website Members of the Overview and Scrutiny Committee will be sent an alert when all such decisions within the same timescale, by the person responsible for publishing the decision.

58. The decision publication and call-in deadlines are all published in advance on the Council's website. Decisions will come into force, and may then be implemented at 5pm on the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Monitoring Officer calls the decision in.

59. During that period, the Monitoring Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by:

(a) Not fewer than five Members of the Council; or

(b) Two voting church, faith or parent governor representatives in respect of any education matters only;

(c) The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.

60. The Monitoring Officer shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the Overview and Scrutiny Committee on such a date as they may determine, where possible after consultation with the Chair of the Committee, and in any case within five clear working days of the decision to call-in. However, the Monitoring Officer will not call-in:

(a) Any decision which has already been the subject of call-in;

(b) A decision which is urgent as defined in section 23 below and has to be implemented prior to the completion of any review. In such circumstances the decision–taker(s) shall give reasons to the Overview and Scrutiny Committee; and

(c) Decisions by regulatory and other Committees discharging non-executive functions;

(d) Day to day management and operational decisions taken by officers;

(e) A resolution which merely notes the report or the actions of officers;

(f) A resolution making recommendations to Council.

61. Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies.

62. The Monitoring Officer shall then notify the decision taker of the call-in, who shall suspend implementation of the decision.

63. If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Mayor or Executive for reconsideration, setting out in writing the nature of its concerns or if the matter should properly be considered by Council refer the matter to Council. If referred to the decision-maker they shall then reconsider within a further five clear working days or as soon as is reasonably practical thereafter, amending the decision or not, before adopting a final decision.

64. For the avoidance of doubt, if the Overview and Scrutiny Committee refers a matter back to the decision-making person or body, the implementation of that decision shall be suspended until such time as the decision-making person or body reconsiders and either amends or confirms that decision.

65. If following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further five working day period, whichever is the earlier.

66. If the matter was referred to Council and Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if Council does object, then Council will refer any decision to which it objects back to the decision-making person or body together with Council's views on the decision. That decision-making person or body shall decide whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of the Executive, a meeting will be convened to reconsider within five clear working days of the request. Where the decision was made by an individual, the individual will also reconsider within five clear working days of the request.

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

CALL-IN AND URGENCY

68. The call-in procedure set out above shall not apply where the decision being taken by the Mayor, the Executive or a Committee of the Executive, or the key decision being made by an officer with delegated authority from the Executive or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.

69. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

70. The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Speaker's consent shall be required. In the absence of both, the consent of the Deputy Speaker or the Head of Paid Service or her/his nominee shall be required.

71. Decisions taken as a matter of urgency must be reported to the next available meeting of Council, together with the reasons for urgency.

72. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

THE PARTY WHIP

73. The use of the party whip to influence decisions of the Overview and Scrutiny Committee or one of its Sub-Committees is inappropriate and should not be used.

74. In this rule "a party whip" means any instruction given by or on behalf of a political group to any Councillor who is a Member of that group as to how that Councillor shall speak or vote on any matter before Council or any Committee, or the application or threat to apply any sanction by the group in respect of that Councillor should they speak or vote in any particular manner.

PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

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

(a) Minutes of the last meeting;

(b) Declarations of interest;

(c) Consideration of any matter referred to the Committee for a decision in relation to call-in;

(d) Responses of the Executive to reports of Overview and Scrutiny;

(e) The business otherwise set out on the agenda for the meeting.

76. Where the Overview and Scrutiny Committee or a Scrutiny Sub-Committee conducts investigations (e.g. with a view to policy development), the body may also ask people to attend to give evidence at meetings of the body. Such meetings are to be conducted in accordance with the following principles:

(a) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and

(c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

77. Following any investigation or review, the Committee or Sub-Committee shall prepare a report, for submission to the Mayor/Executive and/or Council as appropriate by the Overview and Scrutiny Committee, and shall make its report and findings public in so far as the report does not contain exempt or confidential information.

SUSPENSION

78. Any part of these Rules may be suspended in accordance with Council Procedure Rule 23 within Part D, Chapter 17 of this Constitution provided such suspension is not contrary to the law.

CHAPTER 40: OVERVIEW AND SCRUTINY COMMITTEE TERMS OF REFERENCE

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

   (a) to review or scrutinise decisions made in connection with the discharge of Executive functions;

   (b) to make reports or recommendations to the Council or Cabinet with respect to the discharge of Executive functions;

   (c) to review or scrutinise decisions made in connection with the discharge of non-executive functions; and

   (d) to make reports or recommendations to the Council or to Cabinet on matters affecting the Council's area or its citizens.

   (e) Grants scrutiny will be the responsibility of the OSC committee, under the remit of the Scrutiny Lead for Resources.

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

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

   Two non-voting Co-Optees may also be appointed.

4.

Functions	**Delegations of Functions**
1. To discharge the functions conferred by sections 9F to 9FI of the Local Government Act 2000; or any functions which may be conferred on it by virtue of regulations under section 244(2ZE) of the National Health Service Act 2006 (local authority scrutiny of health matters) in accordance with the arrangements specified for the discharge of the Overview and Scrutiny function and the establishment of an Overview and Scrutiny Committee contained within Sections 9 and 30 of the Constitution	None

2. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's functions	None
3. Advising the Mayor or Cabinet of key issues/questions arising in relation to reports due to be considered by the Mayor or Cabinet	None
4. Making reports and/or recommendations to the Council and/ or Mayor or Cabinet in connection with the discharge of its functions	None
5. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised	None
6. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements	None
7. Considering strategic matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public	None
8. In accordance with the Council's Petition Scheme: **(a) To require a Chief Officer to give evidence to the Committee on a matter that is the subject of a petition including 1,000 or more valid signatures (the Committee will also invite the relevant Executive Member to the meeting); and** **(b) To undertake a review if a petition organiser feels the authority's response to their petition was inadequate**	None
	None

9. On behalf of the Council to establish and make appointments to any joint overview and scrutiny committee	
10. To consider any local government matter referred to the Committee by a Councillor in accordance with Section 9FC(c) of the Local Government Act 2000 which is not relevant to the functions of the committee and is not an excluded matter.	None

5. **Quorum**: Three members of the Committee

CHAPTER 41: TERMS OF REFERENCE – CHILDREN AND EDUCATION SCRUTINY SUB-COMMITTEE

1. **Summary Description:** The Children and Education Scrutiny Sub-Committee has been established to scrutinise the provision, planning and management of children and young people's services – including children's social care; safeguarding children; children in care; SEN and education inclusion, troubled families and the Youth Offending Service (YOS) education, learning and schools; youth services; early years; education capital estate and youth & play services.

2. **Membership:** 7 non-executive councillors – the chair and six councillors; and 6 co-opted members (consisting of: - a Church of England and a Roman Catholic representative; 3 Parent Governor representatives under paragraph 7 of Schedule A1 to the Local Government Act 2000; and a Muslim faith representative).

3.

Functions	Delegation of Functions
1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's children social care and education functions;	None
2. Advising the Mayor or Cabinet of key issues/questions arising in relation to children and education reports due to be considered by the Mayor or Cabinet;	None
3. Making reports and/or recommendations to the Council and/ or Mayor or Cabinet in connection with the discharge of children and education functions;	None
4. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;	None

5. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;	None
6. Considering children and education matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public; and	None
7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work.	None

4. **Quorum**: Three voting Members

CHAPTER 42: MEETING PROCEDURES FOR CHILDREN AND EDUCATION SCRUTINY SUB-COMMITTEE

Chair and Membership

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.

Frequency of meetings

2. The Children and Education Scrutiny Sub-Committee will meet 5 times a year. Dates will be published on the Council's website.

3. 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

4. The Corporate Head of Democratic and Governance Services, will be the senior officer lead and champion the work of the Sub-Committee.

5. 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

6. The Scrutiny Team will provide policy support to the Sub-Committee which will include:

   (a) Research and analysis
   (b) Work programme development
   (c) Support with undertaking reviews and challenge sessions
   (d) Drafting review reports and challenge sessions

Proceedings

7. 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.

CHAPTER 43: TERMS OF REFERENCE – HEALTH AND ADULTS SCRUTINY SUB-COMMITTEE

1. **Summary Description:** The Health and Adults Scrutiny Sub-Committee has been established to undertake the Council's responsibilities in respect of Scrutinising local health services and adult social care, covering services provided by the Council as well as those provided by the Council's partners.

2. **Membership:** 7 non-executive councillors – the chair and six councillors.

   Two non-voting Co-Optees may also be appointed.

3.

Functions	Delegation of Functions
1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's health and adult social care functions	None
2. Advising the Mayor or Cabinet of key issues/questions arising in relation to health and adult social care reports due to be considered by the Mayor or Cabinet	None
3. Making reports and/or recommendations to the Council and/ or Mayor or Cabinet in connection with the discharge of health and adult social care functions	None
4. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised	None
	None

5. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements	
6. Considering health and adult social care matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public	None
7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work	None
8. To discharge the Council's Scrutiny functions under the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. Including to: **• Review and scrutinise matters relating to the health service within the Council's area and make reports and recommendations in accordance with any regulations made thereunder;** **• Respond to consultation exercises undertaken by an NHS body; and** **• Question appropriate officers of local NHS bodies in relation to the policies adopted and the provision of services.**	None

4. **Quorum**: Three voting Members

CHAPTER 44: MEETING PROCEDURES FOR HEALTH AND ADULTS SCRUTINY SUB-COMMITTEE

Chair and Membership

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 Health & Adults. The membership of the Health and Adults Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

Frequency of meetings

2. The Health and Adults Scrutiny Sub-Committee will meet 5 times a year. The dates will be published on the Council's Website.

3. 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

4. The Corporate Head of Democratic and Governance Services, will be the senior officer lead and champion the work of the Sub-Committee.

5. 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

6. The Strategy and Communities Team will provide policy support to the Sub-Committee which will include:

   (a) Research and analysis
   (b) Work programme development
   (c) Support with undertaking reviews and challenge sessions
   (d) Drafting review reports and challenge sessions

Proceedings

7. 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:

(a) Council Procedure Rules

(b) Access to Information Procedure Rules, and

(c) The Overview and Scrutiny Procedure Rules.

CHAPTER 45: TERMS OF REFERENCE – HOUSING AND REGENERATION SCRUTINY SUB-COMMITTEE

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

2. **Membership:** 7 non-executive councillors – the chair and six councillors

   Two non-voting Co-Optees may also be appointed,

3.

Functions	Delegation of Functions
1. Reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the Council's housing and regeneration functions;	None
2. Advising the Mayor or Cabinet of key issues/questions arising in relation to housing and regeneration reports due to be considered by the Mayor or Cabinet;	None
3. Making reports and/or recommendations to the Council and/ or Mayor or Cabinet in connection with the discharge of housing and regeneration functions;	None
4. Delivering (3) by organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;	None
	None

5. Holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;	
6. Considering housing and regeneration matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the sub-committee by tenant and resident associations, or members of the general public; and	None
7. The sub-committee will report annually to the Overview and Scrutiny Committee on its work.	None

4. **Quorum**: Three voting Members

CHAPTER 46: MEETING PROCEDURES FOR HOUSING AND REGENERATION SCRUTINY SUB-COMMITTEE

Chair and Membership

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 Housing & Regeneration. The membership of the Housing & Regeneration Scrutiny Sub-Committee has been determined by the Overview and Scrutiny Committee.

Frequency of meetings

2. The Housing & Regeneration Scrutiny Sub-Committee will meet 6 times a year. The meeting dates will be published on the Council's website.

3. 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

4. The Corporate Head of Democratic and Governance Services, will be the senior officer lead and champion the work of the Sub-Committee.

5. 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

6. The Scrutiny Team will provide policy support to the Sub-Committee which will include:

   (a) Research and analysis
   (b) Work programme development
   (c) Support with undertaking reviews and challenge sessions
   (d) Drafting review reports and challenge sessions

Proceedings

7. 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:

(a) Council Procedure Rules

(b) Access to Information Procedure Rules, and

(c) The Overview and Scrutiny Procedure Rules.

CHAPTER 47: COUNCILLOR CALL-FOR ACTION PROCEDURE

Tower Hamlets Councillor Call for Action (CCfA) Guide

Section 1: Introduction

1.1 Councillor Call for Action (CCfA) powers were first introduced in the Local Government and Public Involvement in Health Act (2007) to provide a formal mechanism that allows councillors (in England) to refer an issue of local concern e.g. related to local government matter and affecting their ward for consideration by the Overview and Scrutiny Committee (OSC). The Localism Act (2011) further clarifies that councillors can refer matters which are not restricted to local government that are relevant to the functions of the committee. The Police and Criminal Justice Act (2006) also provides a 'Call for Action' in relation to crime and disorder issues.

1.2 A CCfA can be used to tackle problems on a neighbourhood or ward specific level which has been unable to resolve through normal channels e.g. corporate complaints, petitions, Member's Enquiries, Freedom of Information (FOI) requests and mediation. It is at the discretion of each councillor as to what issues they wish to raise for a potential review through the CCfA. However, councillors must demonstrate that other methods of resolution have been exhausted first. A CCfA request should not be considered as merely 'scrutiny process' it should be viewed as a whole council approach, that can assist councillors to resolve issues on behalf of their constituents.

Section 2: Principles

2.1 The CCfA process works on the basis of some broad principles:

- Transparency in the decision-making process, and the involvement of scrutiny in the decision-making process;
- Willingness to identify mistakes and shortcomings, and a recognition of the need to resolve problems through discussions;
- A good level of understanding (amongst Mayor, Cabinet and senior officers) of the role that scrutiny can play to help the Council to improve its services; and
- An understanding and a wish to strengthen and support the role of councillors as champions and leaders of their communities.

Section 3: Prior to undertaking a CCfA

3.1 Have existing complaints procedures and other solution options been exhausted?

3.2 Councillors should consider the following to resolve local issues:

- Member's Enquiries and FOI
- Mediation
- Advising a resident to make an individual complaint.
- Supporting residents to submit a petition.
- Seeking an apology from the council/local service involved
- Collecting evidence from their ward to support the issue.
- Request to discuss the issue with relevant agencies.
- Signpost to relevant council committee, if appropriate.

Section 4: When a referral should be made

4.1 Under the CCfA, councillors are able to refer issues to OSC where it can demonstrate the following:

- the issue is of genuine and persistent local concern;
- the issue is not subject to ongoing legal processes; and
- other courses of action have failed to resolve the matter.

4.2 Importantly, undertaking a CCfA will be a means of 'last resort' with issues being raised at OSC **only after other methods of resolution have been exhausted**. Furthermore, undertaking a CCfA does not guarantee to resolve an issue but it offers the chance to bring a pressing matter to a wider audience with an opportunity to discuss the item.

Section 5: Benefits of a CCfA

5.1 The CCfA process provides an opportunity:

- for recognition that an issue is significant enough for time, attention and resources to be allocated to the issue in an attempt to resolve it;
- for a public forum for discussion of the issues;

- to discuss the issues in a neutral environment;
- to discuss an issue with others with the sole aim of resolving it; and
- A high-profile process owned by the councillor.

Section 6: Limitations of a CCfA

6.1 There are some issues that are excluded from referral as a CCfA:

- Planning and licensing decisions or pending applications;
- Any matter where a person or entity has a statutory right of review or appeal (not including the right to complain to the Ombudsman) e.g. issues relating to a welfare benefit appeal;
- Any issues that is vexatious, discriminatory or not reasonable; and
- Any matter already on the work programme for OSC or its subcommittees.
- A CCFA would not be accepted if the matter had already been considered by Overview and Scrutiny (including through the Call-in process) unless there has been a material change to the issue.
- Any matter that is not relevant to the functions of the OSC.

Section 7: How will Overview and Scrutiny Committee deal with a CCfA Request?

7.1 A CCfA referral to OSC will place an issue on the OSC's agenda. It is up to the Committee to decide whether or not to take the issue further. To determine if the CCfA needs to be looked at in detail, the OSC will be able to use the following criteria:

- Is the OSC satisfied that appropriate attempts at resolving the issue have been made by the ward councillor before initiating the CCfA?
- Is this a case that is being, or should be pursued, via the council's corporate complaints system?
- Has the OSC considered any similar issue recently - if so, have the circumstances or evidence changed to warrant re-consideration?
- Has the relevant service or partner agency been informed and provided enough time to resolve the issue? What response has the councillor received?

- Is this issue already featured in the OSC's and or subcommittees work programme?

7.2 If the OSC decides to take any action, then it will inform the councillor that raised the CCfA and provide that councillor with a copy of any report or recommendations that are made in relation to the CCfA. Where relevant the councillor will also be provided with any response received from the Cabinet or a partner organisation in relation to the CCfA.

Section 8: Statutory Scrutiny Officer

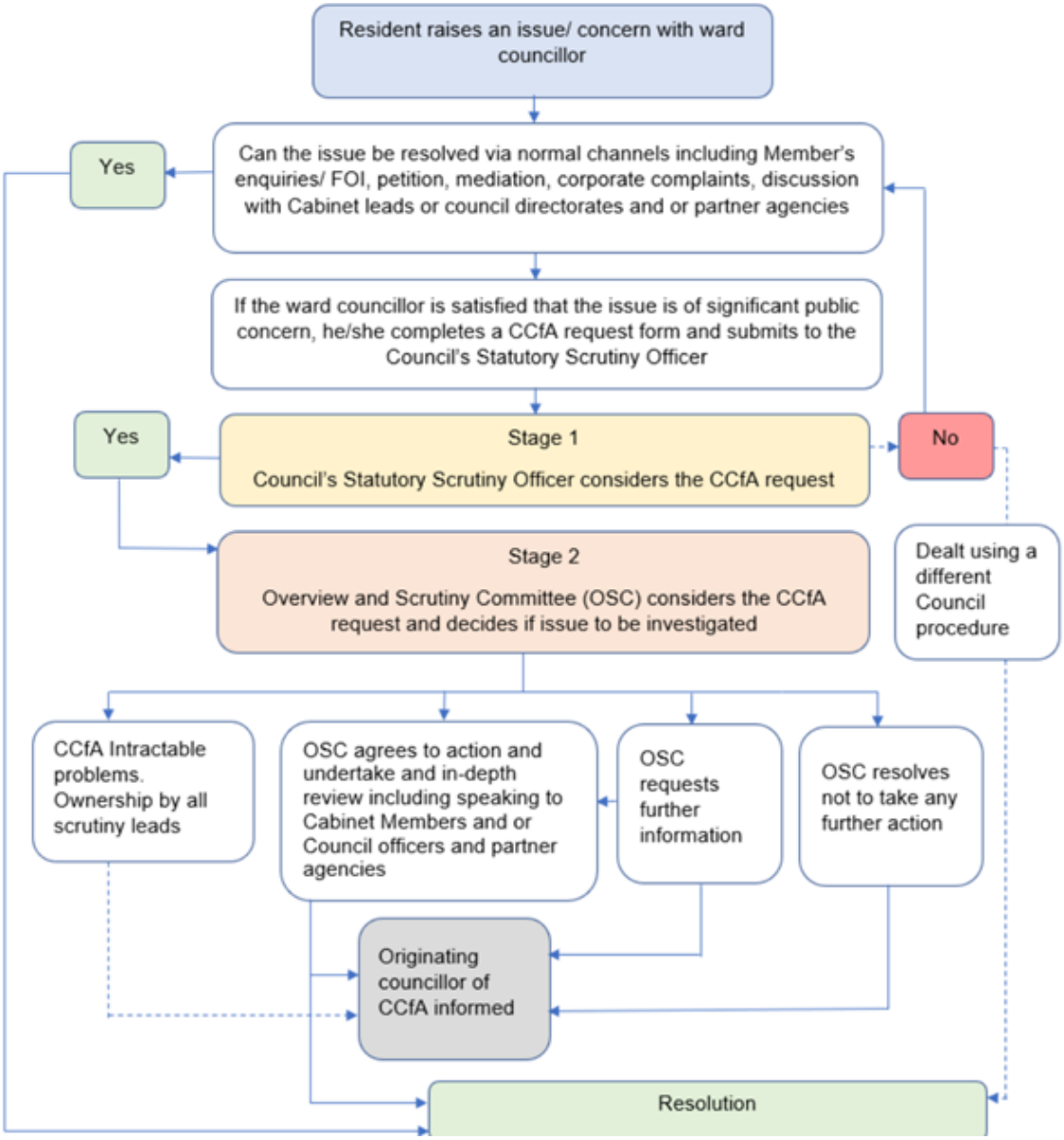
8.1 There are some circumstance where a CCfA will not be dealt with under this scheme as specified by the limitations of a CCfA; or any other circumstances which, in the opinion of the Statutory Scrutiny Officer would mean the CCfA would be better dealt with using a different Council procedure.

Section 9: Timeframe or a CCfA Requisition

9.1 For a CCfA to be considered, it must be submitted at least 10 working days in advance of the OSC meeting. If a CCfA submission request falls within 10 working days, it will need to be scheduled for the next OSC meeting.

Section 10: Councillor Call for Action (CCfA) process

10.1



Section 11: London Borough of Tower Hamlets Overview and Scrutiny Committee 'Councillor Call for Action' Requisition

11.1 The Councillor Call for Action form will require the following information:

- Councillor (s) raising CCfA Name
- Signature
- Title of "Councillor Call for Action"
- Reasons for "Councillor Call for Action"
- Approach taken to resolve the Issue
- Is the "Councillor Call for Action" subject to any legal action by any party?

- Are there any deadlines associated with “Councillor Call for Action”
- Within the Council’s Policy or Budget Framework

11.2 Once the form has been completed it must be returned to the Head of Scrutiny.

Once completed please return to Sharon Godman, Statutory Scrutiny Officer, Divisional Director Strategy Policy and Performance Tel: 020 7364 3267

PART H: MEMBERS

CHAPTER 48: THE SPEAKER OF THE COUNCIL

1. The position of Speaker of the Council performs the duties often carried out by the post of ‘civic mayor’.

2. The Council has decided, in agreeing its Executive Arrangements, that the Speaker of the Council will be the first citizen of the Borough and will perform the majority of civic and ceremonial duties for the Borough. The Mayor will perform those functions as the Council’s representative where they relate to the promotion of, or business of, the Council. Any future change to these arrangements will be a matter for the Council to determine.

The Speaker of the Council may not be a member of the Executive

3. The Speaker of the Council and the Deputy Speaker will be elected by Council annually and the Speaker will have the following roles and functions:

   (a) to uphold and promote the purposes of the Constitution and having sought appropriate advice from the Monitoring Officer, to interpret the Constitution when necessary;

   (b) to preside over meetings of Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;

   (c) to ensure that Council is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet can hold the Mayor and Cabinet Members to account in public;

   (d) to promote public involvement in the Council’s activities;

   (e) to be the conscience of the Council; and

   (f) to attend such civic and ceremonial functions as the Council and s/he determines appropriate.

The Deputy Speaker of the Council will deputise for the Speaker of the Council whenever the Speaker of the Council is unavailable or unable to act

4. The order of precedence for civic events shall be as follows, with the Borough's First Citizen representing the Council at Civic Ceremonial functions in the Borough including:

   • Visits of the Royal Family and dignitaries;

- Civic receptions, luncheons and dinners;
- Funeral or memorial services;
- Religious services; and
- Prize givings.

5. And events outside the Borough including:

- The Council's representative where they relate to the promotion of, or business of, the Council. Any future change to these arrangements will be a matter for the Council to determine.
- Invitations from other First Citizens to their Borough; and
- Those of the London Mayors' Association.

6. This does not prevent the attendance and involvement of the Mayor and/or other Councillors.

CHAPTER 49: MEMBERS OF THE COUNCIL

Composition and Eligibility

1. The Council will comprise a directly elected Mayor and 45 Councillors. The Mayor will be elected by the voters of the whole borough; and the Councillors will be elected by the voters of each ward, in accordance with a scheme drawn up by the Local Government Boundary Commission for England.

2. The term ‘Member of the Council’ (or simply ‘Member’) as used throughout this Constitution includes both the Mayor and the Councillors and any individuals co-opted to Council Committees and Sub-Committees.

3. Only registered voters of the borough, or those living or working in Tower Hamlets, in accordance with the relevant legislation will be eligible to stand for election for the office of Mayor or Councillor.

Election and Terms of the Mayor and Councillors

4. The regular elections of Mayor and Councillors will be held every four years, normally on the first Thursday in May. The term of office of the Mayor and Councillors will be four years and will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

Roles and Functions of all Councillors

5. All Councillors will:-

   (a) Collectively be the ultimate policy-makers and carry out a number of strategic functions;

   (b) Represent their communities and bring their views into the Council’s decision-making process, i.e. become the advocate of and for their communities;

   (c) Effectively represent the interests of their ward and of individual constituents;

   (d) Respond to constituents’ enquiries and representations, fairly and impartially;

   (e) Participate in the governance of the Council;

   (f) Be available to represent the Council on other bodies; and

   (g) Maintain the highest standards of conduct and ethics.

Rights and Duties

6. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

7. Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

8. For these purposes “confidential” and “exempt” are defined in the Access to Information Procedure Rules set out in Part B, Chapter 10 of the Constitution.

Cessation of Membership

9. A Councillor will cease to be a Member if they resign by giving notice in writing, or if they fail to observe the requirement to attend Council meetings as prescribed by section 85 of the Local Government Act 1972 or if they are disqualified from holding office by virtue of section 80 of the Local Government Act 1972 or any other statutory provision.

10. With regard to the requirement to attend meetings, a Councillor must attend at least one relevant meeting during a period of six (6) months to remain qualified to hold office. A relevant meeting includes Council, the Cabinet, any Committee, Sub Committee or external body to which the Councillor has been formally appointed.

11. If a Councillor believes that there is an exceptional and unavoidable reason why they are unable to attend a relevant meeting during a period of six (6) months or to otherwise perform their proper duties as a Councillor for part or all of the same period, the Councillor concerned may seek a dispensation from the Council by writing to the Chief Executive explaining the reason for their unavoidable absence and the period to which the absence will relate. This will be reported to the Council at its next ordinary meeting. The Council will decide whether or not to grant such an exemption to the attendance requirement and will only do so in exceptional circumstances and with evidence that the absence is unavoidable. An exemption cannot be granted if a particular Councillor’s absence has already exceeded six months.

12. Where a Co-opted Member fails to attend (in person) at least half of the ordinarily scheduled Committee/Sub-Committee meetings in a municipal year, the Committee/ Sub-Committee on which they sit will receive a report at its first meeting of the new municipal year allowing it to review any factors that might justify the absences and determine whether any action should be taken (including as a final option, recommendation for removal should that be considered appropriate) by Council or the Committee/Sub-Committee who originally appointed them to the role.

13. In respect of Scrutiny Committees/Sub-Committees, all reports will be considered by the Overview and Scrutiny Committee to ensure consistency of approach.

14. Note – the definition of Co-opted Member is that set out in the Member Code of Conduct – Part H, Section 50 (including all Scrutiny Co-optees).

Conduct

15. The Mayor, Councillors and Co-opted Members will at all times observe the Code of Conduct for Members, Member/Officer Protocol, the Licensing and Planning Codes of Conduct and all other Codes and Protocols set out within this Constitution or otherwise agreed by the Council from time to time.

Allowances

16. The Mayor, Councillors and Co-opted Members will be entitled to receive allowances in accordance with the Members' Allowances Scheme as set out in Part H, Section 53 of this Constitution.

CHAPTER 50: CODE OF CONDUCT FOR MEMBERS

Section 1: Introduction and Purpose of the Code

1.1 This Code has been developed to support the high standards of leadership and performance of members, and the openness and accountability necessary to ensure public confidence in the way in which you conduct your public duties.

1.2 The Code applies to the Mayor, Councillors, and Co-opted Members of the Council, collectively referred to as Member(s) in the remainder of this document.

1.3 A “Co-opted Member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a Member of the authority but who

(a) is a Member of any committee or sub-committee of the authority, or;

(b) is a Member of, and represents the authority on, any joint committee or joint sub- committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

1.4 Some Co-opted Members of the Council’s Scrutiny Committees and the Independent Chair of the Audit Committee do not fall within the above definition as they do not have the right to vote, however they are all are expected to abide by the terms of this Code of Conduct.

1.5 The Code does not apply to Independent Persons, Observers and other persons involved in the Council’s Committees, Boards, and Panels. They are expected to take into account the Code and to follow any rules set out by their own organisations and act appropriately. This includes those Members of bodies such as the Health and Wellbeing Board who are appointed by other organisations.

1.6 The purpose of this Code of Conduct is to assist you, as a Member, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Members, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all Members and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Members and in local governance generally.

1.7 In addition to this Code of Conduct, the Council's governance arrangements include a number of further Codes and Protocols set out in the Constitution which provide additional guidance or obligations which Members must consider and comply with. These include, but are not limited to, the Planning and Licensing Codes of Conduct and the Member / Officer Relations Protocol.

1.8 As Members you are also required to adhere to the Council's Social Media policy in your role as a Member.

1.9 The Member Code of Conduct has been set within the context of the the Council's Tower Values of 'Together, Open, Willing, Excellent, and Respect'.

1.10 This Code of Conduct has been developed from the Model Code of Conduct published by the Local Government Association (LGA). The LGA has also produced guidance to accompany its Model Code. This guidance is a useful reference point for Members and officers on the application of the Code.

1.11 The relevant sections of the guidance are referenced throughout this Code as a useful guide on the application of the code The full guidance is available here: https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct

1.12 Although the guidance is a useful reference for officers and Members, it will be for the Monitoring Officer in consultation with the Independent Person and/or Standards Advisory Committee as appropriate, while applying the Code, to determine whether a Member has breached it.

Section 2: General Principles of Member Conduct

2.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles. The Nolan Principles are set out in Appendix A to the Code of Conduct.

2.2 In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Member.

2.3 In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- New content
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Local Government Association Guidance on the Model Code of Conduct – General Principles of Member Conduct

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#general-principles-of-councillor-conduct

Section 3: Application of the Code of Conduct

3.1 This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Mayor/Councillor or on appointment as a co-opted member and continues to apply to you until you cease to be a Member.

3.2 This Code of Conduct applies to you when you are acting in your capacity as a Member which may include, but is not limited to, when:

- You are acting on council business
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Member
- You misuse your position as a Member

3.3 The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication

- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

3.4 You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Member.

3.5 Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Local Government Association Guidance on the Model Code of Conduct – Application of the Model Member's Code of Conduct

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#application-of-the-model-councillors-code-of-conduct

Section 4: Standards of Member Conduct

4.1 This section sets out your obligations. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Section 5: General Conduct

A - Respect

5.1 As a Member:

(a) I promote and support high standards of conduct through my leadership and example.

(b) I treat other Members and members of the public with respect.

(c) I treat local authority employees, and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

(d) I take account of the views of others, including where applicable my political group, but I reach my own conclusions and act in accordance with those conclusions.

5.2 Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Member, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

5.3 In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's confidence in Members.

Local Government Association Guidance on the Model Code of Conduct – Respect

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#respect

Section 6: Public Behaviour

6.1 In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online.

6.2 If you wish to raise concerns about the behaviour of a member of the public you can seek advice from the Monitoring Officer in the first instance.

6.3 Where you have stopped engaging or refused to engage with any member of the public who could reasonably be perceived as being abusive, threatening, intimidatory or otherwise displaying unacceptable behaviours you should direct them to other communication channels within the council.

6.4 This also applies to fellow Members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the Member / Officer Relations Protocol.

B – Bullying,harassmentand discrimination

6.5 As a Member:

(a) I do not bully any person.

(b) I do not harass any person.

(c) I promote equalities and do not discriminate unlawfully against any person.

6.6 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

6.7 The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

6.8 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

6.9 The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

Local Government Association Guidance on the Model Code of Conduct – Bullying, Harassment and Discrimination

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#bullying

C – Impartiality of officers of the council

6.10 As a Member:

(a) I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

6.11 Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not require or coerce them to act differently, change their advice, or alter the content of that report if doing so would prejudice their professional integrity.

Local Government Association Guidance on the Model Code of Conduct – Impartiality of Officers

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#impartiality-of-officers-

D - Confidentiality and Access to Information

6.12 As a Member:

(a) I do not disclose information:

(i) **Given to me in confidence by anyone**

(ii) **Acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**

(1) **I have received the consent of a person authorised to give it;**

(2) **I am required by law to do so;**

(3) **The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**

(4) **The disclosure is:**

(1) **Reasonable and in the public interest; and**

(2) **Made in good faith and in compliance with the reasonable requirements of the local authority;**

(3) **And I have consulted the Monitoring Officer prior to its release.**

(b) I do not improperly use knowledge gained solely as a result of my role as a Member for the advancement of myself, my friends, my family members, my employer or my business interests.

(c) I do not prevent anyone from getting information that they are entitled to by law.

6.13 Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Local Government Association Guidance on the Model Code of Conduct – Confidentiality and Access to Information

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#confidentiality-and-access-to-information-

E – Disrepute

6.14 As a Member:

(a) I do not bring my role or local authority into disrepute.

6.15 As a Member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Members and/or your local authority and may lower the public's confidence in your (or your local authority's) ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

6.16 Members collectively are able to hold the local authority and fellow Members to account and where appropriate you can constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct. Members should not make trivial or malicious allegations against each other.

Local Government Association Guidance on the Model Code of Conduct – Disrepute

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#disrepute-

F – Use of position

6.17 As a Member:

(a) I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

6.18 Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

Local Government Association Guidance on the Model Code of Conduct – Misuse of Position

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#misuse-of-position

G – Use of local authority resources and facilities

6.19 As a Member:

(a) I do not misuse council resources.

(b) I will, when using the resources of the local authority or authorising their use by others;

(i) **Act in accordance with the local authority's requirements; and ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

6.20 You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a Member. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use and are not to be used for business or personal gain.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.
- intellectual property such as the Council's logo and branding

Local Government Association Guidance on the Model Code of Conduct – Misuse of resources and facilities

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#misuse-of-resources-and-facilities-

H – Complying with the Code of Conduct

6.21 As a Member:

(a) I undertake Code of Conduct training provided by my local authority.

(b) I cooperate with any Code of Conduct investigation and/or determination

(c) I do not intimidate or attempt to influence any person who is likely to be involved with the administration of any investigation or proceedings.

(d) I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

6.22 It is extremely important for you as a Member to demonstrate high standards of conduct, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance.

6.23 Members are reminded that failure to co-ordinate with an investigation into a complaint of breach of the Code of Conduct or comply with relevant timescales, whether at the initial or full investigation stage, is itself a breach of the Code of Conduct.

6.24 If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

6.25 Any alleged breach of this code will be dealt with in accordance with the arrangements set out in arrangements for dealing with complaints of breach of the code of conduct for members in Chapter 51.

6.26 NB: a breach of any of the statutory requirements relating to the registration and declaration of disclosable pecuniary interests may result in prosecution. If you need advice you should contact the Monitoring Officer.

Local Government Association Guidance on the Model Code of Conduct – Complying with the Code of Conduct

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#complying-with-the-code-of-conduct

Protecting your reputation and the reputation of the local authority
I – Interests

6.27 As a Member:

(a) I register and disclose my interests.

6.28 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Members of the authority.

6.29 An example of an interest is something which is of value to you which you may have through personal, professional or other private reasons. For example, your job, home or other property. Your main financial interests are called Pecuniary Interests.

6.30 You should note that failure to register or disclose a Disclosable Pecuniary Interest as set out in Table 1 of Appendix B, is a criminal offence under the Localism Act 2011 for which you can be prosecuted.

6.31 You need to register your interests so that the public, local authority employees and fellow Members know which of your interests might give rise to a conflict of interest.

6.32 An example of a conflict of interest is ‘a situation where your interests (or responsibility to another organisation) could be (or could be seen to be) in conflict with your responsibilities as a Member’. This is especially important in relation to your role as a decision maker at the council. Table 3 of Appendix B sets out detailed provisions on registering interests and how different types of declarations should be made and dealt with at meetings.

6.33 If in doubt, always seek advice from your Monitoring Officer.

6.34 The register of interests maintained by the Monitoring Officer is a public document that can be consulted when (or before) an issue arises. Your interests will be published on your council web page.

6.35 The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Members when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Local Government Association Guidance on the Model Code of Conduct – Declarations of Interest

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#declarations-of-interest

J – Gifts and hospitality

6.36 As a Member:

(a) I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

(b) I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

(c) I register with the Monitoring Officer any gift or hospitality with a an estimated value of at least £25 that I have been offered but have refused to accept.

(d) I will also declare repeated smaller hospitality/gifts which, when combined, would likely exceed £25 within any three-month period.

(e) I will consider donating any gifts to the Speaker's Charity or other charitable causes.

6.37 In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.

6.38 In particular you should exercise extreme caution in accepting any gift or hospitality valued at over £100 that is being offered to you due to your role as a Member. You should make the reasons for acceptance clear in your declaration.

6.39 However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered.

6.40 However, you do not need to register gifts and hospitality which are not related to your role as a Member and that you would have received anyway such as:

- gifts from your friends and family,
- gifts/hospitality primarily in relation to your employment, voluntary work or similar which are not related to your role as a Member,
- invitations to weddings and similar events from family and friends,
- small gifts or hospitality received as part of weddings, life-events, religious festivals and celebrations that you would in any case have attended in a personal capacity (Christmas, Eid, Hannukah, Ramadan etc).

Local Government Association Guidance on the Model Code of Conduct – Registration of gifts, hospitality and interests

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#registration-of-gifts-hospitality-and-interests

6.41 As part of the Continuous Improvement Plan, the Council has developed the Member Pledge. The Member Pledge is not part of this Code of Conduct, but it is designed to improve Member behaviours and relationships.

Section 7: Appendix A

7.1 The Seven Principles of Public Life

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected

or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

7.2 1. Selflessness

Holders of public office should act solely in terms of the public interest.

7.3 2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

7.4 3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

7.5 4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

7.6 5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

7.7 Honesty

Holders of public office should be truthful.

7.8 7. Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Section 8: Appendix B

Registering interests

1. Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1** (**Disclosable Pecuniary Interests**) which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2** (**Other Registerable Interests**).

2. **Type A** “**Disclosable pecuniary interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

3. **"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

4. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.

5. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.

6. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Nonparticipation in case of disclosable pecuniary interest

7. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

8. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Type B - Disclosure of Other Registerable Interests

9. Where a matter arises at a meeting which directly relates to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

10. **Type C -** Where a matter arises at a meeting which ***directly relates*** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

11. **Type D -** Where a matter arises at a meeting which ***affects*** –

    (a) your own financial interest or well-being;

    (b) a financial interest or well-being of a friend, relative, close associate; or

    (c) a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

    you must disclose the interest. To determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

12. Where a matter ***affects*** your financial interest or well-being:

    (a) to a greater extent than it affects the financial interests of most inhabitants of the ward affected by the decision and;

    (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

13. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

14. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest.

15. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

16. This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

17.

No.	Subject	Description
1	Employment, office, trade, profession or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain. Any unpaid directorship.
2	Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the Member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
3	Contracts	Any contract made between the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council: **(a)** under which goods or services are to be provided or works are to be executed; and **(b)** which has not been fully discharged.
4		

	Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Member or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
5	Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
6	Corporate tenancies	Any tenancy where (to the member's knowledge)— **(a)** the landlord is the council; and **(b)** the tenant is a body that the Member, or his/her spouse or civil partner or the person with whom the Member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
7	Securities	Any beneficial interest in securities* of a body where— **(a)** that body (to the member's knowledge) has a place of business or land in the area of the council; and **(b)** either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

* 'director' includes a member of the committee of management of an industrial and provident society.

* ‘securities’ means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

18. You have a personal interest in any business of your authority where it relates to or is likely to affect:

No	Subject
7	Any body of which you are in a general control or management and to which
8	You are nominated or appointed by your authority
9	Any body exercising functions of a public nature
10	Any body directed to charitable purposes
11	Any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Note: There is no definitive list of bodies exercising functions of a public nature, but those bodies which:
• carry out a public service,
• or take the place of local/central government (including through outsourcing);
• or carry out a function under legislation or in pursuit of a statutory power;
• or can be judicially reviewed,
are likely to be bodies carrying out functions of a public nature. They include bodies such as government agencies, other councils, health bodies, council owned companies and school governing bodies.

Table 3: Summary of Rules around Participation at Meetings

19. This table sets out a summary of the general rules around participation at meetings with respect to interests. This is only a summary and does not replace more specific guidance available from the Monitoring Officer.

20.

Type Code	Interest Type	Declare on Register	Declare at Meetings1	Participate Normally	Only speak with same rights as public and leave meeting after speaking2	Must leave the meeting entirely
A	Disclosable Pecuniary Interests (Lines 1-7 of the ROI form)	Y	Y	N	N	Y
B	Other Registerable Interests (Lines 8 – 11 of the ROI form)	Y	Y	N	Y	N
C	Other Non-Registerable Interests (direct financial or well-being interest of you or close relative/ friend that is not on the ROI form)	N	Y	N	Y	N
D1	Other Non-Registerable Interests	N	Y	N	Y	N

	(affects financial or well-being interest of you or close relative/ friend that is not on the ROI form or affects a body listed on the ROI form) Affects you/ relative/ friend more than most people affected					
D2	Other Non-Registerable Interests (affects financial or well-being interest of you or close relative/ friend that is not on the ROI form or affects a body listed on the ROI form) Affects you/ relative/ friend the same or less	N	Y	Y	N	N

	than most people affected					

21. **Notes**

    - Interests must be declared at all meetings or other situations where you come into contact with the issue, this includes informal internal discussions in advance of formal decision-making meetings.

    - If the public do not have a right to speak then you may not speak.

22. **General Note –** where not straight-forward, apply the precautionary principle and in all cases apply the test of whether a reasonable member of the public knowing all the facts would believe you were taking the correct course of action.

Local Government Association Guidance on the Model Code of Conduct – Interests flowchart

https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct#appendix-1-interests-flowchart

CHAPTER 51: PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST MEMBERS

1. **LONDON BOROUGH OF TOWER HAMLETS**
   ARRANGEMENTS FOR DEALING WITH COMPLAINTS OF BREACH OF THECODE OF CONDUCT FOR MEMBERS
   Arrangements agreed by Council on 21 January 2026.

Section 1: Introduction

1.1 The Council has adopted a Code of Conduct for Members which is available on the Council's website and on request from the Monitoring Officer.

1.2 In accordance with section 28 of the Localism Act 2011, these arrangements set out how an allegation may be made that the Mayor, an elected Member or a Co-opted Member of the London Borough of Tower Hamlets has failed to comply with the Council's Code of Conduct for Members and how the Council will deal with such allegations.

1.3 These arrangements also require that the Monitoring Officer shall ensure that the Council appoints at least one Independent Person and at least one reserve Independent Person for the purposes of meeting the statutory requirements of the Localism Act 2011.

1.4 Any reference in these arrangements to the Monitoring Officer shall include a deputy Monitoring Officer. The timelines set out are for guidance and shall be observed where practicable but may be extended by the Monitoring Officer as necessary if they cannot be complied with by any relevant party due to sickness, holidays or other reasonable cause.

Section 2: Complaints

2.1 Allegations concerning possible breaches of the Code of Conduct for Members should be made in writing to the Monitoring Officer using the online conduct complaint form. Reasonable adjustments can be made for people who have a disability which prevents them from using the online form. See the email address and telephone number provided by the Council's website.

2.2 On receipt of a complaint the Monitoring Officer shall within five working days acknowledge receipt to the complainant. The Monitoring Officer will also within five working days and on a confidential basis, inform the subject Member of the

substance of the complaint and the identity of the complainant (unless the Monitoring Officer considers that such notification would prejudice the proper consideration and investigation of the complaint).

2.3 Complainants must provide their name and postal address when submitting a complaint. Anonymous complaints will not be considered unless the Monitoring Officer decides (after consultation with the Independent Person) that the complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity.

2.4 A complainant when making an allegation should specify the identity of the person(s) alleged to have breached the Code, the conduct that is alleged to give rise to the breach, the evidence that supports the allegation and the names (and contact details) for any potential witnesses able to give direct evidence of the events complained about.

Section 3: Assessment of Complaints

3.1 The Monitoring Officer shall within 5 working days of receiving the complaint and when notifying the Member complained about of the substance of the complaint:

(a) Request comments on the allegations in the complaint from the Member and the Member shall respond to that request within 10 working days; if the Member fails to respond to that request without reasonable cause, the Monitoring Officer will report this failure to the Casework Advisory Sub-Committee and seek advice as to how to deal with the complaint.

3.2 Within a further 10 working days after receiving comments from the Member who is the subject of the complaint, the Monitoring Officer shall, after consultation with the Independent Person:

(a) Decide whether or not a complaint merits formal investigation and where appropriate arrange for an investigation; OR

(b) Decide to attempt to facilitate informal resolution of the complaint (such attempt shall generally be subject to a four week time limit).

3.3 In making this determination the Monitoring Officer may at their discretion report the matter to the Casework Advisory Sub-Committee (CASC) of the Standards Advisory Committee for consideration and/or consult other persons as appropriate.

3.4 The Monitoring Officer may decide not to refer the matter for investigation where:

(a) The allegation does not demonstrate any potential breach of the Code (because for example it relates to dissatisfaction with a Council decision/ service or relates to events which occurred when the person complained about was not acting in an official capacity).

(b) The event(s) complained about took place more than six months ago and there are no valid reasons for the delay in bringing the complaint, such as fresh evidence not available at the earlier date or only recently discovered.

(c) The allegation is about someone who is no longer the Mayor or a Member/Co-opted Member.

(d) The complainant failed to provide the information specified in paragraph 4 above or any other information reasonably requested by the Monitoring Officer.

(e) The same or a similar allegation has been investigated and determined.

(f) The Mayor, Member or Co-opted Member has already accepted they made an error in their conduct and/or has apologised for their conduct and the Monitoring Officer considers the matter would not warrant a more serious sanction.

(g) The allegation is politically motivated and/or ‘tit for tat’.

(h) The allegation is not considered sufficiently serious to merit the cost to the public of carrying out an investigation.

(i) The Monitoring Officer has facilitated an informal resolution of the complaint (see below) and the Mayor or Member/Co-opted Member complained about has offered to take remedial action that the Monitoring Officer considers appropriate in all the circumstances (for example by apologising to the complainant and/or undertaking training or issuing a statement of factual correction).

3.5 Where the Monitoring Officer decides to reject a complaint, they shall inform the complainant and relevant Member complained about in writing giving the reasons for rejection.

Section 4: Investigation and Monitoring of Complaints

4.1 If a complaint of failure to comply with the Code is referred for investigation the Monitoring Officer shall appoint an investigator or complete the investigation themself. Such investigation should whenever possible be completed within three months of the decision to refer the matter for investigation. The Monitoring Officer may extend this period by up to a further two months where they feel it is necessary to ensure a proper and adequate investigation. The Monitoring Officer may refer a complaint for investigation to the Monitoring Officer in a different authority where they have a conflict of interest.

4.2 The Monitoring Officer will keep the complainant and the Member complained about informed as to progress at appropriate intervals and shall inform them of any extension to the period for the investigation.

4.3 The Monitoring Officer will report every six months to the Standards Advisory Committee on the number and nature of complaints received and action taken as a result. This will include details of complaints that have been rejected by the Monitoring Officer and any extension made to the period for an investigation of a complaint.

4.4 Where any investigation into a complaint of breach of the Code finds no evidence of failure to comply with the Code of Conduct, the Monitoring Officer shall within four weeks of receipt of the investigation report, consult with the Independent Person and decide whether the matter should be closed without reference to a Hearings Advisory Sub-Committee. The Monitoring Officer shall provide a copy of the report and findings of the investigation which shall be kept confidential to the complainant and to the Member concerned and shall report the matter as part of the quarterly report to the Standards Advisory Committee for information. The Monitoring Officer may also seek advice from the CASC before deciding that a matter should be closed without reference to the Hearings Advisory Sub-Committee.

4.5 Where an investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer following consultation with the Independent Person, may seek local resolution of the complaint. If local resolution succeeds the Monitoring Officer shall report the matter as part of the quarterly report to the Standards Advisory Committee. If local resolution does not succeed or if following consultation with the Independent Person, the Monitoring Officer considers that it is not appropriate to seek local resolution, the Monitoring Officer shall report the investigation findings to a Hearings Advisory Sub-Committee of the Standards Advisory Committee for local hearing and to obtain advice and recommendations from the Sub-Committee. The Hearings Advisory Sub-Committee will whenever practicable be convened within one month of the Monitoring Officer receiving the investigation report.

Section 5: Hearings Advisory Sub-Committee

5.1 The Hearings Advisory Sub-Committee will consider the investigation report and any submissions from the Member complained about and advise the Monitoring Officer:

(a) If there has been a breach of the Code of Conduct having taken into account the views of the Independent Person; and if so

(b) Whether any sanction is appropriate having considered the views of the Independent Person.

5.2 Possible sanctions may include any of the following:-

(a) Publication of the Sub-Committee's advice/recommendation.

(b) Reporting the Sub-Committee's advice/recommendation to Council.

(c) Requesting the Monitoring Officer to arrange training for the Member (subject to the Member's agreement).

(d) Recommending the Monitoring Officer issue a censure or reprimand which may also be reported to Council.

(e) Recommending the Chief Executive require the Member to contact the Council and officers via specified point(s) of contact.

(f) Recommending the Chief Executive withdraw facilities provided to the Member by the Council, such as a computer or internet access.

(g) Recommending the Chief Executive exclude 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 (as appropriate).

(h) Recommending to the Member's Group Leader that they be removed from any or all Committees or Sub-Committees of the Council.

(i) Recommending to the Mayor that the Member be removed from the Executive, or removed from particular portfolio responsibilities.

(j) Recommending to Council or the Mayor as appropriate the removal from outside appointments to which the Member has been appointed or nominated.

(k) Recommending to Council that the Member be removed from any or all Council Committees or Sub-Committees.

5.3 In determining any recommended sanction the Hearings Sub-Committee may take into account any previous breach by the Member concerned and/or their compliance with any previous sanction applied.

CHAPTER 52: MEMBER / OFFICER RELATIONS PROTOCOL

Section 1: Introduction and Purpose of the Protocol

1.1 Members and officers must work effectively together with mutual respect to achieve the shared purpose of improving the lives of residents. Together, both bring the critical skills, experience and knowledge required to manage an effective public sector organisation. Members provide a democratic mandate to the Council, whereas officers contribute the professional expertise needed to advise and deliver on the policy framework agreed by Members.

1.2 The protocol has been developed to support high standards of leadership and performance of members and officers. It explains and supports the working relationship between Members and officers, clarifies expectations of each other and shows how to apply the principles of the codes of conduct in practical situations. It contains interpretation and guidance on some of the issues which commonly arise but is not meant to be exhaustive. If in doubt, members and officers are advised to seek further advice as outlined in the protocol below.

1.3 This protocol is part of the Council's governance arrangements and should be read together with the Council's Constitution, the Code of Conduct for Members and Employee Code of Conduct which provide guidance or obligations which Members and officers must consider. They regulate the conduct of others and other relevant codes of guidance.

1.4 The Protocol applies to

(a) New content

(b) New content

1.5 It is recognised that there may be differences of opinion between members and officers. Ideally, these differences will be resolved amicably.

1.6 A Member in need of support and advice about the application of this Protocol should contact the Monitoring Officer. An officer in need of support and advice about the application of this Protocol should contact their line manager in the first instance.

1.7 A failure to adhere to the guidance set out in this protocol may lead to action under the Code of Conduct for members or the Employee Code of Conduct for officers as appropriate. (See also Section 12 'Complying with the Protocol' below).

Section 2: Roles of Members and Officers

Members

2.1 As referred to in Part A of the Council's constitution, as a Member in undertaking my role:

(a) I am a policy-maker and carry out a number of strategic functions;

(b) I represent my community and I am the advocate of and for my community;

(c) I effectively represent the interests of my ward and of individual constituents;

(d) I respond to constituents' enquiries and representations, fairly and impartially;

(e) I participate in the governance of the Council;

(f) I make myself available to represent the Council on other bodies; and

(g) I maintain the highest standards of conduct and ethics

Officers

2.2 As an Officer in undertaking my role:

(a) I am employed by and I am accountable to the Council.

(b) With the exception of Political Assistants and the Mayor's Assistant, I work to the instructions of my senior officers, not individual Members or Political Groups.

(c) I manage and provide the Council's services within the responsibilities delegated to me including the effective management of employees and operational issues.

(d) I have a duty to keep Members of all political groups including Independents fully informed about developments of significance in relation to council activities. (See also section 6 below)

(e) I have a duty to make ward Members and portfolio holders aware of council activities or council related activities within their wards or relevant to their portfolio.

Section 3: The Relationship Between Members and Officers

3.1 Local Authorities exist to improve the lives of the residents in the borough. Members and officers strive to achieve this. However, when there is mis- communication and things go wrong, it can detract from this common goal. Members and officers should have a relationship that instils mutual trust and respect. Members and officers should understand and respect each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

General Expectations of Conduct

3.2 Everyone in public office at all levels; who serve the public or deliver public services, including Members and local authority officers; should uphold the Seven Principles of Public Life https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2 also known as the Nolan Principles . The Nolan Principles are set out in Appendix A of the Members Code of Conduct

3.3 This section sets out the obligations and the common aims of both members and officers which should assist in achieving the aim of making things better for the population of the borough.

Section 4: A- Respect

4.1 As Members and officers we should:

(a) respect each other's non-working time and not make contact during non-working time, except in emergencies.

(b) be courteous to each other at all times even if we disagree strongly with their respective views. We should not shout or raise our voices in an aggressive or rude manner.

(c) seek support and advice from and / or raise concerns with the relevant person in the event of disputes. (See also Section 12 below).

(d) recognise that we have a duty to raise any issues where we have reason to think that fraud/ probity, corruption or malpractice of any sort is involved within the Council. (See also Section 12 'Complying with the Protocol' below)

Section 5: B - Bullying, harassment and discrimination

5.1 As Members and officers we:

(a) do not bully any person

(b) do not harass any person

(c) promote equalities and do not discriminate unlawfully against any person characterised as offensive, intimidating, malicious, insulting or humiliating behaviour.

5.2 As a Member:

(a) I should not criticise officers in public. (See also Section 6 below)

(b) If I have a concern about an officer or specific Council services then this should be made to the Director of the service or to the Chief Executive where it involves a Director personally. (See also Section 12 below)

5.3 Poor working relations between Members and officers can be destructive to good governance.

5.4 5.2 Bullying behaviour may happen only once or it may be part of a pattern of behaviour directed at a weaker person or person whom the Member or the officer has some actual or perceived influence over. Such behaviour may include attacking a specific officer's conduct in public when Officers are instructed not to 'answer back' in public. This can be contrasted with the legitimate challenges which a Member or officer can make in challenging policy or scrutinising performance.

Section 6: C - Impartiality and accountability of officers of the Council

6.1 As Members and officers we:

(a) Acknowledge the importance of maintaining the impartiality of officers

Officer Accountability

6.2 As an officer I:

- **Will provide advice and proposals based on evidence and consider alternative options in an even-handed way regardless of my own personal views.**
- **Will provide information and advice to all Members regardless of political group (including independents) about developments of significance on council activities.**
- **Will ensure all Members, regardless of political group (including independents), are supported to undertake their council work as appropriate.**
- **I am accountable to my Corporate Director and whilst I should always seek to assist a Member, I must not go beyond the bounds of whatever authority they have been given by their Corporate Director.**
- **If I am uncertain of the appropriate action to take, I should seek the advice of my line manager or my Corporate Director.**
- **I must provide clear evidence based reports setting out all relevant factors for the decision maker, and examine all alternatives in an even handed way in accordance with agreed guidance, protocols and procedures. (See section 6 for further information about Reports).**

- **I have a duty to keep Members of all political groups including Independents fully informed about developments of significance in relation to council activities.**

Accountability of Members and officers

6.3 Members should raise constituents' queries or concerns through the proper channels and not go direct to junior officers. Members should not seek to 'jump the queue', but should be aware of and implement the Council's procedures. This approach ensures that resources are able to be appropriately prioritised and resourced.

6.4 Officers should seek to explain why a course of action is being recommended. Reports should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way.

Officer Reports and Actions from Committees

6.5 When an Officer provides a report it should contain clear, evidence-based advice as to why a course of action is being recommended. From time to time corporate advice is given to officers on report writing and they should take care to follow it. The report should lay out all relevant factors for the decision maker, and examine all alternatives in an even handed way. Officers should take care to include even unpopular options if they feel they are relevant.

6.6 The relevant Corporate Director will always be fully responsible (and retains ultimate responsibility) for the contents of any report submitted in their name. Any issues arising between a Member and a Corporate Director in this area should be referred to the Monitoring Officer or Chief Executive for resolution.

6.7 Members have the right to criticise reports or the actions taken by officers, but they should:

- not make personal attacks on officers; and
- ensure that criticism is constructive and well-founded. (See also section 5.1 and 5.2)

6.8 Members have the ability to agree or reject proposals placed before them by officers, irrespective of the advice or recommendations made by officers so long as they generally act in good faith and exercise reasonableness in decision-making and specifically:

- take into account relevant and dismiss irrelevant matters; and
- do not come to a conclusion that no reasonable authority would come to.

6.9 Officers must therefore, be able to report to Members in accordance with their professional expertise.

6.10 Members should be mindful of taking part in the decision making process when they are actually biased, where it might appear to a fair and informed observer that there was a real possibility of bias, or where a Member has predetermined the matter by closing their mind to the merits of the decision.

6.11 A resolution may be passed at meetings which authorises an officer to take action between meetings after consultation with the Chair/ Lead Member/ Portfolio Member etc. It is the officer, not the Chair etc., who takes the action and is responsible for it. The Chair etc. does not himself/ herself have the power between meetings to make decisions.

Section 7: D - Confidentiality and access to information (including Member Enquiries)

7.1 As members and officers we:

(a) Maintain confidentiality

(b) Ensure suitable access to information for Members

(c) Are aware that a Member's rights to information are set out in the Access to Information Procedure Rules set out in Part B, Chapter 10 of the Constitution and are appropriate for the specific role of that Member.

(d) Expect that all Members and officers will follow agreed council procedures especially in relation to dealing with Member Enquiries, constituent's queries/concerns and similar requests

Routine Member Enquiries

7.2 The Council operates a Member's Enquiries system which is for the Mayor and Members to use for routine requests for information and advice. A copy of the procedure is found at Member Enquiries Policy and Process (towerhamlets.gov.uk) (Internal only link) The maximum turn round time expected for such enquiries is 10 working days and officers will chase outstanding enquiries exceeding this period. Matters which are not routine or involve policy should be directed initially to the relevant Corporate Director or Director or any officer nominated by them.

Urgent Member Enquiries

7.3 (a) If the impact on the issue on constituents is extremely urgent, Members can contact to the Chief Officer or Director for the Department concerned.

(b) If access is denied or the Chief Officer / Director is in doubt about the right to access the information requested, the matter must be referred to the Monitoring Officer for determination.

7.4 The Member Enquiries system is managed by Customer Services and Mayor's Office staff also provide support to Executive Members as appropriate.

Access to Information

General

7.5 The following paragraphs identify the rights of Members and the procedures that they must comply with when applying for access to Cabinet/ Committee/ Sub-Committee papers and other documents/ information. These paragraphs take into account the following:

- Relevant legislation including the Local Government Act 1972; the Data Protection Act 1998; the General Data Protection Regulations; the Freedom of Information Act 2000; and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089)
- Local Government Transparency Code 2015
- Open and accountable local government: plain English guide
- Access to Information Procedure Rules set out in Part B, Chapter 10 of the Constitution
- Relevant case law

7.6 In principle, Members have the same ordinary rights of access to certain information as is enjoyed by the general public but they also have the right to access any other information (i.e. confidential or exempt) held by the Council of which they are a Member provided that it is reasonably necessary to enable the Member to properly perform their duties as a Member (see "Need to Know" below). This right of access of additional access may not extend to the publication of or otherwise making public such information as there may be issues of confidentiality.

Access to Committee Papers for Forthcoming Meetings

7.7 The rights of Members can be summarised as follows:

(a) Members enjoy the same access rights as members of the public in respect of Part I Cabinet/Committee/Sub-Committee papers.

(b) Members of the appropriate Cabinet/ Committee/ Sub-Committee will have a good reason for access to all Part II exempt information on the respective Cabinet/ Committee/ Sub-Committee agenda under the “Need to Know” principles (see below).

(c) Members of the Overview and Scrutiny Committee will have a prima facie “Need to Know” where they require access to Part II Cabinet agenda items as part of their scrutiny function provided the subject matter is within the Committee/ Sub-Committee’s terms of reference.

(d) All other Members who require access to confidential/ exempt Cabinet/ Committee/ Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know” by complying with the principles set out below.

Access to Other Documents/Information – “The Need to Know”

7.8 It is important to note that in some cases access to information to which the public is not entitled only applies where Members are clearly carrying out their role as elected representatives. Where a Member has a financial or personal interest in a matter the Member will only be entitled to the same access as would be the case for a private individual. In these circumstances, the Member must make it clear that they are acting in their private capacity and not as a Member.

7.9 Under common law principles Members have the right to access information held by the Council where it is reasonably necessary to enable the Member to properly perform their duties as a Member. This is known as the “Need to Know”. This means that information must not be used for party political purposes.

7.10 The common law “Need to Know” is the prima facie right of Members to inspect documents of the authority which exist as Members are under a duty to keep themselves informed of Council business which relate to their role as elected representatives. Thus, this right applies to Members who do not have statutory rights to exempt or confidential information and to other documents held by the Council under local government legislation or the Freedom of Information Act 2000.

7.11 For example, a Member is likely to have a prima facie “Need to Know” where they have a legitimate Ward problem and needs access to the documents that are relevant to that specific problem. Also, for example, a Cabinet Member whose Portfolio covers the matter in question and they need to be aware of what is occurring for the purpose of their Cabinet position.

7.12 Access to information on the basis of a ‘Need to Know’ does not exist where the Member is considered to be “fishing” for information or seeks access for an ulterior/ improper purpose (e.g. for a private purpose). Case law has established that mere idle curiosity as to what is in the documentation will not be sufficient.

7.13 It should be noted that some material (for example if commercially sensitive) may be redacted from information that is disclosed, if this does not affect the ability of a Member to exercise their role as an elected representative.

7.14 There will also be a range of documents which, because of their nature are either not accessible by Members (such as the personal records of an individual) or are accessible only by the political group forming the administration and not by the Members of other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the premature disclosure of which might be against the Council's and the public interest.

7.15 Whilst the term "Council document" is very broad and includes, for example, any document produced with Council resources, it is accepted by convention that a Member of one political group will not have a "Need to Know" and therefore, a right to inspect, a document which forms part of the internal workings of another political group.

Use of Council Information and Confidentiality

7.16 Procedural Rules and specific local procedures (e.g. on contracts) require Members and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Member's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, Officers will treat the Member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.

7.17 Equally, any Council information provided to a Member on the basis of a 'Need to Know' must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as an elected representative of the Council. Confidential or exempt information provided to Members may be discussed in Part II Committee meetings or in private meetings of appropriate Members and Officers. However, it should not be discussed with, or released to, any other persons. Any information provided should be clearly marked as confidential before it is released to Members.

7.18 In cases where a Member discloses information given to him/her in confidence by anyone, or information acquired by the Member which they believe, or ought reasonably to be aware, is of a confidential nature then that Member may find themselves the subject of a complaint to the Standards Advisory Committee that they have contravened the Code of Conduct for Members.

7.19 Similarly, the unauthorised disclosure of confidential or exempt information is regarded by the authority as a serious disciplinary offence for Officers. This includes an unauthorised disclosure to a Member.

7.20 Any request from a Member for information will be treated in confidence by Officers and will not be made known to any other Member or political group. Officers are also under a duty not to relate any information disclosed privately by a Member(s) (e.g. during Part II discussions at Committee, etc., informal briefings, private conversations or Group meetings) to another Member, Officer or person not already privy to that information.

7.21 The duty of officers to observe a Member's confidence however will not apply if the information disclosed relates to something which could damage the Council or which is illegal or constitutes maladministration. In this event the matter will be referred to the appropriate Corporate Director and/or Monitoring Officer and Chief Executive for further investigation and action as appropriate.

7.22 As a Member I must:

(a) follow Council procedures to obtain the information that I need to carry out my role. Officers within Directorates are accountable to their chief officer. Chief officers, through their senior management, are responsible for the allocation and prioritising of work by their staff recognising that there will be a number of competing tensions that I may not be aware of. I must not attempt to influence such decisions.

(b) I am free to approach any Council Department to provide them with such information, explanation and advice about the Department's functions as I may reasonably need as a Member. This may range from a request for general information or documentation about some aspect of the Department's activities, to a request for specific information on behalf of a constituent.

Officer advice to party groups

7.23 Officers must serve the Council as a whole and not exclusively any political group, combination of groups or any individual Member. Special rules apply to Political Group Assistants and the Mayor's Assistant and those post holders are made aware of them through separate guidance.

7.24 There is statutory recognition for party political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Senior officers may properly be called upon to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All officers must, in their dealings with political groups and individual Members treat them in a fair and even-handed manner.

7.25 The support provided by officers can take many forms, ranging from a briefing meeting with the Mayor, a Cabinet Member/ Chair/ Spokesperson prior to a Council, Cabinet, Committee or Sub-Committee meeting to a presentation to a political group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is in control of the Council at the time, such assistance is available to all political groups including ungrouped Members. Clarification of the support provided can be obtained from the Member Support Team.

7.26 Certain points, however, must be clearly understood by all those participating in this process, Members and Officer alike. In particular:

(a) Requests for officers to attend any political group meeting must be made only to the appropriate member of the Corporate Leadership Team. Normally only that person will attend the meeting, although in exceptional circumstances they may be accompanied by one or more Senior Officers.

(b) Unless otherwise agreed in advance with the Chief Executive, officers will not attend political group meetings that include persons who are not Members. However, where the Chief Executive has authorised such attendance special care needs to be exercised by officers involved in providing information and advice to such political group meetings. Persons who are not elected Members will not be bound by the Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

(c) Officer support (whether in the form of a written report or otherwise) must not extend beyond providing information and advice in relation to matters of Council business. Officer support will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports or other support will not deal with any political implications of the matter or any option, and officers will not make any recommendations to a political group. Officers (with the exception of Political Group/ Mayor’s Assistants) are not expected to be present at meetings or part of meetings when matters of party business are to be discussed.

(d) Political group meetings, whilst they form part of the preliminaries to Council decision making are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such.

(e) It must not be assumed by any political group or Member that any Officer is supportive of any policy or strategy developed because of that officer's assistance in the formulation of that policy or strategy.

(f) Officers must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group or Member thereof. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Council so far as is necessary to perform their duties.

(g) Where officers provide information and advice to a political group meeting in relation to a matter of Council business, it should be understood that the officers have a statutory duty to provide all necessary information and advice to the Mayor or Cabinet or relevant Committee/ Sub-Committee when the matter in question is considered.

Section 8: E – Disrepute

8.1 As Members and officers we:

(a) Should be aware of the risks of damaging the reputation of the council or our roles as Members or officers

8.2 If your actions would give the impression to a reasonable member of the public with knowledge of all of the facts that you are acting as a Member or an officer, this could lead to bringing the Council into disrepute Eg seeking an advantage/disadvantage/ misusing your position in the community

8.3 This also applies to the use of social media. Refer to the Council's Social Media Policy at https://www.thebridge.towerhamlets.gov.uk/policy-and-procedures/general/social-media-policy-and-guidance

Section 9: F - Use of Position

9.1 As Members and officers we:

(a) Do not use, or attempt to use, our positions improperly to the advantage or disadvantage of ourselves or anyone else.

(b) Do not seek personal favours from officers or Members.

(c) Declare close relationships or any possible perceived conflicts of interest. (See also Section H below)

9.2 As a Member I:

(a) Do not get involved in the appointment, management and dismissal of officers (except where allowed elsewhere in this constitution)

(b) Do not get involved in day-to-day staff management and grievance issues

9.3 As an officer I:

(a) Do not raise matters concerning my employment with Members.

Obtaining or granting favours

9.4 The Code of Conduct for Members emphasises the need for Members to avoid behaviour which could be viewed as conferring an advantage or disadvantage on an officer. Members must not seek personal favours from officers. Officers must not be tempted to give favours to please a Member. An example of favour seeking would be asking whether a Members' parking ticket could be withdrawn or whether an application for a service could be expedited. Similarly, officers must not seek to circumvent agreed staff consultative procedures by lobbying Members' on matters which directly concern them as employees.

Member involvement in officer issues

9.5 Issues relating to the appointment, management and dismissal of most officers are reserved by law to the Head of Paid Service and officers appointed by him/her. Member involvement in employment issues generally, including where they relate to senior officers, is set out in the Local Authorities (Standing Orders) (England) Regulations 2001

9.6 Occasions may arise where officers try to involve Members in day-to-day staff/ management issues. Members should strongly discourage such approaches. Officers should be advised to pursue matters with their management through the established procedures for resolving grievances etc. Officers must not raise matters concerning their employment with individual Members; to do so may result in disciplinary action being taken.

Personal Familiarity

9.7 Personal familiarity between Members and officers can create the suspicion of improper conduct, however unfounded and can undermine public confidence in the Council. Whilst it is clearly important that there should be a close working relationship between when officers and Cabinet members or chairs of Committees,

such relationships should never be allowed to become so close, or appear to be so close, as to bring into question, the officer's ability to deal impartially with other Members and other party groups.

9.8 Informal and collaborative two-way contact between Members and officers is encouraged; however, personal familiarity can damage the relationship, as might a family or business connection. It is accepted that some close relationships will develop, particularly when Members and officers work closely together but it is important that close relationships between Members and officers are openly declared and if any relationship might be seen as unduly influencing their work in their respective roles then they should inform the Monitoring Officer.

9.9 It is not enough to avoid actual impropriety, Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a Member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

Section 10: G – Use of Local Authority resources and facilities

10.1 As Members and officers we:

(a) Will ensure that Members have appropriate support to conduct their council business

(b) Operate within the rules of the Member Enquiries system

10.2 As officers we:

(a) Provide a Member Enquiries system to manage enquiries and requests from Members and ensure that responses are sent within agreed timescales

(b) Provide facilities for use by Members in relation to their role as a Member

10.3 As a Member I:

(a) Only use Council facilities in relation to my role as a Member.

Mayor’s Office and Members Support

10.4 Both Mayor’s Office staff and the Members’ Support Team provide assistance to Members in their role as Council Members. Staff in these sections may, therefore, be used, as appropriate, to help with work such as diary management, meetings and correspondence to do with Council matters.

10.5 The Members' Support Team staff will assist with booking venues for, and publishing details of, Member' surgeries. The Mayor's Office book the Mayor's surgeries. Members' surgeries should normally be held within a Member's own ward, but a Member may arrange a surgery in premises outside their ward if this is necessary to provide suitable surgery facilities for their own constituents. Member must not ask Council officers to assist with any personal, business or party-political matters; attend surgeries; or decide how case work will be dealt with.

10.6 Member Support also provide a package of Member Learning and Development training to support Members in their Council related work.

Council Facilities

10.7 Members must use any Council facilities that are provided in their role as a Member strictly for that purpose and no other. For example, Members must not use rooms in the Town Hall or other buildings or any of the Council's paper, email addresses, telephone numbers, computers, photocopiers, or printers for any personal, business related or party political matter, nor, for example, on behalf of any community groups of which the Member is a member, unless formal approval has been given by the appropriate chief officer. If non-approved use is made, it could lead to a complaint under the Members Code of Conduct.

10.8 The use of Council facilities and services by Members during a pre-election period for election campaigning or political purposes is not allowed. Specific guidance will be issued at that time to both Members and officers. If non-approved use is made, it could lead to a complaint under the Members Code of Conduct

10.9 From time-to-time training and guidelines on the proper and effective use of Council IT resources will be issued.

10.10 The Council will only provide indemnities to Members or officers in circumstances which fall within the Local Authorities (Indemnities for Members and Officers) Order 2004. The Chief Executive will decide in the individual circumstances of each case whether an indemnity is appropriate.

Political Party Workers

10.11 Members are often assisted by political party workers. There is no objection to this, but no non-elected party worker has any entitlement to:

- information to which a Member has access in their role as Mayor or Member;
- use Council facilities provided for the use of Members.

10.12 The principles which apply to use of facilities provided for Members (and the officers employed to assist them) apply equally to all Council property and facilities and all Council employees.

Council Buildings

10.13 Where Members and officers share an office building particular care needs to be taken to maintain appropriate lines of contact.

10.14 In an open plan office environment Members and officers must be particularly careful to maintain confidentiality and the Council's meeting rooms and facilities should be used to discuss sensitive or confidential issues.

POLITICAL ASSISTANTS

10.15 Section 9 of the Local Government and Housing Act, 1989 gives councils a power to appoint up to 3 political assistants to qualifying political groups. A political assistant undertakes research and provides administrative support to the main political group in the Council. Whilst the Act allows the political affiliation of an individual to be taken into account in the appointment of any Political or Mayor's Assistant, they remain officers of the Council and must therefore not undertake any activity, which may be deemed unlawful. In this context, it should be realised that officer support to the political groups is in the context of their role in the discharge of Council business and although it may require liaison with political parties, at both local and national level, should not be used in promoting the views of an individual political party or undertaking campaigning or other party political business.

10.16 Political assistants hold politically restricted posts and therefore also face restrictions on their personal political activity.

Section 11: H - Interests

Legal Interests

11.1 There is a whole range of circumstances where the Council as a corporate body may be involved in legal proceedings. This could be against residents or other individuals, organisations and companies, and across the whole range of service areas including housing, planning, highways, etc. Members have a clear role in representing residents' and general public interests. In this representative capacity, Members will inevitably become involved in issues where the Council is considering, or is in the process of taking legal action, or where the Council is the defendant to legal actions brought by third parties.

11.2 Conflicts of interest will almost certainly occur when a Member is enquiring on behalf of an individual or body involved in legal action by or against the Council. In such cases, Members will be required to balance their representative role with their wider responsibilities in representing the corporate interests of the authority. For this reason, Members must be circumspect in any dealing with persons taking action against the Council, or against whom any legal action is being taken. Particularly, Members must be extremely cautious about having any dealings with professional representatives, advisers or witnesses in the case. Not only could such intervention prejudice the Council's position but the Members could find himself/ herself accused of an offence of Misconduct of Public Office or, Perverting the Course of Justice or an attempt or conspiracy to do so.

11.3 It is therefore particularly important that Members should be sure not only to avoid any actual impropriety, but at all times avoid any occasion for suspicion or any appearance of improper conduct.

11.4 Whilst Members have every right to information on how any such matter is being dealt with and a duty to represent their constituents, However, the response on behalf of the Council will necessarily be limited to comments on process, so as not to prejudice the proceedings.

11.5 In respect of any ongoing or contemplated proceedings, all enquiries must be addressed to either the appropriate Director or Corporate Director. On no account is the Member to contact any officers involved in the proceedings to discuss or make any enquiries regarding the proceedings.

11.6 If a Member believes that the Council's actions or intentions are wrong, they should inform the Corporate Director concerned. It must then be for the Corporate Director to determine what action to take. If the Member remains unhappy with the action taken, then they should refer the matter to the Council's Monitoring Officer or to the Chief Executive.

Section 12: I - Complying with the Protocol

12.1 As Members and officers we:

(a) Will always look to resolve issues amicably and through the procedures set out below.

When things go wrong

Procedure for officers

12.2 If an officer has a complaint about a Member it is always preferable to resolve matters informally, through an appropriate senior manager. If the matter cannot be resolved informally or it is not suitable for such then officers can make a complaint to the Monitoring Officer.

Procedure for Members

12.3 If a Member has a concern about the conduct or capability of an officer, they should raise the matter privately with the appropriate Director or Corporate Director. Any concern about a Corporate Director should be raised privately with the Chief Executive. Any concern about the Chief Executive should be raised privately with the Monitoring Officer.

CHAPTER 53: MEMBERS' ALLOWANCES SCHEME

Section 1: This Scheme is made by the London Borough of Tower Hamlets in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.

1.1 This Scheme is called The London Borough of Tower Hamlets Members' Allowances Scheme 2025 and it came into effect on 1 April 2025. Allowances in The Scheme were updated at Annual Council and the new allowances came into force from 21st of May 2026. The Scheme applies to the Mayor, Councillors and Co-opted Members of the London Borough of Tower Hamlets.

Section 2: Basic Allowance

2.1 Subject to paragraph 8, a basic allowance of £12,792 shall be paid to each Councillor for each year. The Basic Allowance shall not be payable to the elected Mayor.

2.2 The basic allowance of £11,898 shall be payable with effect from 1 April 2025. An updated basic allowance of £12,792 shall be payable from 21 May 2026.

Section 3: Special Responsibility Allowance

3.1 Subject to paragraphs 5-8, a special responsibility allowance shall be paid for each year to those Members who hold a position of special responsibility as specified in Schedule 1.

3.2 The amount of each such allowance shall be the amount specified against the respective special responsibility in Schedule 1 and it shall be payable with effect from 1 April 2025.

3.3 Any special responsibility allowance payable under paragraphs 4 and 5 shall be in addition to the basic allowance payable under paragraph 2 above.

3.4 Any Member who holds more than one position of special responsibility shall receive only one special responsibility allowance which shall be at the higher level.

Section 4: Part-Year Entitlement

4.1 If, in the course of the year, this scheme is amended or a Member's entitlement changes, the relevant basic and/or special responsibility allowance shall be calculated and paid pro-rata during the particular month in which the scheme amendment or entitlement change occurs.

Section 5: Dependants' Carers' Allowance

5.1 A maximum of £13.85 per hour shall be paid to those Members who necessarily incur expense in arranging for the care of their children or other dependants to enable them to undertake any of the activities specified in Schedule 2 to this Scheme.

5.2 The following conditions shall apply:

- payments shall be claimable for children aged 15 or under or for other dependants where there is medical or social work evidence that care is required;
- only one weekly payment shall be claimable for the household of each Member, unless the Council's Standards Advisory Committee considers there are special circumstances;
- the allowance shall be paid as a re-imbursement of incurred expenditure against receipts;
- the allowance shall not be payable to a member of the claimant's own household;
- any dispute as to entitlement and any allegation of abuse shall be referred to the Council's Standards Advisory Committee for adjudication.

Section 6: Indexation

1. The Basic, Special Responsibility, Mayor's and Dependants' Carers' Allowances will be adjusted to reflect the annual pay settlement for local government staff effective 1 April 2025. The Dependents' Carers' Allowance will also be adjusted to, as a minimum, be in line with the London Living Wage.

Section 7: Travel and Subsistence Allowance

7.1 An allowance shall be paid to any Member for travelling and subsistence undertaken outside the Borough in connection with any of the duties specified in Schedule 2.

7.2 An allowance shall be paid to a co-opted member of a Committee, Sub-Committee or Panel of the Council for travelling and subsistence in connection with any of the duties specified in Schedule 2, irrespective of whether the meeting or duty is inside or outside the Borough.

7.3 The amounts payable shall be the amounts which are for the time being payable to officers of the Council for travelling and subsistence undertaken in the course of their duties.

Section 8: Co-optees' Allowance

8.1 Subject to paragraph 16, a co-opted member of the Standards Advisory Committee, the Overview and Scrutiny Committee or any of its Sub-Committees, may claim a co-optee allowance of £136 and a co-opted member who is appointed as Chair of the Standards Advisory Committee may claim a co-optee allowance of £272, for attendance at any meeting of the Committee or the Panel or attendance at any conference or mandatory training event, where attendance is on behalf of and authorised by the Council.

8.2 A claim for co-optees' allowance shall be made in writing within two months from the date of attendance at the meeting, conference or training event.

8.3 Where a member is suspended or partially suspended from his or her responsibilities or duties as a co-opted member under Part III of the Local Government Act 2000, any co-optee's allowance payable to him or her for the period for which he or she is suspended or partially suspended, may be withheld by the Council.

Section 9: Maternity, Paternity, Adoption and Sickness Pay

9.1 All Members shall continue to receive their Basic Allowance in full in the case of maternity, paternity, adoption and sickness leave.

9.2 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in the case of maternity, paternity, adoption and sickness leave in the same way that the Council's employees enjoy such benefits.

9.3 If a replacement to cover the period of absence is appointed by Council or the Mayor (or in the case of party group position, the party group) the replacement will be entitled to claim a Special Responsibility Allowance.

Section 10: Recovery of Allowances Paid

10.1 Any allowance that has been paid to a Member after he or she has ceased to be a member of the Council, or is for some other reason not entitled to receive the allowance for a specified period, may be recovered.

Section 11: Claims and Payments

11.1 Payments shall be made for basic and special responsibility allowances in instalments of one-twelfth of the amounts respectively specified in this Scheme, paid on the last working day of each month.

11.2 Where a payment of one-twelfth of the amount specified in this Scheme for a basic or special responsibility allowance will result in the Member receiving more than the amount to which he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

11.3 A claim for travelling and subsistence or dependants' carers' allowance;

- shall be made in writing within two months from the date of the performance of the duty for which the claim is made;
- shall be accompanied by receipts and/or any relevant evidence of the costs incurred;
- shall be subject to such validation and accounting procedures as the Council's Corporate Director, Resources may from time to time prescribe.

11.4 Travelling and subsistence and dependants' carers' allowance shall be paid on the last working day of each month for any claim received not less than 21 days before that date.

Section 12: Pensions

12.1 Neither members nor co-opted members of the Council are eligible to join the London Borough of Tower Hamlets Local Government Pension Scheme.

Section 13: Records of Allowances and Publications

13.1 The Council shall keep a record of payments made by it under this Scheme, including the name of the recipients of the payment and the amount and nature of each payment.

13.2 The record of the payments made by the Council under this Scheme shall be available at all reasonable times for inspection at no charge. A copy shall also be supplied to any person who requests it on payment of a reasonable fee.

13.3 As soon as reasonably practicable after the end of the year to which this Scheme relates, the Council shall make arrangements to publish the total sums paid by it to each recipient for each different allowance.

13.4 A copy of the Scheme shall be supplied to any person who requests it on payment of a reasonable fee.

Section 14: Renunciation

14.1 A member may at any time and for any period, by notice in writing given to the Chief Executive, elect to forego any part of their entitlement to an allowance under this Scheme.

Section 15: Interpretation

15.1 In this scheme:

- "Councillor" means an elected member of the London Borough of Tower Hamlets who is a councillor;
- "Mayor" means the elected Mayor of Tower Hamlets Council;
- "Member" means any person who is either the Mayor, a Councillor or a co-opted member of Tower Hamlets Council;
- "Co-opted member" refers to persons who are not Councillors but who sit on a Committee, Sub-Committee or Panel of the Council. The exact definition to be used in this scheme is that set out in the Member Code of Conduct (Constitution, Part H, Section 50);
- "Year" means the 12 months ending on 31 March in any year.

Section 16: Revocation

16.1 The London Borough of Tower Hamlets Members' Allowance Scheme 2024 is hereby revoked and replaced with the Tower Hamlets Members' Allowances Scheme 2025.

Section 17: SCHEDULE 1

Special Responsibility Allowance

17.1 The following are specified as the special responsibilities for which special responsibility allowances are payable and the amounts of those allowances:

	Eff. 1 April 2025	Eff. 21 May 2026

Mayor	£81,579	£92,000
Deputy Mayor (Maximum of one allowance)	£32,631	£44,082
Leader of the Majority Group on the Council	£12,291	£12,291
Leader of the largest Opposition Group **(subject to having at least 10% of the Council)**	£12,291	£23,284
Leader of the largest Opposition Group **(if the Group has fewer than 10% of the Council)**	£5,439	£6,540
Leader of any Group **(subject to having at least 10% of the Council)**	£5,439	£6,540
Cabinet Members	£21,754	£35,500
Deputy Cabinet Member	N/A	£8,000
Chair of Overview and Scrutiny Committee	£11,965	£16,000
Chair of Scrutiny Sub-Committee **(Health, Housing or Children's)**	£8,702	£10,000
Lead Member for Scrutiny	£8,702	£10,000
Chair of Development Committee	£11,965	£15,000

Chair of Strategic Development Committee	£11,965	£20,346
Chair of Licensing Committee	£6,526	£15,000
Chair of General Purposes Committee	£8,702	£8,702
Chair of the Human Resources Committee	£6,526	£8,702
Chair of Audit Committee	£6,526	£8,702
Chair of Pensions Committee	£6,526	£8,702
Speaker of Council	£10,877	£12,000
Deputy Speaker of Council	£5,439	£6,000
Ambassador	N/A	£6,000

Section 18: SCHEDULE 2

Dependants' Carers' and Travelling and Subsistence Allowances

18.1 The duties for which these allowances are payable include:

- the attendance at a meeting of the Council or of any committee or sub-committee of the Council or of any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- the attendance at any other meeting, the holding of which is authorised by the Council, or a committee or sub-committee of the Council, or a joint committee of 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that –
    - where the Council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

    - if the Council is not so divided, it is a meeting to which at least two members of the Council have been invited

- the attendance at a meeting of any association of authorities of which the Council is a member;

- the attendance at a meeting of the Cabinet or a meeting of any of its committees, where the Council is operating executive arrangements;

- the performance of any duty in pursuance of any standing order under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;

- the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises.

- the performance of any duty in connection with arrangements made by the Council for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools); and

- the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees.

PART I: OFFICERS

CHAPTER 54: INTRODUCTION

Appointments

1. General. The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

2. Chief Officers. The Chief Executive (designated as Head of Paid Service by Council) on behalf of the Council will engage persons for the following posts who will be designated chief officers:

    • Corporate Director, Children's Services

    • Corporate Director, Communities

    • Corporate Director, Health and Adult Social Care

    • Corporate Director, Housing and Regeneration

    • Corporate Director, Resources (designated Chief Finance Officer)

3. The above posts may be subject to change from time to time in which case this Constitution will be updated as soon as reasonably practically possible to reflect any change in the designated chief officers.

Statutory Officers

4. In addition to the designation of the Head of Paid Service statutory position to the Chief Executive and the Chief Finance Officer position to the Corporate Director, Resources, the Council has designated the Monitoring Officer position to the Director of Legal. Part I, Section 58 of the Constitution sets out the main statutory officer allocations.

The Management Structure

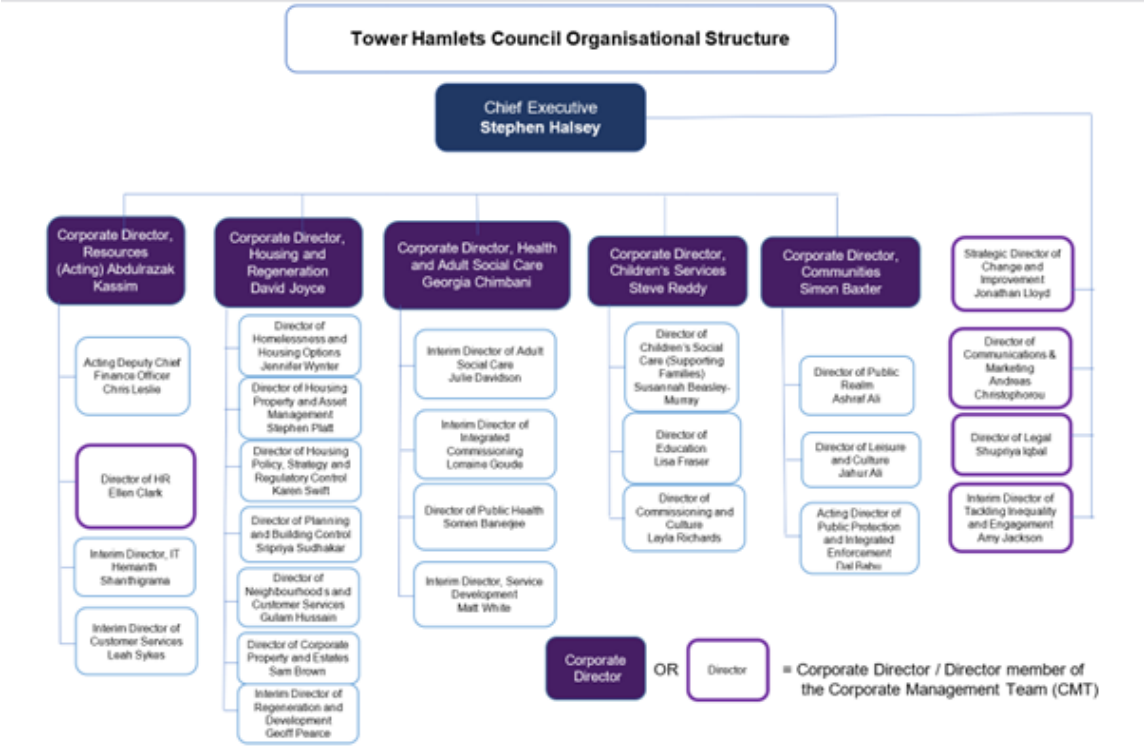
5. The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out below.

Conduct

6. Officers will comply with the Employees' Code of Conduct and the Member/ Officer Relations' Protocol.

CHAPTER 55: STRUCTURE CHART

1.



CHAPTER 56: EMPLOYEE CODE OF CONDUCT

Section 1: INTRODUCTION

1.1 This code aims to guide all employees on their conduct inside work and outside work where this has a bearing on their position within the Council. It is the responsibility of all Council employees to read this Code and work in accordance with it. If you are unsure about any aspect, check it with your line manager or Human Resources.

1.2 As an employee you should read this Code in conjunction with other relevant parts of the Constitution, Council policies and procedures relevant to your work and more detailed operational guidelines for example in areas such as computer use, The Code, in setting out our values, rules and principles, should not be interpreted as a complete list of what you can and cannot do, but rather to enable you as an employee to understand the ground-rules that all must observe, and the differences in the roles and duties of Members (the Mayor and Councillors) and employees.

1.3 Any breach of this Code may lead to disciplinary action and may in some instances constitute gross misconduct.

Section 2: GENERAL CONDUCT

2.1 The public is entitled to demand the highest standards of conduct from all local government employees.

2.2 The Council is extremely conscious that public confidence can be damaged where the integrity of a Council employee is called into question and they are suspected of being influenced by improper motives.

2.3 Paragraphs 2.1 and 2.2 of the National Joint Council for Local Government Services, National Agreement on Pay and Conditions of the Service states:

- “Employees will maintain conduct of the highest standard such that public confidence in their integrity is sustained
- Local codes of practice will be developed to cover the official conduct and the obligations of employees and employers.”

2.4 The Council believes:

(a) The public is entitled to demand of a Local Government Officer conduct of the highest standard and public confidence in their integrity would be shaken were the least suspicion to arise that they could in any way be influenced by improper motives.

(b) An Officer's off-duty hours are their personal concern but they should not subordinate their duty to their private interests or put themselves in a position where their duty to their private interests conflict. The employing Authority should not attempt to preclude Officers from undertaking additional employment, but any such employment must not, in the view of the Authority conflict with or react detrimentally to the Authority's confidence in the conduct of the Authority's business.

(c) The Officer should not be called upon to advise any political group of the employing Authority either as to the work of the group or as to the work of the Authority, neither shall they be required to attend any meeting of any political group.

Section 3: WORKING RELATIONSHIPS, EQUALITIES AND THE CUSTOMER PROMISE

3.1 The Council expects all employees to deal with one another, the public, clients and elected Members in a courteous and civil manner. This may be in the exercise of their duties but can cover other circumstances, e.g. when in the role of Trade Union Representative. Employees should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability.

3.2 It is important that there is clarity about the respective roles of elected Members and employees and that the relationship between the two is clearly understood by everyone concerned. To achieve this the Council has adopted the Member/Officer Protocol which applies to all Members (the Mayor and Councillors) and employees and should be read in conjunction with this document.

3.3 You must always remember your responsibilities to the community that you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Council. All employees are required to be familiar with and implement the Council's policies, particularly those relating to Equalities and the Customer Promise and to ensure that the principles within those policies and other policies are followed.

3.4 The Council expects relationships between work colleagues (including those between managers and team members) to be supportive, co-operative and respectful. Employees should behave in a way that enhances the performance and well-being of others and the effectiveness of Council services. Employees should not have managerial responsibility for those with whom they have close private relationships (e.g. partners and family). If such a relationship arises, during the course of your employment, it must be declared to your divisional director or chief officer.

3.5 Other organisations and agencies support, assist and partner the Council in the provision of services. Employees must work within the terms of the contracts/ agreements made between contractors/suppliers/partners and the Authority

Section 4: DUTY TO DECLARE INTERESTS

4.1 You are responsible for declaring interests which conflict with the impartial performance of your duties or put you under suspicion of improper behaviour. These interests may be financial or personal/social interests (e.g. interests of family and friends, commercial or voluntary associations). The interest may be advantageous or have a detrimental effect on you (an example of a detrimental interest may be a situation where you experience threats or pressure from family or friends to act in a particular way in your official capacity).

4.2 You must declare in writing to your director any financial or personal/ social interests that you consider could bring about conflict with the Council's business or interests. You are reminded in particular that you must comply with Section 117 of the Local Government Act 1972 regarding the disclosure of pecuniary interests in contracts relating to the Council. Orders and contracts must be awarded on merit and no special favour should be shown to businesses in which you have a financial interest or which are run by, for example, friends, partners or relatives. If you have such an interest you must not be involved in any way in the negotiation of agreements or the letting of contracts with these contractors/firms.

4.3 Interests, relationships and associations must also be declared when dealing with recruitment, management responsibilities, the allocation of resources and services, the provision of services and access to confidential information. Interests, friendships and associations, which could conflict with your professional roles and responsibilities, must also be declared to your divisional director.

4.4 Each directorate maintains a confidential register of declarations which must be in writing, giving information about the nature of the interest and the names of the parties and the functions involved. Chief officers and directors are also required to complete returns to be included in a confidential register maintained by Human

Resources. These records may be accessed, on application to the monitoring officer, during the process of an investigation if the conduct of an employee is brought into question.

Section 5: THE COUNCIL'S BUSINESS INTERESTS

5.1 All employees are bound by a duty of fidelity not to breach confidence and not to participate in competing activities. The Council has the right to take necessary and reasonable steps to protect its legitimate business interests.

5.2 The Council can legitimately seek to restrict the work activity of certain ex-employees (for a specified period of time after the end of their employment and within a specified geographical area) where the individuals could use contacts and information derived from the Council to compete with the Council for work. These restrictions would take the form of a loyalty clause (or restrictive covenant) within the employee's contract of employment.

5.3 The Council retains intellectual property rights for work undertaken by employees. Research, reports, designs, drawings, software developments or similar work, when created in the course of an employee's normal duties, remain the property of the Council. These should not be removed from Council premises or passed on to a third party by any employee acting in a private capacity without the express consent of the Council.

Section 6: GIFTS AND HOSPITALITY

6.1 The acceptance of gifts and hospitality, even on a modest scale, may arouse suspicion and must be capable of public justification. A register of gifts and hospitality is therefore kept for each of the Council's directorates containing the following information:

- The name of the person or body making an offer of a gift or hospitality.
- The name of the employee to whom the offer was made.
- The gift or hospitality offered.
- The circumstances in which the offer was made.
- The action taken by the member of staff concerned.
- The action taken (if any) by the divisional director or chief officer.

6.2 Where it is in the Council's interests to offer hospitality to organisations on Council premises such arrangements must only be made with the express permission of the divisional director or chief officer and be on a scale appropriate to the occasion.

6.3 You are strongly advised to refuse or return any gifts, hospitality or other favours from persons inside or outside the Council as any such acceptance could well put you in a compromising position and could render you liable to accusations by other parties who become aware of this. You should bear in mind how the acceptance of a gift or a free meal would look to a third party and how this could appear to compromise your professional judgement even if it is accepted in all innocence. When declining a gift or hospitality you should courteously but firmly inform those making the offer of the procedures and standards operating within the Council.

6.4 Under no circumstances should you ask for a reward, tip, gift, “Christmas box” or any other inducement. You should also not put yourself in debt to someone where this would be likely to influence your work.

6.5 It is a serious criminal offence for employees of the Council to corruptly receive or give any gift, loan, fee, reward or advantage in order to influence official conduct. If an allegation is made, it is for the employee to demonstrate that any such rewards have not been corruptly obtained. It is also an offence to accept any gift or consideration in the knowledge or belief that it is intended as inducement or reward, whether the employee receiving it is influenced or not.

6.6 There may be occasions where refusal of personal hospitality or a small token gift would clearly cause offence or distress if it were refused. The dividing line between what is and what is not acceptable is not a clear one and you should always exercise extreme caution and inform your line manager if it is accepted. This does not need to be recorded in the Gifts and Hospitality Register.

6.7 Before accepting a gift or hospitality staff should consider:

- The timing of decisions for letting contracts for which a provider may be bidding (under no circumstances should gifts or hospitality be accepted from a contractor during a tendering period).

- Whether the gift or hospitality is appropriate e.g. an inexpensive promotional pen or diary may be accepted but more expensive items, such as a bottle of whisky, must be declined. Similarly, lunch at on-site cafeterias or invitations to local cultural events as a representative of the Council may be appropriate whereas invitations to prestigious sporting events, theatre tickets or personal invitations where you are not attending in an official capacity are not appropriate.

6.8 Where the refusal of an unsolicited gift may cause offence, the gift may be donated to the Speaker of the Council’s official charity and the donor informed accordingly in writing.

6.9 You should exercise discretion in offering and accepting hospitality. You should bear in mind how it might affect your relations with the party offering it and how it might be viewed by elected Members, other potential suppliers/contractors, the public and other officers. The criteria which determine whether you should accept hospitality from firms or other organisations include:

- Whether the invitation comes from a firm likely to benefit from the goodwill of the
- Council or from a charity or other organisation which may not have the same kind of vested interest in the outcome;
- Whether the firm is seeking a contract, or one has already been awarded;
- Whether the visit is genuinely instructive or constitutes more of a social function;
- The scale and location of hospitality, and whether it falls in working hours;
- The frequency of the hospitality;
- Whether it is directed just at you or to a group.

6.10 With the exception of minor gifts such as inexpensive calendars, pens or small stationery items, or hospitality such as refreshments during a site visit or an inexpensive working lunch, the acceptance of gifts and/or hospitality must be authorised in advance by a director or chief officer and recorded in writing in the directorate register. Offers that are declined must also be recorded in the register. Directors and Chief Officers are also required to complete the register although they are not required to seek prior authority for any action they decide to take.

Section 7: LEGACIES

7.1 On occasion members of the public or clients may wish to express their appreciation of Council officers or services of a particular employee by leaving money/gifts in their will. Members of the public should be discouraged from doing this.

7.2 Where an employee has notice that they are to be bequeathed money/gifts from a member of the public or client they must report this to their Chief Officer.

7.3 Details of the amount involved, the reason for the legacy and the service provided must be forwarded to the chief officer before the employee accepts the legacy.

Section 8: CONFIDENTIAL AND OTHER INFORMATION

8.1 The Council expects all employees to safeguard confidential information, including when they leave the Council's service. Information which can be classified as 'confidential' can broadly be grouped into the following areas:

- Information of a specific and personal nature about employees, potential employees, service users, customers, individuals and organisations who come into contact with the Council.
- Sensitive organisational information.
- Business/commercial information e.g. pricing, quotes, matters affecting negotiations with suppliers, trade unions etc.

8.2 Exempt committee papers (i.e. those on Part II of any Agenda) must not be released to the public or a fellow officer (unless they have a clear right of access) without the consent of the Director of Workforce, OD and Business Support.

8.3 You must not use any information obtained in the course of your employment for personal gain or benefit. You must not pass on such information to others who might use it in a similar way. All employees are under an obligation not to access or attempt to access information which they are not authorised to have.

8.4 Employees are bound by their contracts of employment to maintain confidentiality. Any deliberate breach of confidentiality, improper disclosure of information or misconduct in relation to official documents will be treated as a serious matter and will lead to disciplinary action.

Section 9: OUTSIDE AND ADDITIONAL WORK

9.1 Employees must comply with Section 107 of the Local Government Act 1972 regarding the non-acceptance of any fees or rewards whatsoever other than their proper remuneration. It is a criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. If an allegation is made, it is for you to demonstrate that any such rewards have not been obtained corruptly. You must therefore ensure that any reward or fee that you receive from employment outside the Council has been authorised in advance in accordance with this Code.

9.2 Any additional work (whether paid or unpaid) you wish to undertake must not conflict with the Council's interests or in any way weaken public confidence in the Authority. Accordingly, all employees of the Authority are required to obtain consent, in writing (to be retained on their HR file), from their Chief Officer in advance, and on each occasion, if they wish to engage in any other business, take up additional

employment or work outside the Authority. This provision also applies to chief officers who will require the prior consent of the Chief Executive should they wish to engage in such activity.

9.3 Also you must not undertake any duties/work (whether for payment or otherwise) of a type that you normally undertake for the Council on behalf of:

- Any other Council employee, without the prior written agreement of your chief officer who shall, if agreement is given, notify the Director of Workforce, OD and Business Support; or
- Your Chief Officer, without the prior written agreement of the Chief Executive.

9.4 Employees do not need approval to undertake voluntary work or work for trade unions or political parties (subject to the provisions of the 1989 Local Government Housing Act as set out below), provided this work does not conflict with the Council's interests as specified in paragraph 37.

9.5 The Council will generally not give approval for additional or outside work if it:

- Is for anyone who is in a supervisory or managerial relationship with an employee.
- Places the employee in a position where their official duties and private interests may conflict.
- Affects the employee's health or ability to maintain acceptable standards of work.
- Might weaken public confidence in the conduct of the Council's business.
- Involves the employee being in direct competition with the Council.

9.6 Where approval has been given to undertake additional or outside work, employees must not:

- Use Council accommodation or facilities (vehicles, computing equipment, photocopiers, telephones etc.).
- Submit applications of any description to the Council on behalf of any other person without written permission from their chief officer.
- Use their knowledge of the Council or staff to help secure particular decisions or outcomes.
- Undertake private work in office hours or when they are absent due to ill health.

- Portray themselves as employees or agents of the Council when undertaking additional or outside work.

9.7 Outside work should not be undertaken for any person, company or contractor who is known by the employee to have a contractual relationship with the Council, or who is seeking work from the Council.

Section 10: APPOINTMENTS AND RELATED EMPLOYMENT MATTERS

10.1 The Council recruits on merit and requires that its appointments are made without bias, on the basis of clear assessment criteria. If you are responsible for appointing employees, it is unlawful for you to make an appointment other than on the basis of merit. It would be unlawful for you to make an appointment based on anything other than the ability of the candidate to meet the present and future needs of the Council. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a close personal relationship outside work. You must not canvas on behalf of any applicant.

10.2 Similarly, you must not be involved in decisions relating to discipline, promotion or pay adjustments for another employee who is a relative, partner, close friend, or where you have some other close personal relationship.

10.3 As an employee/potential employee you must ensure that you:

- are open and honest at any interview;
- are open and honest on any application form;
- disclose all criminal convictions*;
- disclose any pending criminal charges;
- disclose if you are a friend or relative of (or have other links with) a Member or an employee who may influence your appointment;
- disclose if you are the tenant or landlord of someone who may influence your appointment;
- do nothing to seek undue favour from employees or Members in Council selection procedures.

[* Although under the terms of the Rehabilitation of Offenders Act 1978 certain offences are categorised as being “spent” for employment purposes this exemption does not apply to certain posts, for example where the individual is engaged in work that entails contact with children.].

Section 11: LOCAL GOVERNMENT AND HOUSING ACT 1989

11.1 As a result of provisions introduced under the Local Government and Housing Act 1989 to ensure the political impartiality of local government employees, some employees' posts are subject to political restriction. This means that the postholders are prohibited from involvement in political activities as these could conflict with the responsibilities at work.

11.2 The Local Government and Housing Act 1989 requires that anyone who is employed by a local authority in a politically restricted or sensitive post is disqualified from being elected as a Member in another local authority or as a Member of Parliament or as a Member of the European Parliament. Employees holding politically restricted posts are also unable to undertake certain political activities within the following broad categories:-

- Writing or speaking publicly on politically controversial issues.
- Canvassing at any election on behalf of a political party or at elections for MPs, MEPs, Mayor or Councillors.
- Holding office in any political party.
- Publicly declaring themselves a candidate for Mayor, Councillor, MP or MEP.

11.3 The Act requires that employees holding the following posts should be politically restricted:

- Employees giving regular advice to Committees or Sub-Committees.
- Employees who regularly speak to journalists or broadcasters on behalf of the Council.

11.4 A list of politically restricted posts is held by the Monitoring Officer. It contains the post designations and the section of the Act relating to their inclusion on the list.

11.5 Under the Local Government (Political Restrictions) Regulations 1990, the failure of a postholder holding a politically restricted post to comply with the restriction will result in disciplinary action being taken on the grounds of misconduct.

Section 12: POLITICAL NEUTRALITY AND CONTACT WITH MEMBERS

12.1 Employees serve the Authority as a whole. It follows that they must serve all Members (the Mayor and all Councillors, not just those of the ruling political group) and must ensure that the individual rights of all Members are respected treating political groups and individual Members in a fair and even handed manner. Insofar as employees may be required to advise political groups, they must do so in ways

that do not compromise their own political neutrality. This subject is covered in detail in the Member/Officer Protocol which governs relations between elected Members and Council officers.

12.2 It is important that Members' enquiries should be dealt with efficiently and effectively within the established policy and procedures for the service area concerned. If employees consider that unreasonable Member pressure is being brought to bear with a particular issue outside of established procedures and policies, the relevant details must be referred to your chief officer. It is the Chief Executive's responsibility to determine whether the incident concerned should be reported to the Group Secretaries.

12.3 Lines of communication between Members, employees and members of the public should accord with defined and established management practice, be readily identifiable and respected by all concerned.

12.4 Individual employees should not approach elected Members directly on employment matters.

12.5 Representations to Members should be made through chief officers or normal Trade Union/Member communication forums.

12.6 Employees must not disrupt official meetings of the Council or of its Cabinet, Committees, Sub-Committees, etc.

Section 13: PUBLICATIONS - BROADCASTS

13.1 Employees who are broadcasting on a subject connected with the work of the Council are required to obtain permission from the Chief Executive and their chief officer in advance and to submit where possible a copy of the script of the broadcast or otherwise advise on general subject matter.

13.2 Employees should not publish, or authorise without the permission of their chief officer the publication of any book or article by them or with others which indicates that the writer is an employee of or connected with the London Borough of Tower Hamlets.

13.3 Similarly, employees should not, without permission from the Council, make any communication to a newspaper or other journal in which there is any indication that they are an employee or otherwise connected with the London Borough of Tower Hamlets. Employees acting in either a personal capacity or as a spokesperson for outside groups should not bring the Council into disrepute by publicising material adverse to the Council or other employees. This is not intended to preclude Trade Unions from pursuing their legitimate industrial relations activities.

13.4 The Council has established a Communications Section, which is responsible for all official press releases and statements. Individuals who are asked by the media to make comments should refer such requests direct to that section.

13.5 Employees should consider whether their public statements made about the Council (whether as a spokesperson for an organisation or as an individual) could reflect in some unacceptable way upon the employer-employee relationship.

Section 14: WHISTLEBLOWING

14.1 The Council expects employees who witness, or have their suspicions raised, or are approached to become party to potentially fraudulent, corrupt, dangerous or improper behaviour, to report these incidents or concerns either to their line manager or other council manager or through the agreed whistleblowing procedures. Failure to do so could implicate you in the misconduct.

14.2 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take appropriate action to protect employees who raise a concern in good faith.

14.3 Employees who are subject to procedures (such as but not limited to disciplinary or redundancy) will not have those procedures halted as a result of raising concerns under this procedure.

14.4 Concerns should normally be raised initially with your line manager or supervisor. However, the most appropriate person to contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of the misconduct/ malpractice. If for any reason you do not feel that it is appropriate to express your concerns in this way, the Council’s whistleblowing policy explains the other routes available to you.

14.5 Malicious allegations i.e. deliberately raising false complaints with the intention of harming someone will be regarded as serious misconduct.

14.6 Raising concerns through the media is not an appropriate or effective channel and may result in an employee breaching obligations under this Code resulting in disciplinary action. The Council’s whistleblowing policy gives details of how to raise concerns with more appropriate and independent organisations outside the Council.

Section 15: COUNCIL POLICIES, PROCEDURES AND OPERATING GUIDELINES

15.1 In addition to this Code of Conduct, the work of Council employees is governed, in most areas, by established policies, procedures and operational guidelines which ensure:
(a) that the Council meets its statutory obligations,

(b) that service standards are maintained,

(c) that staff operate within their approved authority, and

(d) that proper monitoring and auditing processes can be applied.

(a) that the Council meets its statutory obligations,

(b) that service standards are maintained,

(c) that staff operate within their approved authority, and

(d) that proper monitoring and auditing processes can be applied

15.2 Whilst your manager will assist you, employees also have a personal responsibility to ensure that they are familiar with their responsibilities under the Council's Constitution and work within Council policies, procedures and operating guidelines.

15.3 Allegations of any failure to meet the requirements of this Code may be dealt with under the Council's Disciplinary Procedure.

CHAPTER 57: FUNCTIONS OF THE CHIEF EXECUTIVE, MONITORING OFFICER, CHIEF FINANCE OFFICER AND CORPORATE DIRECTORS

Section 1: The Chief Executive

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

(a) **Working with the Mayor.** The Chief Executive works closely with the Mayor to assist in the development of the Mayor's strategic policy and to ensure that such is then put into practice and, in that regard, will:

(i) **Strategic direction.** Ensure that the Mayor and Council's priorities and goals can be implemented in a timely, efficient and innovative way through focused strategies, projects and programmes.

(ii) **Policy advice.** Act as the principal policy adviser to the Mayor and Members and will secure the best professional advice on all relevant matters in respect of the Council's functions and services.

(iii) **Partnerships (internal).** Develop a professional partnership with the Mayor and Members to ensure that the Council's vision, goals and core values are made reality and to provide a clear sense of direction, optimism and purpose and marshal the resources of the whole organisation to this end.

(iv) **Partnerships (external).** Assist the Mayor in partnership working by taking the lead in developing effective partnerships at management level with other public agencies, private companies and local community organisations to achieve better public services and improved results for local people.

(b) Emergency or Extreme Urgency

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

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

(c) Ensuring overall correctness of decision making

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

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

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

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

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

(d) Management Structure. The Chief Executive will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.

(e) Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer, but may hold the post of Chief Finance Officer if a qualified accountant.

Section 2: Deputy Chief Executive

2.1 Should the Chief Executive be unavailable for any reason, their designated Deputy Chief Executive may undertake any function and/or take any decision which is the responsibility of the Chief Executive.

2.2 Note – the role of Returning Officer is designated to the Chief Executive personally and not to the post and so these responsibilities cannot be delegated to the Deputy Chief Executive.

Section 3: Functions of the Monitoring Officer and Director of Legal

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

3.2 The Monitoring Officer is a member of the Corporate Leadership Team with a direct reporting line to the Chief Executive.

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

3.4 The Monitoring Officer will monitor and review the operation of the Constitution and may make recommendations to ensure that the aims and principles of the Constitution are given full effect. A key role is to be aware of the strengths and

weaknesses of the Constitution and to make recommendations for ways in which it could be amended in order better to achieve the purpose of the Constitution. In undertaking this role the Monitoring Officer may:

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

3.5 Changes to the Constitution. The Monitoring Officer:
• Can approve all non-material changes to the Constitution including those that reflect decisions taken by the Council or changes in legislation or to correct matters of fact; and
• Can recommend to General Purposes Committee and /or Council for approval material changes to the Constitution.

(Note that the Supplementary Documents Pack sets out its own delegated authorities to change Sections within that part of the document.)

3.6 Interpreting the Constitution. The Monitoring Officer will advise as to the construction or application of the Constitution.

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

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

- What action it has taken in response to the report;
- What action it proposes to take in response to the report and when it proposes to take that action;

- The reasons for taking that action, or the reasons for not taking any action. (The exercise of this function needs to be considered in conjunction with the function of the Chief Executive to ensure lawfulness and fairness of decision making and the function of the Chief Finance Officer to ensure lawfulness and financial prudence of decision-making).

3.8 **Supporting the Standards Advisory Committee.** The Monitoring Officer is responsible for promoting and maintaining high standards of ethical conduct throughout the Council and will provide support to the Standards Advisory Committee, in particular by

3.9 **Receiving reports.** receiving and having regard to recommendations from the Standards Advisory Committee regarding Member conduct.

3.10 **Conducting investigations.** Where an investigation is required in accordance with the agreed arrangements for dealing with an alleged breach of the Code of Conduct by a Member, conducting or arranging for that investigation to be carried out and making reports or recommendations in respect of them to the Standards Advisory Committee or its Sub-Committee as appropriate.

3.11 **Register of Interests.** Establishing and maintaining a Register of Interests of Members and Co-opted Members of the Council.

3.12 **Advising whether Executive decisions are within the budget and policy framework.** Advising whether decisions of the Mayor/Mayor in Cabinet are in accordance with the budget and policy framework.

3.13 **Providing advice.** Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to the Mayor, all Councillors and officers.

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

3.15 The Director of Legal. Is also responsible for: Legal Services; Democratic Services and Elections. These functions can be varied at any time by the Chief Executive who may also allocate to the role additional functions and responsibilities. The Director of Legal:

- Is authorised to make or amend an appointment to a position on a Committee, Sub-Committee or Panel of the Council in accordance with the nomination by a political group, where the position has previously been allocated by the Council to that Group. Any nomination received by them after 5.00pm on any day will take effect no earlier than 9.00am on the next working day.

- Is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where such action is considered to be necessary to protect the Council's interests and may designate nominated officers to carry out this function on their behalf.

- Consult with and instruct counsel, solicitors and other experts for legal proceedings, public inquiries, and other matters involving the Council, and the negotiation and settlement of legal disputes on behalf of the Council, the Mayor, Committees of the Council or officers and arrangements for their representation in any court, public inquiry or other forum where formal representation is considered to be proper, including the incurring of such fees in respect thereof as may be appropriate.

- Is authorised to sign any document that is necessary to any legal procedure or proceedings on behalf of the Council, or to authorise another to sign, unless any enactment otherwise authorises or requires, or the Council has given specific authority to some other person.

- Is authorised to sign contracts (and similar documents where intended to have legal binding effect) on behalf of the Council, either in their own name or on behalf of the Council, where any required authority or approval of the Mayor/ Cabinet, a Committee or a Sub-Committee has been obtained, or where such authority has been delegated to another officer of the Council and that officer has requested the Director of Legal to do so.

- Will keep the Common Seal of the Council in a safe place. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which should be sealed. The affixing of the Common Seal will be attested by the Director of Legal or any other duly authorised person.

- May authorise officers to appear on behalf of the Council in proceedings in the magistrate' courts, pursuant to section 223 of the Local Government Act 1972.

- May authorise officers to appear on behalf of the Council in any proceedings in the county court in relation to the recovery of possession of a house belonging to the Council or the recovery of any rent, mesne profits, damages or other sum claimed in respect of the occupation by any person of such a house, pursuant to section 60 of the County Courts Act 1984.

- **As the Monitoring Officer they are:**

- Authorised to make or amend an appointment to a position on a committee or panel of the Council in accordance with the nomination by a political group, where the position has previously been allocated by the Council to that Group. Any nomination received by the Monitoring Officer in accordance with the above provision after 5.00 p.m. on any day will take effect no earlier than 9.00 a.m. on the next working day.

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

Section 4: Functions of the Corporate Director, Resources (and Chief Finance Officer)

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

- Ensuring the proper administration of the Council's financial affairs.

- Setting and monitoring compliance with financial management standards.

- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management.

- Providing financial information (in conjunction with Senior Managers).

- Ensuring that the annual statement of accounts is prepared in accordance with appropriate financial standards and within the statutory deadlines.

- Preparing the revenue budget and capital programme relating to the General Fund and the Housing Revenue Account.

4.2 In Addition the role of the Chief Finance Officer is:

(a) **Ensuring lawfulness and financial prudence of decision-making**.

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

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

- (i) What action it has taken in response to the report;
- (ii) What action it proposes to take in response to the report and when it proposes to take that action;
- (iii) The reasons for taking that action, or the reasons for not taking any action.
  The exercise of this function needs to be considered in conjunction with the function of the Monitoring Officer to ensure lawfulness and fairness of decision making and the function of the Chief Executive to ensure lawfulness and financial prudence of decision-making.

(b) Administration of financial affairs.

The Chief Finance Officer has responsibility for the proper administration of the financial affairs of the Council including:

- Determining the accounting procedures and records for the authority.
- Maintaining a continuous review of the Financial Regulations and issuing updates as necessary.
- Reporting breaches of the Financial Regulations to the Audit Committee

(c) The Chief Finance Officer will also contribute to corporate management.

In particular through the provision of professional financial advice.

(d) Provide advice

on the scope of powers and authority to take decisions, financial impropriety, probity (and budget and policy framework issues) to the Mayor and all Councillors and will support and advise the Mayor and Councillors and officers in their respective roles.

(e) Give financial information

provide financial information to the media, members of the public and the community.

(f) As the Corporate Director, Resources.

The resources portfolio currently includes: Audit and Risk; Information Governance; Registrars; Finance; Workforce, OD and Business Support; IT; Customer Services;
Revenues and Benefits; and Procurement. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

Section 5: Functions of the Corporate Director, Health and Adult Social Care

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

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

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

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

- Promote social inclusion and wellbeing.

The Health and Adult Social Care portfolio currently includes Adult Social Care; Public Health (and the Director, Public Health reports to the Corporate Director); and Health and Integrated Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

Section 6: Functions of the Corporate Director, Children's Services

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

(a) Education functions conferred on or exercisable by the Council;

(b) Functions conferred on or exercisable by the Council which are social services functions so far as those functions relate to children;

(c) The functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (so far as not falling within paragraph (b));

(d) The functions conferred on the authority under sections 10 to 12, 12C, 12D and 17A of the Children Act 2004;

(e) Any functions exercisable by the Council under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children;

(f) The functions conferred on the Council under Part 1 of the Childcare Act 2006; and

(g) Any function conferred on the authority under section 2 of the Childcare Act 2016.

6.2 The Children and Culture portfolio currently includes; Supporting Families; Education, Youth Services and Commissioning. These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

Section 7: Functions of the Corporate Director, Housing and Regeneration

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

Planning and Building Control; Housing; Integrated Growth and Development;; Regeneration; all functions related to being a landlord of social housing and the

award of contracts for capital projects These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.

The Corporate Director, Housing and Regeneration is also responsible for:

- **Acquisitions and Disposals at full market value.**

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

- **Acquisitions and Disposals at below market value.**

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

  Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent of the Secretary of State may be sought as necessary, unless the sale falls within the General Housing Consents 2013 issued pursuant to powers contained in sections 32, 33 and 34 Housing Act 1985, 133 of the Housing Act 1988, which permit certain disposals to occur without the need to secure express consent. Is authorised to accept a late offer for land/property, with the prior agreement of the Director of Legal / Monitoring Officer, if to do so, would ensure that the Council secures best consideration, provided other bids have not been opened.

- **Compulsory Disposals.**

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

Section 8: Functions of the Corporate Director, Communities

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

Public Realm; Culture and Community Safety

These functions can be varied at any time by the Chief Executive, who may also allocate to the role additional functions and responsibilities.
(
The Corporate Director, Communities is also responsible for:

- **Determining applications for Licences.**

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

CHAPTER 58: STATUTORY AND PROPER OFFICERS

1. The Council is required to appoint a number of officers to undertake specific duties by statute. These are known as ‘Statutory Officers’. In addition, the Council has a number of important duties which it designates to certain officers. These are called ‘proper officer’ roles.

2. The Council has designated the Statutory and Proper Officers set out below.

3. In the event of any Statutory of Proper Officers mentioned below being for any reason unable to act or of any of their posts being vacant, the Chief Executive or in their absence, the Monitoring Officer, and in the absence of both, the Chief Finance Officer, shall nominate an Officer to act in their stead.

Section 1: Statutory Officers

1.1

LEGISLATION	DESIGNATION	POST
Section 4, Local Government and Housing Act 1989	Head of Paid Service	Chief Executive
Section 5, Local Government and Housing Act 1989	Monitoring Officer	Director of Legal
Section 151 Local Government Act 1972 (and section 114 of the Local Government Finance Act 1988)	Chief Finance Officer	Corporate Director, Resources
Section 6 Local Authority Social Services Act 1970	Director of Adult Social Services	Corporate Director, Health and Adult Social Care
Section 18 Children Act 2004	Director of Children’s Services	Corporate Director, Children’s Services

Section 30 Health and Social Care Act 2012	Director of Public Health	Director of Public Health
Section 9FB Local Government Act 2000	Scrutiny Officer	Corporate Director, Children's Services (Interim arrangement)

Section 2: Proper Officers

2.

STATUTE & FUNCTION	OFFICER
Registration Service Act 1953	
Sections 9(1) and (2), 13(2)h and (3)b and 20 (b) - Proper officer for Births, Deaths and Marriages	Corporate Director, Resources
Local Government Act 1972	
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
Section 84 – The officer to whom written notice of resignation of office shall be delivered	Chief Executive
Section 86 - To declare any vacancy in any office under the Section	Chief Executive

Section 88(2) - The officer who may call a Council meeting for the election to the vacant office of Chair of Council	Chief Executive
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
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	Monitoring Officer
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	Monitoring Officer
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	Monitoring Officer
Local Government Act 1972	
Section 100D(1)(a) - The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Director of Legal
Section 100D(5) – The Officer to determine which documents constitute background papers and section 100H - ability to charge for the provision of such documents	Director of Legal
Section 100F(2) – The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Director of Legal

Section 100G - To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Monitoring Officer
Section 115 – The officer to whom money properly due from officers shall be paid	Chief Finance Officer
Section 137A – The officer to receive statements in connection with the provision of financial assistance	Chief Finance Officer
Section 146 – The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies	Chief Finance Officer
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	Director of Legal
Section 225(1) – The officer to receive and retain statutory documents on behalf of the Authority	Director of Legal
Section 229(5) – The officer to certify copies of documents	Director of Legal
Section 233 – The officer to receive documents required to be served on the Authority	Director of Legal
Section 234(1) and (2) – The officer to authenticate documents on behalf of the Authority	Director of Legal
Section 238 – The officer to certify printed copies of bylaws	Director of Legal

Section 248 – The officer responsible for the keeping of the roll of freemen	Monitoring Officer
Schedule 12 (paragraphs 4(2)(b)) – The officer responsible for signing summonses to attend meetings	Chief Executive
Schedule 12 (paragraphs 4(3)) – The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent	Monitoring Officer
Schedule 14 (paragraph 25(7)) – The officer responsible for the certification of true copies of resolutions	Monitoring Officer
Local Government Act 1974	
Section 30(5) – The officer responsible for giving notice of Local Government Ombudsman Report	Director of Legal
Local Government (Miscellaneous Provisions) Act 1976	
Section 41 - The officer to certify as evidence of resolutions of proceedings	Director of Legal
Highways Act 1980	
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	Director of Public Realm
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	Director of Public Realm

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	
Highways Act 1980	
Section 205(5) – The officer to certify copies of resolution and approved documents	Director of Public Realm
Section 210(2) – The officer to certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Director of Public Realm
Section 211(1) – The officer to make the final apportionment of costs under the private street works code	Director of Public Realm
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	Director of Public Realm
Section 259 – The officer to issue notice requiring removal of materials from non-maintainable streets in which works are due to take place	Director of Public Realm
Section 321 – The officer to authenticate notices, consents, approvals, orders, demands, licenses, certificates or other documents	Director of Public Realm
Schedule 9 (paragraphs 4) – The officer responsible for signing plans showing proposed prescribed improvement or building lines	Director of Public Realm
Representation of the People Act 1983	

Section 8 – Person appointed as Registration Officer	Chief Executive
Section 28 – Person appointed as Acting Returning Officer	Chief Executive
Section 35 – Person appointed as Returning Officer	Chief Executive
Section 37(7)(b) – The officer to receive declarations and give public notice of election agents' appointments	Chief Executive
Section 131(1) – The officer to provide accommodation for holding election court	Chief Executive
Building Act 1984	
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	Director of Planning and Building Control
Public Health (Control of Disease) Act 1984	
Section 45F(2)(a) and (b) and 45P(2) – The proper officer for the purposes of the Health Protection (Notification) Regulations 2010	Director of Public Realm
Weights and Measures Act 1985	
Section 72(1) – Person appointed as Chief Inspector of Weights and Measures	Director of Public Realm
Local Government Finance Act 1988	

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	Chief Finance Officer
Local Government and Housing Act 1989	
Section 2(4) – The officer to hold on deposit the Council's list of politically restricted posts	Director of Legal
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)
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	
Section 36 – The 'qualified person'	Corporate Director, Resources
Local Government Act 2000	
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	Monitoring Officer
Regulation of Investigatory Powers Act 2000	

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	Director of Public Realm
Data Protection Act 2018	
Requirement under Art 37(1) GDPR – incorporated into domestic legislation through s.69 Data Protection Act 2018	Head of Information Governance

CHAPTER 59: OFFICER EMPLOYMENT PROCEDURE RULES

1. Contents

Rule	Subject
1	General
2	Recruitment and Appointment
3	Recruitment of Head of Paid Service and Chief Officers
4	Appointment of Head of Paid Service
5	Appointment of Chief Officers and Deputy Chief Officers
6	Procedure for the Appointment of Chief Officers and Deputy Chief Officers
7	Other Appointments
8	Disciplinary Action
9	Dismissal
10	Appeals
11	Designation of Statutory Officer

Section 1: GENERAL

1.1 Subject to Rule 1.2 and Rule 10 below, the function of appointment and dismissal of, and taking disciplinary action against, a Member of staff of the authority must be discharged, on behalf of the authority by the Head of the Paid Service or by an officer nominated by her/him.

1.2 Rule 1.1 shall not apply to the appointment or dismissal of, or disciplinary action against:

(a) The Head of the Paid Service;

(b) A statutory chief officer within the meaning of section 2(6) of the Local Government and Housing Act 1989;

(c) A non-statutory chief officer within the meaning of section 2(7) of the Local Government and Housing Act 1989;

(d) A deputy chief officer within the meaning of section 2(8) of the Local Government and Housing Act 1989 (subject to Rule 5.6 below);

(e) A political assistant appointed in pursuance of section 9 of the Local Government and Housing Act 1989; or

(f) A Mayor's assistant appointed in pursuance of regulations under paragraph 6 of Schedule 1 to the Local Government Act 2000.

Section 2: RECRUITMENT AND APPOINTMENT

2.1 Declarations

(a) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of the Mayor or an existing Councillor or officer of the Council; or of the partner of such persons.

(b) No candidate so related to the Mayor or a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by her/him.

2.2 Seeking support for Appointment

(a) The Council will disqualify any applicant who directly or indirectly seeks the support of the Mayor or any Councillor for any appointment with the Council. The content of this Rule will be included in any recruitment information.

(b) Neither the Mayor nor any Councillor will seek support for any person for any appointment with the Council.

(c) Neither the Mayor nor any Councillor shall give a reference (oral or written) for a candidate for employment by the Council.

Section 3: RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

3.1 Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned; and

(ii) any qualifications or qualities to be sought in the person to be appointed.

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in Rule 3.1(a) to be sent to any person on request.

Section 4: APPOINTMENT OF HEAD OF PAID SERVICE

4.1 Where a Committee, Sub-Committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

4.2 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Sub-Committee established in accordance with Rule 5.1 below. That Sub-Committee must include at least one Member of the Executive.

4.3 The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any Member of the Executive.

Section 5: APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

5.1 The Chief Executive will establish Appointments Sub-Committees upon criteria approved by the Human Resources Committee comprising relevant Members to make appointment to Chief Officer and Deputy Chief Officer posts. Any Appointments Sub-Committee established in accordance with this rule must include at least one (1) Member of the Executive.

5.2 Engagement of Chief Officers, to permanent positions or interim positions of over six (6) months, will be through the normal recruitment process overseen by the Human Resources Committee. The Chief Executive may make appointments to interim positions of up to six (6) months.

5.3 Where an interim appointment, approved by the Chief Executive, extends beyond six months it must be approved at the next available Human Resources Committee and in any case not later than two months after the end of the extension.

5.4 An offer of employment as a chief officer or deputy chief officer shall only be made where no well-founded objection from any Member of the Executive has been received. Subject to Rule 5.6 below, in these Rules, chief officers are defined as:

(a) the Chief Executive (as Head of Paid Service)

(b) the statutory Chief Officers, (including the Chief Financial Officer, Corporate Director, Children's Services, Corporate Director, Adults' Services, and the Monitoring Officer)

(c) the non-statutory chief officers which are:

(i) Officers for whom the Chief Executive is responsible (other directors);

(ii) Officers who report to or who are directly accountable to the Chief Executive by virtue of the nature of their duties; and

(iii) Officers who report to or who are directly accountable to the Council itself or any committee of the Council by virtue of the nature of their duties.

5.5 Subject to Rule 5.6 below, in these Rules, deputy chief officers are defined as officers in departments who, by virtue of the nature of their duties, either report to or are directly accountable to the statutory or non-statutory chief officer responsible for that department.

5.6 Rules 5.4 and 5.5 do not apply to:

(a) officers whose duties are solely secretarial and clerical or are in the nature of support services; or

(b) Head Teacher and Deputy Head Teacher posts in schools with delegated budgets.

5.7 A permanent appointment to either the Chief Finance Officer of Monitoring Officer positions proposed by the Appointment Sub-Committee must be confirmed by a meeting of Council.

Section 6: PROCEDURE FOR THE APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS

2. **Appointments Sub-Committee Membership.** The Chief Executive, will set up an Appointments Sub Committee upon criteria approved by the Human Resources Committee comprising relevant Members to make appointments to chief officer and deputy chief officer posts.

3. **Appointment Process.** The following process will apply after an Appointments Sub Committee has interviewed all shortlisted candidates:

   (a) If the Sub Committee agree on a candidate suitable for the post, they will indicate their 'provisional intention to make an offer' to the Chief Executive.

   (b) The Sub Committee will inform the Chief Executive of the name of the candidate to whom they wish to make an offer together with any other particulars which the Sub Committee considers relevant in making the appointment.

   (c) The Chief Executive will notify the Mayor and each other Member of the Executive within twenty-four (24) hours of:

      (i) The name of the person the Sub-Committee wish to make an offer to.

      (ii) Any other particulars relevant to the appointment notified by the Sub-Committee.

      (iii) The period within which any objection to the making of the offer is to be made by the Mayor on behalf of the Executive to the Chief Executive.

      (iv) The period of objection will normally be two (2) working days. If the period of objection is to be shortened, then notification will be by telephone and e-mail.

      (v) If:

         (1) The Mayor, within the period of objection, notifies the Sub-Committee that neither they or any other Member of the Executive has any objection to the making of the offer; or

         (2) The Chief Executive notifies the Sub-Committee that no objection has been received by him/her within the objection period from the Mayor, the 'provisional intention to make an offer' will become a firm offer and the offer of appointment may be made without the need for the Sub-Committee to re-convene.

      (vi) If an objection is received within the objection period from the Mayor on behalf of the Executive, the Sub-Committee will reconvene to consider the objection. If the Sub-Committee is satisfied that any objection received from the Mayor is not material or is not well founded, they may confirm their decision and a formal offer will be made.

Section 7: OTHER APPOINTMENTS

7.1 Officers below Deputy Chief Officer. Appointment of officers below deputy chief officer (other than any assistants to the political groups and any Mayor's assistant as defined at (e) and (f) respectively of Rule 1.2 above) is the responsibility of the Head of Paid Service or her/his nominee, and may not be made by the Mayor or Councillors.

7.2 Assistants to Political Groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

7.3 Mayor's Assistant. Appointment of a Mayor's Assistant shall be made in accordance with the wishes of the Mayor.

Section 8: DISCIPLINARY ACTION

8.1 In this Rule 8:

- "the 2011 Act" means the Localism Act 2011;
- "independent person" means a person appointed under section 28(7) of the 2011 Act;
- "local government elector" means a person registered as a local government elector in the council's area
- "The Panel" means a committee appointed by the Council for the purposes of advising the Council on matters relating to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Financial Officer;
- "relevant meeting" means a meeting of the Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Financial Officer

8.2 **Suspension.**The Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and may last no longer that two (2) months.

8.3 The Head of Paid Service, Monitoring Officer or Chief Finance Officer may not be dismissed for disciplinary or misconduct reasons unless the procedure set out in the following Rule 8.3 (a) to (e) is complied with:

(a) An Investigating and Disciplinary Sub-Committee (IDSC) must be established to deal with formal disciplinary matters of the Relevant Officers.

(b) Where the IDSC proposes dismissal it must ask the Executive if there are objections to the proposal. If there are material, well-founded objections the IDSC must consider those.

(c) Where there is a recommendation to dismiss, the Council must then appoint an Independent Panel of at least two independent persons to consider the recommendation for dismissal.

(d) The reports of the IDSC and the Independent Panel must be considered by a meeting of Council which must consider and approve the proposal to dismiss before the notice of dismissal is issued.

(e) The Relevant Officer will have the opportunity to appear before the council meeting to put their case before a decision is taken.

8.4 **Involvement of Members in Disciplinary Action.** Neither the Mayor nor any Member of the Council will be involved in disciplinary action against any officer below deputy chief officer except where set out in Paragraph 10.

8.5 A Disciplinary Policy and Procedure for the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer shall from time to time be issued or updated. That document does not form part of the Council's Constitution but should be read alongside these Officer Employment Procedure Rules.

Section 9: DISMISSAL

9.1 Neither the Mayor nor any Member of the Council will be involved in the dismissal of any officer below deputy chief officer except where set out in Paragraph 10.

9.2 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's Chief Finance Officer, or as the authority's Monitoring Officer, the authority must approve that dismissal before notice is given to that person.

9.3 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the dismissal of any officer referred to at (a) to (d) of Rule 1.2 above, at least one member of the Executive must be a member of that committee or sub-committee.

9.4 Where the authority or a Committee, Sub-Committee or officer ("the dismissor") proposes to dismiss:

- The Head of the Paid Service;
- A statutory chief officer;
- A non-statutory chief officer; or

• A deputy chief officer,

notice of dismissal must not be given until the dismissor has notified the Head of the Paid Service (or where the officer to be dismissed is the Head of the Paid Service, the Monitoring Officer) of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal; and

(a) The Head of the Paid Service, or as the case may be, the Monitoring Officer, has notified the Mayor and every other member of the Executive of:

(i) The name of the person whom the dismissor wishes to dismiss;

(ii) Any other particulars relevant to the dismissal which the dismissor has notified; and

(iii) The period within which any objection to the dismissal is to be made by the Mayor on behalf of the Executive to the Head of the Paid Service/ Monitoring Officer; and

(b) Either:

(i) The Mayor has, within the period specified in the notice under 9.4(b) above, notified the dismissor that neither they nor any other Member of the Executive has any objection to the dismissal; or

(ii) The Head of the Paid Service/Monitoring Officer has notified the dismissor that no objection was received by her/him within that period from the Mayor; or

(iii) The dismissor is satisfied that any objection received from the Mayor within that period is not material or is not well founded.

9.6 If a valid objection is made by the Mayor to a dismissal proposed by a Committee or Sub Committee that body shall re-convene to consider the objection. If the Committee or Sub Committee is satisfied that the objection is not well founded they will confirm their decision.

Section 10: APPEALS

10.1 Nothing in Rule 1.1 above shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:-

(a) another person against any decision relating to the appointment of that other person as a member of staff of the authority;

(b) a member of staff of the authority against any decision relating to the dismissal of that member of staff.

PART J: SUPPLEMENTARY DOCUMENTS - CORPORATE PROCEDURES AND DECISION DELEGATIONS

CHAPTER 60: INTRODUCTION AND LIST OF CONTROLS

Section 1: Introduction

1.1 This document contains information which is supplementary to the Constitution

1.2 For example, Part E contains Terms of Reference for all the Council's Committees. Where additional procedures are useful for a particular committee, they will be published here as supplementary information.

1.3 The officers / committees who are responsible for maintaining the different sections of this document are set out below. The Monitoring Officer also has a general ability to make factual or other minor changes as required. The General Purposes Committee is responsible for agreeing to add or remove whole sections following the request of the responsible officer / committee.

1.4 At the appropriate time the Monitoring Officer will report any changes made to the General Purposes Committee for information.

Section 2: Individual Delegations

2.1 The following table lists the agreed delegations to make changes to each Section within this document.

Section	Title	Delegation
60	Introduction and List of Delegations	General Purposes Committee
61	Finance, Contracts and Legal Matters	Monitoring Officer / Section 151 Officer as appropriate
62		Chief Executive

	Corporate Scheme of Delegation - The Chief Executive, Monitoring Officer, Section 151 Officer and Chief Officers	
63	Financial Regulations and Procedure Rules	Section 151 Officer
64	Contract and Procurement Procedure Rules	Section 151 Officer
65	Corporate Operating Procedures	Chief Executive
66	Corporate Scheme of Financial Regulations	Section 151 Officer
67	Children's Services Directorate Scheme of Delegation	Corporate Director, Children's Services
68	Communities Directorate Scheme of Delegation	Corporate Director, Communities
69	Health and Adults Directorate Scheme of Delegation	Corporate Director Health and Adult Services
70	Housing and Regeneration Directorate Scheme of Delegation	Corporate Director, Housing and Regeneration
71	Resources Directorate Scheme of Delegation	Corporate Director, Resources
72	Director of Governance and Legal Services Scheme of Delegation	Director of Governance and Legal Services

CHAPTER 61: FINANCE, CONTRACTS AND LEGAL MATTERS

Financial Management

1. The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Chapter 63.

Contracts

2. Every contract made by the Council shall be in writing and will comply with the Contracts Procedure Rules set out in Section 64 of this part of the Constitution.

Legal Proceedings

3. The Director of Legal is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider such action is necessary to protect the Council's interests. They may designate nominated officers to carry out this function on their behalf.

Authentication of Documents

4. Where a document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Legal or any person authorised by them, unless any enactment requires otherwise, or the Council has given authority to another person to do so.

5. Contracts with a value exceeding £250,000 must either be signed by at least two officers of the authority. Subject to the provisions of Paragraph 7 below they may also be signed or under the common seal of the Council attested by at least one officer.

6. For the avoidance of doubt any document that is required to be signed, may be signed by any authorised person by any form of electronic signature.

Common Seal of the Council

7. The Common Seal of the Council will be kept in a safe place in the custody of the Director of Legal. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Director of Legal generally requires all documents to be signed in accordance with the provisions of Paragraphs 4, 5 and 6 above, but can choose that in certain circumstances the Council's Common Seal be affixed to some documents. The

Common Seal will be affixed to those documents which in the opinion of the Director of Legal should be sealed. The affixing of the Common Seal will be attested by the Corporate Director, Governance or some other person authorised by them. The Seal may be applied electronically.

Retention of Documents

8. The Director of Legal may declare that any document required to be retained by the Council may be retained either jointly with a paper copy of such document, or in electronic format only.

CHAPTER 62: CORPORATE SCHEME OF DELEGATION - THE CHIEF EXECUTIVE, MONITORING OFFICER, SECTION 151 AND CHIEF OFFICERS

1. The Council may appoint such officers as it considers appropriate for the discharge of its functions. Currently the Council has appointed as its Corporate Management Team the following officers:-

    - Chief Executive
    - Corporate Director, Resources (and Chief Finance Officer)
    - Corporate Director, Communities
    - Corporate Director, Health and Adult Social Care
    - Corporate Director, Housing and Regeneration
    - Corporate Director, Children's Services
    - Director of Governance and Legal Services (and Monitoring Officer)
    - Director of Communications and Marketing
    - Director of Strategy, Improvement and Transformation
    - Director of HR, OD and Business Support
    - Head of Mayor's Office

2. The Mayor or Council as appropriate delegates to the Chief Executive and Corporate Directors authority to make decisions relating to any:

    - Executive function of the Council carried out by services under their management in accordance with the Mayor’s Executive Scheme of Delegation other than key decisions, and those which are the responsibility of the Mayor, unless specifically delegated to be taken by the Mayor in Cabinet, a Cabinet Sub Committee or an Officer and
    - Any Council function carried out by services under their management other than those reserved in the terms of reference of the Council to the Council or to any Council Committee or Sub-Committee unless the Council or that Committee or Sub-Committee specifically delegates it to another officer of the authority (with the exception of statutory licensing functions which are delegated by the Licensing Committee to its Sub-Committees).

3. The Chief Executive and the Corporate Directors may exercise any functions of the Council or the Executive which have been delegated to any other officer and may delegate decisions or functions to one or more officers in any of the Council's Directorates, except when prohibited to do so by this Constitution or by law.

4. Until the Council decides otherwise the Chief Executive is appointed the Proper Officer for the purpose of all statutory provisions, whether existing or future, in respect of which no express Proper Officer appointment has, for the time being, been made**.**

5. As well as this Chapter of the Constitution, further information on the Council's Schemes of Delegation are set out:

    - Chapter 57 - the functions and responsibilities of the Chief Executive and the Corporate Directors;
    - Chapter 58 - Statutory and Proper Officers
    - Chapter 65 - The Councils Corporate Operating Procedures and which cover a general range of functions that apply to all the Council's Directorates; and
    - Chapter 66 - Corporate Scheme of Financial Delegations
    - Chapters 67 to 71 - Directorate Schemes of Delegation

6. Corporate Directors may delegate decisions or functions for which they are responsible to one or more officers within their directorate provided that they maintain a Directorate Officer Scheme of Delegation which is notified to the Monitoring Officer.

7. The Corporate and Officer Schemes of Delegation are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegation. They delegate all the powers and duties necessary for the discharge of the Council's functions and not specifically reserved to the Mayor or the Mayor in Cabinet, the Council or a Committee or Sub-Committee of Council to the Officers. The delegations include:

    - All functions powers and duties of the Authority, whether under any specific legislation identified in the scheme or not.
    - All powers incidental to that legislation including the application of the incidental powers under Section 111 of the Local Government Act 1972 and including management of the human and material resources made available for the service areas unless specifically reserved to Council, a Committee or Sub-Committee of the Council or to the Mayor, the Mayor in Cabinet or a Cabinet Sub-Committee.

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

8. The Corporate and Officer Schemes of Delegations do not delegate:

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

9. Delegated powers must always be exercised in accordance with:

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

10. Officers exercising delegated powers should also have regard to:

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

11. Delegated powers must be exercised within the revenue and capital budgets for the relevant service as approved by Council, subject to any variation thereof permitted by the Council's Financial and Contract Procedure Rules, and, if appropriate, in accordance with the provisions of Part C, Chapter 11 (How Decisions are Made) in this Constitution.

12. Officers do not take "key decisions" as defined in Chapter 11 of this Constitution, however any officer decision which results in the local authority incurring expenditure which is, or the making of savings which are, below the threshold for a key decision (currently £1 million for most decisions) but are above £250,000 must be published on the Council's website 'as soon as practicable' (and following any guidance from the Monitoring Officer) after the decision has been taken.

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

- Corporate Directors must ensure that this Scheme is fully implemented, monitored, maintained and regularly reviewed and any changes required to Directorate Schemes are reported to the Monitoring Officer.

- Corporate Directors and Directors may further delegate their powers to officers within their Directorate or withdraw powers provided that:

  (a) Such action is in writing, is subsequently included in the Directorate's Officer Scheme of Delegation and the Monitoring Officer is notified in writing.

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

14. The Corporate and Directorate Schemes of Delegations will be superseded in any case where a Council or Mayoral decision expressly delegates any of the powers in this Scheme to a specific officer or officers whether for a single event, decision or transaction or permanently.

15. Where it is considered that in exercising a delegated power or duty a departure in policy, procedure or a significant change in financial practice is likely to be involved, the decision maker shall consult with the Director of Legal / Monitoring Officer and/ or the Chief Finance Officer as appropriate, who shall, if necessary, refer the matter to the Mayor, the Mayor in Cabinet or the appropriate Council Committee/Sub-Committee.

16. Where any function is delegated to an officer, that officer may choose not to exercise that function and may instead refer a matter to Council, the Mayor, the Mayor in Cabinet or relevant Council Committee as appropriate with the agreement of the appropriate Corporate Director. The criteria that officers may have to consider when determining whether to exercise a function could include-

- Whether the decision may incur a significant social, economic reputational or environmental risk.
- The likely extent of the impact of the decision both within and outside of the borough.
- Whether the decision is likely to be a matter of political controversy.
- The extent to which the decision is likely to generate substantial public interest.

17. If at any time, the Authority acquires a new duty, power or function, in the absence of any Member decision with regard to delegation, the Chief Executive and the Corporate Director with responsibility for the relevant service shall be deemed to have full delegated authority to discharge the duty, power or function on the authority's behalf unless it is expressly reserved to the Council, a Council Committee or Sub-Committee or the Mayor/Mayor in Cabinet either by law or in this Constitution.

18. Any function or power which may be discharged by a Corporate Director, may also be discharged by any person(s) formally "acting-up" into that post or an "interim" post holders or who is deputising (whether on a full, part time or on an ad hoc basis) for that post or occupies a successor post following any reorganisation, restructure or similar process.

19. The Mayor, Mayor in Cabinet, a Cabinet Sub-Committee or a Council Committee/ Sub-Committee may reserve to themselves decisions delegated to officers, by giving notice to the officer holding the delegated power or to the Chief Executive of their intention to do so.

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

CHAPTER 63: FINANCIAL REGULATIONS AND PROCEDURE RULES

1. CONTENTS

(a) 63.1 Introduction

(b) 63.2 Financial Regulations

(i) 63.2.1 General

(ii) 63.2.2 The Financial Control Framework

(iii) 63.2.3 Financial Planning

(iv) 63.2.4 Financial Management

(v) 63.2.5 Risk Management and Control of Resources

(vi) 63.2.6 Financial Administration

(vii) 63.2.7 External Arrangements

(c) Additional linked documents

(i) Scheme of Financial Delegation

(ii) Other Financial Guidelines

(iii) Glossary and Abbreviations

(d) External Reference

(i) Financial Procedures Manual

Section 1: Introduction

1.1 The purpose of these Financial Regulations (Regulations) is to provide the governance framework for managing the Council's financial affairs.

1.2 To conduct its activities efficiently, a local authority needs to ensure it has sound financial management policies in place and which are strictly adhered to. Part of this process is to establish Financial Regulations that set out the financial policies of the authority. The Financial Regulations are underpinned by detailed financial procedures.

1.3 Financial Regulations provide clarity about the financial responsibilities of individuals within the organisation. All individuals engaged on Council activities are responsible for ensuring that their actions comply with the objectives specified in the financial and procurement procedures.

1.4 In compiling these regulations and procedures the objective has been:

- To provide advice on how to undertake the financial aspects of your duties;

- To disseminate best practice throughout the Council;
- To ensure consistency; and
- To ensure legal requirements are adhered to.

1.5 To do this, the regulations set out the Council's requirements in respect of:

- financial management roles and responsibilities
- financial planning and budgeting
- financial monitoring and control
- internal control and audit
- financial systems and procedures
- external arrangements

1.6 The procedures have been developed by the council's Finance Department and have been the subject of extensive consultation. However, it is impossible for the procedures to cover every eventuality and an element of interpretation may be necessary. If further advice is required, please contact your Directorate Finance Business Partner. The business partnering model and the term Finance Business partner (FBP) describes a broad range of skills exhibited by individuals at different levels depending on customer requirements; in Tower Hamlets these people may be described variously as Strategic Heads of Finance, Finance Managers, Senior Accountants etc.

1.7 The Chief Finance Officer is responsible for the administration of the Council's financial affairs. As part of their duties, they will, when they consider it appropriate, issue Financial Regulations/ Procedures which are the rules governing the management of the Council's financial resources. S/he will ensure that the Regulations/ Procedures and any updated or amended versions are made available to all chief officers, the Mayor and Members of the Council. These Regulations/ Procedures and any updated or amended versions will then be placed in Appendix A of these Rules.

1.8 It is the responsibility of all Chief Officers to comply personally with Financial Regulations/ Procedures and to ensure that all officers within their Directorate with financial responsibilities also comply with them. Failure to comply with Financial Regulations/ Procedures is likely to constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure.

1.9 Compliance CIPFA Guidance for Local Government

1.10 Local government finance in the UK is governed by primary legislation, regulation and professional standards set by CIPFA. As a matter of principal, the Council will conduct its financial affairs in accordance with accepted standard practice embodied by CIPFA's Code of Practice framework. This includes:

- CIPFA Treasury Management in the Public Services Code of Practice
- CIPFA Code of Practice on Local Authority Accounting
- CIPFA/SOLACE guidance 'Delivering Good Governance in Local Government'
- CIPFA's Audit Committees – Practical Guidance for Local Authorities
- CIPFA's Code of Practice for Internal Audit in Local Government

1.11 To date, the general financial management of a local authority, has not been supported by a professional code. CIPFA is now proposing that a Financial Management Code (CIPFA FM Code) should be designed and developed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The CIPFA FM Code would therefore for the first time set standards of financial management for local authorities in the UK. The Council is committed to developing financial management arrangements that align to the proposed CIPFA FM Code.

Section 2: Financial Regulations

Subsection 2.1: General

A1	**Application** **(a)** Financial regulations provide the framework for managing the Council's financial affairs. They apply to the Mayor, every elected Member and officer of the Council and anyone acting on its behalf. **(b)** The Mayor, all Members, staff, agents and consultants have a general responsibility for taking action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
A2	**Delegation** **(a)** The Constitution of the Council sets out the main delegations and these Regulations identify the additional financial delegations that the Council has decided to make to its officers. The Constitution of the Council also includes the Financial Procedure Rules.

	(b) Where decisions have been delegated, references to the Senior Manager refers to these delegations. No other delegations should be inferred from these Regulations. **(c)** A 'Senior Manager' for the purpose of these Regulations means the Head of Paid Service, Corporate Directors, Directors, and Budget Managers unless otherwise specified in these Regulations **(d)** The Council operates a system of devolved financial responsibility under which Directorates administer their financial affairs. **(e)** A written record should be maintained of all corporate and directorate schemes of delegation which form part of the Council's Constitution. This should include the delegated financial powers exercised by specified Council Officers, such as the power to incur costs on behalf of the Council. A scheme of Financial Delegation is set out in Section 3 of these Financial Regulations. **(f)** Delegation empowers junior officers, but ultimate managerial accountability remains with the Senior Manager taking a decision under delegated authority.
A3	**All staff to have access to Financial Regulations** **(a)** Senior Managers are responsible for ensuring that all staff in their Directorate or Service Area are aware of the existence and content of the Council's financial regulations and other internal regulatory documents and that they comply with them.

Subsection 2.2: The Financial Control Framework

B1	**Full Council** **(a)** Full Council is responsible for approving the Budget and Policy Framework within which the Executive operates. **(b)** Full Council is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in the Council's Constitution and Code of Corporate Governance.
B2	**The Executive** **(a)** The Executive is responsible for proposing the policy framework and budget to the full Council, and for discharging executive functions in accordance with the budget policy framework as contained in the Constitution. **(b)** In making any decision, the Executive must take account of legal and financial liabilities and risk management and other relevant issues that may arise from the decision.

	(c) The Executive is responsible for specifying the limits within which officers have delegated authority to make decisions. These thresholds are as set out in section B10 of these Regulations.
B3	**Overview and Scrutiny** **(a)** The Overview and Scrutiny Committee is responsible for scrutinising executive decisions and for holding the executive to account. The Committee is also responsible for making recommendations on future policy options and for reviewing general policy and service delivery of the authority.
B4	**Audit Committee** **(a)** The Audit Committee is the Committee charged with scrutinising the financial governance and system of internal controls of the authority. **(b)** The Audit Committee has right of access to all the information it considers necessary and can consult directly with internal and external auditors. **(c)** The Audit Committee is responsible for reviewing the external auditor's reports and the annual audit letter and internal audit's annual report. **(d)** The Audit Committee is responsible for approving the Statement of Accounts of the authority. **(e)** The Audit Committee is responsible for scrutinising the Treasury Management report.
B5	**Chief Executive/Head of Paid Service** **(a)** The Chief Executive/Head of Paid Service is responsible for the corporate and overall strategic management of the Council as a whole. **(b)** The Chief Executive/Head of Paid Service must report to and provide information for the Executive, the full Council, the Overview and Scrutiny Committee and other Committees. **(c)** The Chief Executive/Head of Paid Service is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. **(d)** The Chief Executive/Head of Paid Service is also responsible for ensuring that all decisions made by the Executive and the reasons for them are made public. They must also ensure that Council Members are aware of decisions made by the Executive and of those made by officers who have delegated executive responsibility.
B6	**Monitoring Officer**

	The Council's Monitoring Officer is responsible for: **(a)** Promoting and maintaining high standards of ethical conduct and provides support to the Standards Committee. **(b)** Reporting any actual or potential breaches of the law or maladministration to the Full Council and/or the Executive. **(c)** Advising all Councillors and officers about who has authority to take a particular decision. **(d)** Advising the Executive or Full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the Budget & Policy Framework. **(e)** Maintaining an up-to-date constitution.
B7	**Chief Finance Officer** The Chief Finance Officer is the officer responsible for financial administration under s. 151 of the Local Government Act 1972 and is responsible for: **(a)** The proper administration of the Council's financial affairs. **(b)** Setting and monitoring compliance with financial management standards. **(c)** Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management. **(d)** Providing financial information in conjunction with Senior Managers. **(e)** Ensuring that the annual statement of accounts is prepared in accordance with International Financial Reporting Standards, the Code of Practice on Local Authority Accounting and the Service Reporting Code of Practice within the statutory deadlines. This includes producing a timetable and a closure manual which specifies the information required to enable the accounts to be produced. **(f)** To liaise with External Audit on the completion of the Statement of Accounts and the arrangements for the audit of these. **(g)** To ensure that working papers are prepared to support the statement and these are sufficient to meet the needs of external audit. **(h)** To sign and date the Statement of Accounts, stating that these give a true and fair view of the financial position of the Council. **(i)** To ensure the Accounts are approved by Audit Committee. **(j)** Preparing the revenue budget and capital programme relating to the General Fund and the Housing Revenue Account. **(k)** Ensuring that reports requesting decisions of Members include appropriate statements as to the financial and use of resources implications of the matter under consideration. **(l)** Treasury management.

	(m) Section 114 of the Local Government Finance Act 1988 requires the Corporate Director, Resources to report to the full Council, executive and external auditor if the authority or one of its officers:has made, or is about to make, a decision which involves incurring unlawful expenditure.has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council.is about to make an unlawful entry in the authority's accounts. **(n)** Section 114 of the 1988 Act also requires the Corporate Director of Resources to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under section 114 personally. **(o)** Selecting accounting policies and ensuring that they are applied consistently. **(p)** Determining the accounting procedures and records for the authority. **(q)** Issuing advice and guidance to underpin the Financial Regulations. **(r)** Maintaining a continuous review of the Financial Regulations and issuing updates as necessary. **(s)** In conjunction with Senior Managers reporting breaches of the Financial Regulations to the Audit Committee. **(t)** Preparing reports to Corporate Management Team and the Executive to set the Cabinet Thresholds for reporting specific financial issues to the Executive.
B8	**Corporate Directors and Directors (Senior Managers)** Corporate Directors and Directors are responsible for: **(a)** Ensuring that the Executive are advised of the financial implications of all proposals and that the financial implications have been agreed by the Corporate Director of Resources. **(b)** Signing contracts on behalf of the Council. **(c)** The exercise of budgetary control. **(d)** Consulting with the Chief Finance Officer to seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred. **(e)** Ensuring that matters requiring a decision by Members are drawn to the attention of the Chief Finance Officer before any such decision is taken.
B9	**The Finance Business Partners** **(a)** The Finance Business Partners report directly to the Director of Finance, Procurement and Audit through to the Corporate Director of Resources / Chief Finance Officer. **(b)** The Finance Business Partner is responsible for informing the Chief Finance Officer of any issue which may have implications for the exercise of the Chief Finance Officer's responsibilities under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.

	(c) The Finance Business Partner is responsible for ensuring Directorate compliance with the Financial Regulations, Schemes of Financial Delegation, the Procurement Procedures and other instructions and guidance issued by the Chief Finance Officer.
B10	**Individual Members of the Council** No financial decisions are delegated to individual Members of the Council under these Regulations, and no individual Member may instruct any officer to act in any particular way or to take any decision without the authority of the Full Council or the delegated authority of the Executive.
B11	**Cabinet Reporting Thresholds** The following thresholds have been set by the Executive for reports to be submitted to Cabinet/the Executive for approval. Issues which are projected to involve sums below the “Delegated Authority Threshold” may be authorised by Corporate Directors in line with the scheme of delegations. Issues which are approved by Corporate Directors under delegated authority but involve sums in excess of the “Noting Report Threshold” must be the subject of a noting report to the next available Cabinet. Please also see the Virements Section at D2 for more information.

	Delegated Authority Threshold	**Decision Report Threshold**
Transfer of a budget allocated for a particular purpose to be used for another purpose (Virement)	SEE TABLE AT SECTION D2	£1M
Approval of a supplementary or additional of a Capital Budget	£1M	£1M
	£1M	£1M

Waiving Competition Requirements for Contracts and Orders (Subject to EU Threshold)		
Capital Overspends	£250,000	£250,000
Settlement of Uninsured Claims	£1M	£1M

Subsection 2.3: Financial Planning

C1	**Budgets and Capital Programmes** **Budgets** The budgets are prepared in line with the Budget Framework which comprises the following; • General Fund Budget • Housing Revenue Account Budget • Dedicated Schools Budget • General Fund Capital Programme and Strategy • Housing Revenue Account Capital Programme The Council is responsible for agreeing the Budget Framework. It is the responsibility of the Executive (whether the Mayor, the Cabinet, individual Members or an officer acting on delegated authority) to operate within the Budget Framework. Any proposal or decision by the Mayor or Executive that would result in expenditure exceeding the limits within the budget framework as defined above will be considered a breach of that framework and must be dealt with in accordance with the Budget and Policy Framework Procedure Rules at Part D Section 19 of the Constitution.

Setting the Budget

(a) The process for compilation of the budget will be approved by the Executive on the advice of the Chief Finance Officer.

(b) The draft budget should include projected net expenditure on services and projects, proposed taxation and other income levels as well as any contingency funds.

(c) The Chief Finance Officer is responsible for ensuring that a revenue budget and a Medium-Term Financial Plan for a three-year review period are prepared annually for consideration by the Executive, before submission to the Full Council.

(d) Senior Managers will ensure the proper administration of the Revenue Budgets and the Capital Programme allocated to them. They will also ensure compliance with guidance and instructions issued by the Chief Finance Officer.

Revenue Budget The current elements which comprise the budget setting process are as set out below:

(a) The Government publishes its spending plans, indicating the aggregate resources to be allocated to Local Authorities in the medium term.

(b) This is followed by final announcement and more information each year of the resources to be allocated by Central Government to Local Authorities.

(c) The Council has to calculate its tax base, which is formally approved by the Executive in January.

(d) The Greater London Authority will notify the Council of the amount it requires to be collected from the residents and this is incorporated into the Council Tax calculation.

(e) The Executive must propose its budget to Council in accordance with the Budget and Policy Framework Procedure Rule.

(f) The Council has to agree the level of Council Tax before 11th March each year and at the same time Full Council will also formally agree a legal balanced budget.

Capital Programme The Council produces a three-year capital programme to ensure resources are maximised, and potential resource gaps identified. This avoids abortive costs being incurred.

Objectives

(a) A Capital Programme is to be prepared annually projecting capital expenditure and associated resources for the next 3 years.

(b) All capital receipts are to accrue to the Corporate budget in the first instance and are to be allocated on the basis of criteria corresponding to the capital strategy document.

	(c) Central Government resources, which are not specific to a project or programme area, also accrue to the Corporate pot and are allocated based on criteria corresponding to the capital strategy document. **(d)** All Directorates are entitled to bid for resources within the Corporate budget. **(e)** All capital programme expenditure must satisfy the statutory definitions of capital. **(f)** The contents and format of the Capital Programme is to be specified by the Chief Finance Officer. The detailed responsibilities of the Chief Finance Officer and the Senior Managers can be found in the separate Financial Procedures Manual.
C2	**Maintenance of Reserves** The Authority must decide the level of General Reserves it wishes to maintain as part of its financial planning before it can set the annual Council Tax. Reserves are maintained as a matter of prudence. They enable the authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items. Accounting policies require these to be differentiated from Provisions, the latter being maintained to meet future expenditure arising from a past event the timing of which is uncertain and cannot therefore be contained in the annual budget. **Objectives** **(a)** To maintain Reserves in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice, LAAP Bulletin 55 and other agreed accounting policies. **(b)** For each Reserve established, the purpose, usage, procedures for the management and control of reserves, and basis of transactions should be clearly identified. **(c)** Authorisation of expenditure from Reserves is agreed by the Chief Finance Officer. It is the responsibility of the Chief Finance Officer to advise the Executive on prudent levels of reserves for the Council. Further details on the detailed responsibilities of the Chief Finance Officer and the Senior Managers can be found in the separate Financial Procedures Manual.
C3	

Financial Implications of Decision Making

(a) The Chief Finance Officer is responsible for:

(i) Issuing guidance in relation to the presentation of financial implications within the Council's decision-making processes.

(ii) Ensuring sufficient information on financial implications is presented within individual decision-making reports and have appropriate sign-off.

(b) Senior Managers are responsible for:

(i) Ensuring that all decision-making reports properly set out the financial implications of any proposed actions, through the provision of adequate information to relevant people and departments to allow this section to be prepared.

(ii) Ensuring they act in accordance with guidance issued by the Chief Finance Officer.

(iii) Arranging for all financial implications to be validated and formally signed off by the Chief Finance Officer, or their nominated representative, prior to their progression through the approval process.

(iv) Consulting with relevant parties where there may be financial implications for them, including other Cabinet members.

C4 **Financial Planning Responsibilities**

Capital Programme Responsibilities of Chief Finance Officer

(a) To issue detailed guidelines annually on the format and content of the three-year capital programme and produce the three-year programme for approval by the Executive.

(b) To produce the criteria for the approval of Directorate bids to be allocated corporate capital resources.

(c) To produce a corporate capital programme for approval by the Executive, including elements to satisfy local priorities.

(d) To devise a mechanism that allocates resources to Directorate Capital Programmes.

(e) To produce a report for the Executive for the approval and the allocation of capital resources to Directorates.

Capital ProgrammeResponsibilities of Senior Managers

(a) To prepare bids for capital resources corresponding to the guidance issued by the Chief Finance Officer.

(b) To prepare monitoring reports of the schemes in the approved capital programme in the format and timetable specified by the Chief Finance Officer.

(c) To ensure that records which satisfy internal and external audit requirements are maintained for all contracts.

(d) To proceed with projects only when there is a budget within the agreed capital programme and adequate capital resources have been identified.

(e) To obtain a supplementary capital budget where an individual Capital Scheme is projected to spend in excess of the original approval, or an additional scheme needs approval.A supplementary capital budget can be granted by the appropriate Corporate Director if the overspend is less than £1M – Financial Regulation B10.Executive approval must be obtained for Supplementary Capital budgets in excess of £1M. An explanatory report is required.

(f) To comply with Financial Instructions relating to procurement as issued by the Chief Finance Officer.

(g) To comply with the financial accounting instructions relating to capital items issued by Chief Finance Officer.

(h) To ensure that adequate provision is made in the revenue budget for any ongoing revenue costs arising from capital schemes.

Revenue Budget Preparation Responsibilities of the Chief Finance Officer

(a) To issue detailed guidance and instructions on the procedures, responsibilities and timetable for preparing Revenue Budgets.

(b) To provide guideline cash budget options to Members following Government announcements.

(c) To work within the political budget strategy provided by the Executive.

(d) To manage, in conjunction with Directorates, a process to deliver a balanced budget.

(e) To calculate the resource/projected expenditure position for the period of the Medium-Term Financial Plan (3-5 years ahead).

(f) To collate the exemplifications of savings or growth from departments, as required by the budget strategy.

(g) To advise and agree the levels of inflation that may be applied to specific areas of expenditure.

(h) To prepare and submit reports to the Executive, in line with the Scheme of Delegation, on the aggregate spending plans of Directorates and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.

(i) To obtain Full Council approval for both the Council Tax and the budget setting report each year within the statutory timetable.

Revenue Budget Preparation

Responsibilities of Senior Managers

(a) To take responsibility for delivering the budget strategy.

(b) To assist in the development and delivery of the budget process.

(c) When drawing up draft budget requirements, to have regard to:

- spending patterns and pressures revealed through the budget monitoring process.
- legal requirements.
- policy requirements as determined by the Full Council in the approved policy framework.
- initiatives already under way.

(d) To work within budget limits.

(e) To provide the specific Directorate information requested.

(f) To compile a Directorate budget within the guidelines issued by the Chief Finance Officer.

(g) To obtain the approval of the Executive for new proposals, of whatever amount, that:

- create financial commitments in future years.
- change existing policies, initiate new policies or cease existing policies.
- in the opinion of the Senior Manager and appropriate Lead Member materially extend or reduce the Council's services.

Subsection 2.4: Financial Management

D1 **Budget Monitoring and Control**

Background

Budgetary control ensures that resources allocated are utilised for their intended purposes, are properly accounted for, and provides timely information on variations from financial targets. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year and identifies managers responsible for defined elements of the budget.

Capital budget monitoring ensures that capital resources allocated by the Executive are used for their intended purposes. Capital control provides the mechanism to review progress on capital schemes, by comparison with the capital programme. The Corporate Capital Monitoring Statement is a report that is produced every quarter that details projected capital expenditure and resources.

Objectives

(a) Identify a nominated budget manager for each cost centre.

(b) Ensure budget managers accept accountability for their budgets, the level of service to be delivered and understand their financial responsibilities.

(c) Ensure budget managers follow an approved certification process for all expenditure.

(d) Ensure income and expenditure are properly recorded and accounted for.

(e) Ensure levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

(f) Ensure actual income and expenditure is equal to that recorded on the corporate financial systems.

(g) Ensure that there is a nominated officer for each capital budget, project and programme.

(h) Budget managers are accountable for their projects and budgets.

(i) Ensure potential resource under or over provision is identified early in the capital programme cycle to enable remedial action to be taken.

Responsibilities

(a) Senior Managers are responsible for ensuring that within any financial year they take all reasonable measures to ensure an approved Revenue or Capital Budget within their control is not overspent.

(b) Senior Managers must seek to ensure that there is no shortfall in the budgeted level of income.

(c) When a projected overspend (or under recovery of income) is forecast to occur in a section of the Revenue Budget, or on a scheme within the Capital Programme, Senior Managers and other responsible officers must take measures to eliminate or reduce the overspend and maintain records of such actions.

(d) The Chief Finance Officer must be informed of potential budget variances in accordance with budget monitoring guidelines. The overspend will be the subject of a report to the Executive.

	Further details on the detailed responsibilities of the Chief Finance Officer and the Senior Managers can be found in the separate Financial Procedures Manual.
D2	**Virements** These rules aim to allow the Executive to manage the budget once it has been approved by Council, whilst also providing for good governance of financial matters. For more details on Virements please see FM2, FM5 and FA10 of Appendix A to these Rules. A virement is the transfer of resources from one budget head to another, during a financial year. It is thus the financial consequence of a change in priority of service delivery or in the means by which services are delivered. It can also be the use of resources provided within the budget framework, but which are not allocated for any specific purpose e.g. unallocated contingency. A virement will naturally flow from, and be part of, a decision. The Executive shall have the power to vire resources within each of the above components of the Budget Framework agreed by Council, subject to the following limitations:

	Virement within a Portfolio
Up to £100,000	Budget Holder in agreement with a Director
From £100,000 up to but not including £250,000	The relevant Corporate Director in agreement with the Chief Finance Officer
From £250,000 up to but not including £1m	The relevant Corporate Director following consultation with the relevant Cabinet Member as well as the Cabinet Member for Resources and Chief Finance Officer
£1m and above	The Mayor and/or Cabinet
	Virement between Portfolios

Up to £100,000	Budget Holder in agreement with the Directors from both affected portfolios
From £100,000 up to but not including £250,000	The relevant Corporate Directors from both affected portfolios in agreement with the Chief Finance Officer
From £250,000 up to but not including £1m	The relevant Corporate Director following consultation with the relevant Cabinet Member as well as the Cabinet Member for Resources and Chief Finance Officer
£1m and above	The Mayor and/or Cabinet

	Virements – Non-Financial Consequences The Virement Rules refer only to the financial consequences of proposals and decisions by the Executive. However, such proposals and decisions can also impact upon services and upon the community. This needs to be acknowledged when determining the procedural arrangements for those proposals and decisions, for example they may represent a “key decision”.

Subsection 2.5: Risk Management and Control of Resources

E1	**Risk Management** **(a)** Audit Committee is responsible for approving the authority’s risk management policy statement and strategy and for reviewing the effectiveness of the risk management. **(b)** The Executive is responsible for ensuring that proper insurance exists where appropriate. **(c)** The Chief Finance Officer is responsible for preparing the authority’s risk management policy statement, for promoting it throughout the authority and for advising the Executive on proper insurance cover where appropriate.
E2	

	Internal Control **(a)** Internal control refers to the systems of control devised by management to help ensure the authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the authority's assets and interests are safeguarded. **(b)** The Chief Finance Officer is responsible for advising on effective systems of internal control. **(c)** Senior Managers are responsible for organising their operations to ensure appropriate controls are in place, ensure the Council's objectives are achieved, VFM secured and assets are safeguarded. **(d)** Such arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. **(e)** Senior Managers must ensure that public funds are properly safeguarded and used economically, efficiently, and effectively and in accordance with the statutory and other authorities that govern their use. **(f)** It is the responsibility of Senior Managers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve economy, efficiency and effectiveness and for achieving their financial performance targets.
E3	**Audit Arrangements** **(a)** The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit. **(b)** The Audit Committee, in conjunction with an Independent Auditor Panel is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by part 5 of the Local Audit and Accountability Act 2014. **(c)** The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access. **(d)** Officers and Members will cooperate fully with auditors and inspectors in the pursuance of their duties.
E4	**Preventing Fraud & Corruption** **(a)** The Chief Finance Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy. **(b)** Senior Managers are responsible for designing their systems of controls and putting in place internal controls that adequately manage the risk of fraud and corruption.

(c) Senior Managers must report all instances of actual or attempted fraud to the Chief Finance Officer and/or the Head of Audit and Risk Management.

Subsection 2.6: Financial Administration

F1

General Departments have many systems and procedures relating to the control of the Council's assets, including purchasing, transaction processing and management systems. Departments are reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed, and errors detected promptly.

The Chief Finance Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore sign off any new developments or changes.

Objectives

(a) Basic systems and controls are in place to ensure the integrity of data held on computer systems.

(b) Performance of systems is communicated to the appropriate managers on an accurate, complete and timely basis.

(c) Systems produce timely reports of management information which is usable by managers.

(d) Operating systems and procedures are secure.

(e) Computer systems are co-ordinated with manual procedures and operate efficiently alongside them.

Responsibilities

(a) The Chief Finance Officer is responsible for the operation of the authority’s accounting systems, the form of accounts and the supporting key financial records.

(b) Any changes made by Senior Managers to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer.

(c) Senior Managers are responsible for the proper operation of financial processes in their own departments.

(d) Any changes to agreed procedures by Senior Managers to meet their own specific service needs should be agreed with the Chief Finance Officer.

(e) Senior Managers should ensure that their staff receive relevant financial training.

(f) Senior Managers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation.

	(g) Senior Managers must ensure that staff are aware of their responsibilities under freedom of information legislation. Further details on the detailed responsibilities of the Chief Finance Officer and the Senior Managers can be found in the separate Financial Procedures Manual.
F2	**Income and Expenditure** **(a)** It is the responsibility of Senior Managers to ensure that a proper scheme of financial delegation has been established within their area and is operating effectively. The scheme of financial delegation must be submitted to the Head of Financial Systems and reviewed quarterly at a minimum. **(b)** The scheme of financial delegation must identify staff authorised to act on the Senior Managers' behalf in respect of payments, income collection and placing orders, together with the limits of their authority. The scheme of financial delegation is subject to the approval of the Chief Finance Officer. **(c)** The Executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.
F3	**Payments to employees and Members** **(a)** The Chief Finance Officer is responsible for all remuneration payments to all staff, including any payments for severance, and for payment of allowances to Members. **(b)** Senior Managers are responsible for providing information in a timely manner to enable the Chief Finance Officer to discharge these responsibilities.
F4	**Taxation** **(a)** The Chief Finance Officer is responsible for advising Senior Managers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority. **(b)** The Corporate Director, Resources is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. **(c)** Senior Managers are responsible for ensuring that sufficient information is provided in a timely manner to enable the Chief Finance Officer to discharge the Council's obligations under the tax legislation.
F5	

	Trading accounts and /business units **(a)** It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.
F6	**Internal Recharges** Much of the flow of money across the Council originates from services provided by one department to another. This, in a number of cases, stems from internal trading account services. To facilitate proper controls and the management of the Council's budgets, transactions need to be raised and processed in an efficient and effective manner. This should ensure that purchasers are charged promptly and pay within a commercially acceptable timescale, and that trading services invoice their customers in the knowledge that payment will be received within that stated time-scale. Where practicable these processes will be automated. The budget for core services e.g. admin buildings, payroll and legal will remain with the purchaser and the Chief Finance Officer will stipulate corporate arrangements for managing these recharges. For ad-hoc and project works the process follows similar principles to the ordering of and payment for goods and services. To ensure that the process is operating in accordance with the framework, regular departmental monitoring of incoming and outgoing recharges needs to be carried out. The Chief Finance Officer (or their delegate) will act as an arbitrator to resolve disputes that cannot be settled between purchaser and provider. This is to ensure that all disputes are resolved within a stated timescale and will not adversely affect financial monitoring. It is the responsibility of the purchaser to ensure that they have sufficient resources to pay for commissioned project and ad-hoc work. It is the responsibility of the provider before work commences to advise the purchaser if the work is not covered by the core support service budget and needs specific financing.
F7	**Banking** The efficient operation of a bank account is an essential element of the Council’s financial arrangements. Bank accounts also represent an area where there is significant scope for fraudulent activity, and it is essential that adequate controls exist.

	Objectives **(a)** To ensure that only bank accounts authorised by designated officers, are operated by the Council. **(b)** To ensure that only authorised entries are made in the Council's bank account. Further details on the detailed responsibilities of the Chief Finance Officer and the Senior Managers can be found in the separate Financial Procedures Manual.
F8	**Imprest** The Council operates a number of petty cash imprest accounts to finance minor expenditure. **Objectives** To ensure the minimum petty cash balances are held consistent with the effective operation of services. Further details on the detailed responsibilities of the Chief Finance Officer and the Senior Managers can be found in the separate Financial Procedures Manual.
F9	**Insurance** The Council effects insurance for high level risks, where this is economic to do so, in order to protect its taxpayers against the impact on local charges, should a catastrophe occur. It is essential that Directorates advise the Insurance Section of any change to their activities which insurance underwriters might consider could materially affect the risk. Failure to do so might invalidate the insurance cover. **Objectives** **(a)** 1. Procedures are in place to identify, assess, prevent or minimise material known risks, and these procedures are operating effectively throughout the Council. **(b)** 2. Monitoring and regular review of risk reduction strategies. **(c)** 3. Procedures are in place to identify and record all insurance and the property or risk covered. **(d)** 4. Procedures are in place to notify and record the occurrence of any incident or loss that may give rise to a claim by the Council for recovery from insurance companies of the loss. **(e)** 5. Procedures are in place to notify the Insurance Section of any claim against the Council.

	(f) 6. Procedures are in place to investigate claims within required timescales. Further details on the detailed responsibilities of the Chief Finance Officer and the Senior Managers can be found in the separate Financial Procedures Manual.
F10	**Assets** **(a)** Senior Managers shall ensure that records and assets are properly maintained and securely held **(b)** Senior Managers should ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place. **(c)** The Corporate Director, Housing and Regeneration is responsible for ensuring that valuations of the Council's assets are undertaken for management and reporting purposes.
F11	**Treasury** **(a)** The authority has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities. **(b)** The Full Council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The policy statement is proposed to the full Council as part of the annual budget setting process. **(c)** The Chief Finance Officer has delegated responsibility for implementing and monitoring the statement. **(d)** All money in the hands of the authority is controlled by the officer designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Chief Finance Officer. **(e)** All executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
F12	**Employees** Full Council is responsible for confirming the appointment of the Chief Executive/Head of Paid Service, and has delegated to the Appointments Sub-Committee of the Human Resources Committee responsibility for appointing to the other Chief Officer and Deputy Chief Officer posts. These are the only appointments that elected Members are involved in apart from the group/Mayor's political assistants.
F13	**External Funding**

External funding can prove an important source of income but funding conditions must be carefully examined before any agreement is entered into to ensure they are compatible with the aims and objectives of Council.

The Chief Finance Officer is responsible for:

(a) Ensuring that any match funding requirements are considered prior to entering into any agreement, that future revenue budgets reflect these requirements, and that any longer term sustainability costs have been properly assessed.

(b) Ensuring that all external funding is received and properly recorded in the Council's accounts and in the name of the Council.

(c) Maintaining a central register of external funding/grant arrangements.

(d) Ensuring that all audit requirements are met.

Senior Managers are responsible for:

(a) Ensuring that the sustainability of funding is assessed for risk, any agreements entered into are consistent with and support the Council's service priorities, and necessary approvals have been obtained.

(b) All claims for funds are made by the due date.

(c) Work is progressed in accordance with the project plan and all expenditure is properly incurred and recorded.

F14	**Third Party Work** Work can only be undertaken for third parties where the Council has the legal powers to undertake the work. **With regard to the financial aspects of third party contracts, the Council must;** **(a)** Comply with any guidance issued by the Chief Finance Officer and will ensure that the appropriate insurance arrangements are made. **(b)** Ensure that all costs arising from the provision of services to a third party are recovered and hence that there is no subsidy included within the contract. **(c)** Ensure that the Council is not unnecessarily exposed to the risk of bad debts. A written agreement must be put in place between the Council and the third party, which details the services to be provided, over what period and at what price; this will be signed by both parties to the agreement in order that the appropriate disclosures can be made within the Council's annual statement of accounts. The Head of Procurement is responsible for monitoring the contractual arrangements for any significant work for third parties or external bodies. For this purpose, significant is deemed to be contracted annual income from a body that is greater than £100,000.
F15	**Accounting System** Good systems and procedures are essential to the effective management and administration of the Council's financial affairs. This includes the main accounting system provides the prime source of financial data for management accounts, statutory accounts and government returns. It is essential that this system complies with legislation and proper accounting practice and that all information is recorded accurately, completely and in a timely manner, and that any errors are detected promptly and rectified. **The Chief Finance Officer is responsible for:** **(a)** Determining the Council's main accounting system for the preparation of the Council's accounts and for monitoring all income and expenditure. **(b)** Determining any financial systems which may sit outside of the main accounting system, and ensuring, if approved for implementation, that these are sound and properly integrated and interfaced. **(c)** Issuing guidance on the use and maintenance of the main accounting system and related financial systems, and ensuring that supporting records and documents are retained. **(d)** Ensuring that regular balance sheet and holding account reconciliations are undertaken.

	(e) Preparing the Council's consolidated accounts, balance sheet and governance statement for audit and publication, and issuing guidance (including a detailed timetable and plan) to ensure achievement of statutory deadline. **Senior Managers are responsible for:** **(a)** Ensuring that the main accounting system is used to accurately record financial transactions in accordance with guidance issued by the Chief Finance Officer. **(b)** Ensuring an adequate audit trail of financial information and compliance with the Council's policies in respect of the retention of documents. **(c)** Ensuring that the implementation of any Unit financial system has the express approval of the Chief Finance Officer, and is adequately documented, tested and interfaced with the main accounting system.
F16	**Amenity and Unofficial Funds** Relevant to all officers handling official and unofficial funds, including residents' cash and valuables. **General Principles** **(a)** Cash is always attractive and vulnerable to theft. Cash holdings must be kept to the practical minimum and never in excess of the insurance limit for the particular establishment. The Insurance Section can advise on the limit. **(b)** Risk assessments must be carried out regularly to check if risks have changed and always when procedures or staff have changed. **(c)** Where larger sums of money have to be held, a safe may be essential. For smaller sums, a locked cash box in a locked drawer or cupboard may be acceptable. The Insurance Section can advise on the need for a safe or otherwise. **(d)** Cash must always have a full management trail – cash to be banked must be banked intact and never used to cash personal cheques, provide a petty cash float or for any other purpose.

Subsection 2.7: External Arrangements

G1	**Partnerships** **(a)** The Executive is responsible for approving delegations, including frameworks for partnerships. **(b)** The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

	(c) The Executive may delegate functions – including those relating to partnerships – to officers. Where functions are delegated, the Executive remains accountable for them to the Full Council. **(d)** The Authority may nominate individual Members and or officers to represent the Authority on external bodies. **(e)** The Monitoring Officer is responsible for promoting and maintaining the same high standards of ethics in partnerships that apply throughout the Authority. **(f)** The Chief Finance Officer will advise on the accounting arrangements to be adopted relating to partnerships and joint ventures. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies. **(g)** Senior Managers are responsible for ensuring that appropriate Council approvals are obtained before any negotiations are concluded in relation to work with external bodies.
G2	**Companies** **(a)** In relation to companies that the Council has an interest in, it is imperative that they are set up, managed and run according to rules of good governance so that risks are mitigated. **(b)** No company can be created without the express approval in writing of the Chief Finance Officer. **(c)** The Chief Finance Officer is responsible for advising the company directors of the accounting arrangements the company must adopt. **(d)** The Monitoring Officer is responsible for advising on the legal requirements and implications with respect to the creation and ongoing running of a company.

CHAPTER 64: CONTRACT AND PROCUREMENT PROCEDURE RULES

CONTENTS

Rule	Subject
1	Procurement Procedures
Appendix	
A	Procurement Procedures

Section 1: Procurement Procedures

1.1 Every contract or official order for works, goods or services made by the Council shall be for the purpose of achieving the Council's statutory or approved objectives and shall conform to all relevant EU Directives and United Kingdom legislation.

1.2 The Procurement Procedures shall govern the Council’s tendering and contract procedures. The Chief Finance Officer shall maintain and issue these Procedures. Any procurement activity shall proceed in accordance with the Procedures and any financial thresholds for procurement specified by the Procedures. These Procedures and any updated or amended versions will then be placed in Appendix A of these Rules.

1.3 The Chief Finance Officer shall make the latest version of the Procurement Procedures available to every Chief Officer, the Mayor and all Members of the Council and any other person engaged in procuring works, goods or services on behalf of the Council. Chief Officers or officers acting on their behalf shall apply the requirements of the Procedures when engaging in any procurement activity.

1.4 The purpose of procurement activity shall be to achieve best value for local people in accordance with the Council's statutory or approved objectives. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness (otherwise known as the Council’s Best Value Duty).

1.5 Nothing in the Procurement Procedures shall be construed as removing or diminishing the responsibility of all involved to meet individual and collective accountabilities. Any failure by an officer to comply with the Procurement Procedures is likely to constitute a disciplinary offence and be investigated under the appropriate disciplinary procedure.

1.6 Chief Officers shall ensure that the Executive or an Executive Member is consulted on any procurement activity of a controversial nature. If however the decision is a 'key' decision that has not been delegated then a report must be submitted to Cabinet for determination having proper regard to the Access to Information Rules set out in Part B, Chapter 10 of the Constitution.

Subsection Contract Awards:

1.7 The contracting strategy and/or award of any contract for goods or services with an estimated value exceeding the Council's Key Decision threshold (currently £1,000,000 – or £5,000,000 for capital works), shall be approved by the Executive in accordance with the Procurement Procedures. Contracts for goods or services with an estimated value of less than the Key Decision threshold shall be approved by the relevant Chief Officer, in accordance with the Procurement Procedures. As set out in Part C, Section 11 (How Decisions are Made) - All officer decisions with an estimated value below the Key Decision threshold but higher than £250,000 must be published on the Council's website as an officer decision as soon as practical after the decision has been taken.

Subsection Contract Variations:

1.8 Where a contract variation (which was not provided for in the original contract) is itself greater than the Key Decision threshold, or would take a contract for the first time above that threshold then it must be presented to the Mayor and/or Cabinet for decision.

Subsection Direct Awards:

1.9 Key Decision thresholds in respect of the Direct Award of a contract are as above. However, any Direct Award of a contract up to that value must be approved via the Council's RCDA process.

1.10 Any decisions reports to the Mayor and/or Cabinet for determination must be submitted for determination having proper regard to the Access to Information Rules set out in Part B, Chapter 10 of the Constitution.

Section 2: APPENDIX A

2.1 Procurement Procedures

The purpose of these Procedures is to lay down a set of rules which provide a framework for all those involved in procuring supplies, works and services on behalf of the Council, or interacting with providers, or potential providers.
They apply to all representatives of the Council, Officers, Agents, or Members.
Failure to comply with these Procurement Procedures may put the Council at risk and can lead to disciplinary action against the person responsible.

2.2 Table of Contents

- **PART 1 – INTRODUCTION**
  - **1.INTRODUCTION**
- **PART 2 - APPLICABLE TO ALL CONTRACTS**
  - **2.HIERARCHY OF RULES**
  - **3.PROCUREMENT OBJECTIVES AND IMPERATIVES**
  - **4.PROCUREMENT STRATEGY**
  - **5.RESPONSIBILITIES OF CORPORATE DIRECTOR**
  - **6.FINANCIAL THRESHOLDS AND PROCEDURE FOR CONTRACT LETTING**
  - **TABLE 1 - SUMMARY OF PROCUREMENT THRESHOLDS**
  - **7.SPECIFICATIONS**
  - **8.E-PROCUREMENT**
  - **9.LATE BIDS**
  - **10.CONFLICT OF INTEREST**
  - **11.SUPPLIER REGISTRATION AND APPROVAL**
  - **12.OFFICIAL PURCHASE ORDERS**
  - **13.ICT RELATED SUPPLIES, SERVICES AND WORKS**
  - **14.CONSORTIA AND COLLABORATIVE FRAMEWORK AGREEMENTS**
  - **15.USE OF STANDARD TEMPLATES**

- **16.SEPARATION OF DUTIES**
- **17.LOCAL BUSINESSES**
- **18.SUPPLY CHAIN ETHICAL CODE OF CONDUCT**
- **19.THE BRIBERY ACT**
- **20.SUSTAINABLE PROCUREMENT**
- **21.FREEDOM OF INFORMATION ACT**
- **22.CONTRACT REGISTER**
- **23.CONTRACT MANAGEMENT**
- **24.EXTENSIONS AND VARIATIONS**

- **PART 3 - APPLICABLE TO CONTRACTS BELOW £100,000**
  - **25.COMPETITION**
  - **26.EVALUATION AND CONTACT AWARD**
  - **27.CLARIFICATION AND ADDITIONAL INFORMATION**
  - **28.TIMESCALES FOR QUOTATIONS**
  - **29.TERMS AND CONDITIONS**
  - **30.USE OF PURCHASING CARDS**
- **PART 4 - APPLICABLE TO CONTRACTS IN EXCESS OF £100,000**
  - **31.COMPETITION**
  - **32.FORWARD PLAN**
  - **33.PROJECT INITIATION FORM**
  - **34.CABINET APPROVAL – AUTOMATIC REFERRAL**
  - **35. CABINET APPROVAL – REFERRAL BY HEAD OF CORPORATE**
  - **PROCUREMENT**
  - **36.TOLLGATE PROCESS**
  - **37.ENGAGEMENT WITH THE STRATEGIC COMPETITION BOARD**

- **38.TIMESCALES**
- **39.TENDER DOCUMENTATION**
- **40.TERMS AND CONDITIONS**
- **41.TENDER CLARIFICATION AND ADDITIONAL INFORMATION**
- **42.NEGOTIATIONS**
- **43.TENDER EVALUATION**
- **44.SUPPLIER SELECTION CRITERIA**
- **45.SUPPLIER AWARD CRITERIA**
- **46.TENDER REPORT**
- **47.DEBRIEFING**
- **48.CONTRACT AWARD**

- **PART 5 – EXCEPTIONS TO THE PROCUREMENT PROCEDURES**
  - **49. VALID EXCEPTIONS TO THE PROCUREMENT PROCEDURES**
  - **50.RECORD OF CORPORATE DIRECTOR'S ACTIONS (RCDA) - WAIVING OF PROCUREMENT PROCEDURES**

- **APPENDIX 1: TOLLGATE PROCESS**

Subsection 1 – INTRODUCTION:

1. Introduction

1.1 The purpose of these Procedures is to lay down a set of rules which provide a framework for representatives procuring supplies, works and services on behalf of the Council. For ease of use, the specific rules are set out in shaded boxes throughout the Procedures. The Procedures are supplemented by an RFQ (Request for Quotation) toolkit for expenditure with a total value up to £100,000 and a more detailed contracting Tender Toolkit for expenditure above £100,000. These toolkits provide guidance on techniques to achieve best value for money, and a series of templates to be used throughout the procurement process.

1.2 Where a corporate contract is in place it **must** be used unless otherwise agreed by Corporate Procurement.

1.3 All Council representatives are warned that it is a **disciplinary offence** to fail to comply with these Procurement Procedures when letting contracts. All Council representatives have a duty to report breaches of the Procedures to the relevant Corporate Director and the Head of Procurement. The Procedures apply to all expenditure by the Council on supplies, services and works, provided by external organisations.

1.4 The Procedures include mandatory requirements, which are normally identified by the word "**must**" in bold letters. These requirements **must** always be followed. The words "**should**" and "**should not**" relate to good practice advice. Whilst not mandatory, you must have a good reason for not following the good practice advice and this must be recorded on your tender or quotation file. If in doubt, you must contact Corporate Procurement and/or Legal Services for advice, and where appropriate, Internal Audit.

1.5 The generic term **Bid** covers both tenders and quotations. A bid process below a total value of £100,000 will be classed as a quotation. A bid process at or above a total value of £100,001 will be classed as a tender.

1.6 All representatives who commission contracts for supplies, works or services are required to follow these Procedures. This requirement also covers all persons who commission contracts on behalf of the Council, such as external consultants. The person who commissioned the consultant **must** ensure that consultants are given copies of the Procedures and that they comply with them.

1.7 The Head of Procurement will be responsible for updating the Procurement Procedures, and shall make the latest version available to every Corporate Director and Member of the Council as well as posting a copy in the Corporate Procurement area on the Council intranet.

1.8 All representatives of the Council must comply with all aspects of legislative requirements relating to purchases made by a public authority.

Subsection 2 - APPLICABLE TO ALL CONTRACTS:

2. Hierarchy of Rules

2.1 These Procedures attempt to summarise in a single place all of the Council's Procurement Procedures. The Procedures are derived from provisions contained in the Council's Constitution and Financial Regulations. Every effort has been made to ensure a consistency between the documents, but in the event of any conflict, the Constitution takes precedence, followed by Financial Regulations, followed by these

Procedures. These Procedures and Financial Regulations can be amended by the Chief Finance Officer, whilst changes to the Constitution must be approved by the General Purposes Committee or full Council.

2.2. The Procedures refer to European and UK legislation as well as Council policy. Where there is a conflict between European law, English law and Council policy, the requirements of European law take precedence over English law, and the requirements of English law take precedence over Council policy. The Procedures **must not** be waived if failing to comply with these procedures would contravene either UK or European legislation.

3. Procurement Objectives and Imperatives

3.1 The purpose of procurement activity is to achieve best value for local people in accordance with the Council's statutory or approved objectives and the Corporate Procurement Strategy. This should include an innovative approach to relationships with the private and not-for-profit sectors within a robust contractual framework. Officers with responsibility for procurement must ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness.

4. Procurement Strategy

4.1 The Procurement Strategy sets out key policy priorities and an operating framework that **must** be taken into account when procuring supplies, services and works on behalf of the Council. These priorities are:

- Integration - full integration of commissioning, procurement and contract management activity and commercial principles into our core business
- Governance - governance, transparency, accountability and probity with proportionality in our operational processes
- Approach – a unified approach to managing the activities in the commercial cycle and in our engagement with markets and suppliers
- Partnership - working with our partners
- Technology - effective use of digital technology
- People - making the most of our people, increasing capacity and skills and building an in-house strategic commissioning and procurement capability.

4.2. Every contract or official order for works, supplies or services made by the Council **must** be for the purpose of achieving the Council's statutory or approved objectives and must conform to all relevant domestic and European Union legislation.

5. Responsibilities of Corporate Directors

5.1 Corporate Directors have responsibility for all contracts tendered, let and managed by their departments. They are accountable to the Chief Executive and the Executive Mayor for the performance of their duties in relation to contract letting and management. These duties include:

(a) Ensuring compliance with English and EU legislation and Council Policy;

(b) Ensuring value for money in all procurement activities;

(c) Ensuring compliance with these Procurement Procedures;

(d) Ensuring that all relevant staff are familiar with the provisions of these Procedures and that they receive adequate training;

(e) Ensuring compliance with any guidelines issued in respect of these Procurement Procedures;

(f) Taking immediate action in the event of a breach of Procurement Procedures within their department;

(g) Ensuring that IR35 regulations requirements are complied with when engaging suppliers;

(h) Keeping records of waivers of any provisions within these Procurement Procedures;

(i) Ensuring appropriate contract management takes place of all contracts;

(j) Ensuring that all contracts to be tendered are entered onto the Forward Plan of contracts (administered by Corporate Procurement) at the earliest opportunity, and no later than the point at which the procurement exercise commences;

(k) Ensuring high value and/or high risk contracts are recorded in the corporate risk register;

(l) Ensuring that their staff act ethically in all their procurement activities;

(m) Ensuring that a quarterly report of variations exceeding 10% of the contract value, where the total contract value exceeds the EU threshold, is presented to their own Directorate Management Team.

5.2. Corporate Directors must comply with these rules and have a responsibility to ensure that their staff and any consultants or agency staff also comply with them. Corporate Directors must put mechanisms in place to ensure that staff who carry out any procurement exercise receive appropriate induction, information and training. Corporate Procurement will provide support for this.

Rule 1

- Where a Corporate Contract is already in place it must be used unless agreed otherwise by the Head of Procurement.
- Corporate Directors have responsibility for all contracts let by their Departments. Authority to make decisions under the Procurement Procedures may be delegated. Those who have delegated authority to make decisions in the name of the Corporate Director will be set out in the Scheme of Delegation in the Constitution for the relevant department (or a specific delegation in writing).

6. Financial Thresholds and Procedure for Contract Letting

6.1 The following financial thresholds shall apply to all contract award processes.

To clarify the table below, the following points should be noted:

(a) Total Value refers to the full remuneration to be paid to the supplier or contractor over the life of the contract, including any extensions; (N.B. a 3 year contract with an extension of 1 year at £20,000 per annum has a total value £80,000. A contract to purchase supplies, works or services may also include the purchase of additional supplies and services such as, but not limited to, maintenance, consumables, upgrades, training and documentation. The total value includes these elements even if they come from separate budgets, and separate orders are placed.) The life of the contract includes any actual or potential extension to the contract period that is included in the contract

(b) Where there are a number of linked contracts – e.g. those using the same suppliers, or for similar supplies, services or works – the option for joining them up should be explored;

6.2 Table of Threshold Values

Table 1 below summarises the different procurement thresholds, the procedures to be followed and the officers who are authorised to undertake an RFQ or procurement at each level. The authority to award contracts, following a RFQ or procurement process, is set out at paragraph 10.2 of Part 3 of the Constitution.

Table 1

TABLE 1 - SUMMARY OF PROCUREMENT THRESHOLDS

	Total Value	Procurement Process	Advertising	Authority

LEVEL 1	Up to £25,000	One quotation, through Request for Quote (RFQ) system Should use local suppliers (E1, E2, E3, & E14). If a good reason exists for not using local suppliers this should be documented and kept on file. Price only or Price and quality	None required	Budget Holder
LEVEL 2	£25,001 to £50,000	Two quotation, through Request for Quote (RFQ) system Should use local suppliers (E1, E2, E3 & E14) If a good reason exists for not using local suppliers this should be documented and kept on file. Price only or Price and quality	None required	Budget Holder
LEVEL 3	£50,001 to £100,000	Three quotations, through Request for Quote (RFQ) system. Should use local suppliers (E1, E2, E3 & E14) If a good reason exist for not using local suppliers	None required	Budget Holder

		this should be documented and kept on file. Price and quality only		
LEVEL 4	£100,001 to £189,330 (EU threshold for Supplies & Services) £100,001 to £633,540 (EU threshold for Light Touch Regime: social and other specific services) £100,001 to £4,733,252 (EU threshold For Works)	PIF must be completed Award criteria to be decided in advance. Tender process managed by corporate procurement service through the central e-tendering system Cabinet approval & Tollgate process to be followed for contracts above £1Million – Supplies and Services; above £5million –Works.	Council's website, London Tenders Portal Contracts Finder	Director
LEVEL 5 **EU** **Procedure**	EU TENDERS Over £189,330 Supplies & Services £663,540 Light Touch Regime £4,322,012 Works	PIF must be completed Cabinet approval & Tollgate process to be followed for contracts above £1Million – Supplies and Services; above £5million –Works. Tender process to follow the requirements of the EU & Public Contracts Regulations 2015	OJEU Council's website, London Tenders Portal	Director or Corporate Director (up to cabinet threshold)

		Tender process managed by corporate procurement service through the central e-tendering system		

7. Specifications

7.1. An appropriate specification must be prepared which sets out a clear and comprehensive description of the Council's requirements with regard to the works, goods or services to be supplied.

7.2 All works, goods and services must be specified by reference to European standards, or national standards if no European standards are set. Named products or manufacturers should not be specified.

7.3. The specification should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable the service director to see whether the Council’s requirements are being met by the supplier. All necessary professional and technical advice and assistance must be obtained in preparing the specification, to ensure a comprehensive document that expresses the Council's requirements and protects its interests.

7.4. Officers must take careful consideration of the requirements; in doing so they may undertake research, discussions or briefings with several suppliers before the quotation or tender is issued. Any engagement with supplier must be undertaken in a manner that does not restrict competition or prejudice a fair and transparent procurement process.

7.5. In the interests of fairness, non-discrimination and equality of treatment, under no circumstances should an incumbent supplier or contractor be involved in the preparation of a specification for the future procurement of the same or similar contract which they are delivering, or which they would reasonably have an interest in bidding for.

8. E-Procurement

8.1. The Council uses secure e-procurement systems and, unless exceptional circumstances apply and a Waiver is granted, all quotations and tenders must be managed electronically through this system.

8.2 The Head of Procurement must make arrangements for the receipt, custody, opening and witnessing of all tenders over £100,000, and must ensure that these arrangements are fully auditable.

8.3. The administration and development of the e-procurement system is the responsibility of Corporate Procurement including any enhancements to reflect legislative and policy changes within public procurement.

Rule 2

- All quotation and tenders must be managed electronically through the e-procurement system(s) whose administration and development is the responsibility of Procurement.
- Once a contract has been awarded a purchase order must be raised in R2P unless supplies, services or works fall within the approved exceptions list.

9. Late Bids

9.1 Late quotations through the RFQ system are not to be accepted by the system.

9.2. Electronic tenders are automatically marked as “Late” by the e-tender system. In any event they must not be considered if they arrive after all the other bids have been opened, unless exceptional circumstances apply and the Head of Procurement (following consultation with the Director of Legal) agrees to accept the late tender. Any unacceptable late bid must not be opened unless it is purely to determine the sender’s details so that the bidder can be advised of the reason for rejection by the Corporate Director or the Head of Procurement.

10. Conflict of Interest

10.1. All members of staff must avoid any conflict between their own interests and the interests of the Council. This is a requirement of the Council's Employee Code of Conduct, which all employees of the Council are bound by.

10.2. All consultants engaged to act on behalf of the Council must sign a Consultant’s Undertaking and declare that:

(a) There is no conflict between their own interests or those of any of their other clients and the interests of the Council; and

(b) There is no conflict between their own interests or any links with (e.g. a family member or close friend works for) an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council.

(c) They will notify the appropriate director and Corporate Procurement if any conflict of interest arises within the bidding process.

Rule 3

- Conflict of interest in a procurement exercise and subsequent contractual arrangement must be promptly disclosed through the HR Self Service system or, in the case of external consultants, through the completion of a Declaration of Interest document from corporate procurement.

11. Supplier registration and approval

11.1. New supplier registration and approval is managed through the council's procurement system. Supplier approval process is carried out in two stages:

(a) Stage one - registration: suppliers wanting to trade with council are required to complete the basic online supplier registration.

(b) Stage two – approval: To receive Purchase Orders and payments, a supplier will need to be fully adopted, that is, registered in the Finance system (Agresso) and made visible in the requisition to pay system (R2P). Procurement will issue the supplier adoption form through the electronic procurement portal and verify key registration information provided before the supplier can be approved.

11.2 Officers engaging with any organisation where the contract of engagement may fall within the scope of IR35 regulations, that is, individual(s) that will be providing the services under the contract could be considered 'disguised employees' must undertake the HMRC employee's status assessment (IR35 assessment) before engaging in or awarding a contract. Guidance and process map on how to undertake the assessment will be on the Council's intranet. Failure to undertake the assessment and follow the agreed process may lead to disciplinary procedure.

12. Official Purchase Orders

12.1 Once a contract has been awarded an official purchase order must be placed through the Purchase to Pay (R2P) system quoting the contract reference.

12.2 Contracts should only commence once an official purchase order has been issued. Purchase orders can only be issued to suppliers that have gone through the supplier adoption process.

12.3 There are exceptional exclusions to this process and information on these will be available within the Corporate Procurement area of the Council's intranet. The exclusions list is a live document and it will be reviewed by Financial Compliance and Procurement when required. Cases which do not fall within the exclusions listed will be rejected.

13. ICT related supplies, services and works

13.1 In the case of procurement of ICT related supplies and services, the Corporate ICT partner may need to be engaged and officers must consult with the ICT Client Team and/or their ICT Business Partner.

14. Consortia and collaborative Framework Agreements

14.1. Recognised consortium or collaborative procurement arrangements which have been properly tendered may be used, provided that the relevant Corporate Director:

- is satisfied that such an approach represents best value;
- is satisfied – having due regard to advice from Corporate Procurement and Legal Services as appropriate – that use of the arrangements are consistent with all UK and European legislation;
- is satisfied that the terms and conditions of the arrangement do not place undue restrictions or liabilities upon the Council;
- is satisfied that the parties to the arrangement are recognised public bodies or providers from the private sector operating appropriate procurement arrangements on behalf of the public sector;
- ensures that a full, open and proper competition in respect of the creation of the contract has taken place or will take place in accordance with the Relevant UK and European legislation and these Procurement Procedures.

14.2. A list of approved Frameworks Agreements will be managed by Corporate Procurement and published on the Council's intranet.

14.3. Where the relevant Corporate Director so decides, the Central Government Catalogues operated by the Crown Commercial Services at http:// ccs.cabinetoffice.gov.uk/ or any other appropriate framework may be used on the condition that the process set out in these Procedures are followed.

14.4. The award of call off contracts must comply with the procedure set out within the Framework Agreement. This can be either by Direct Award or Mini-competition. Where there is a choice of options, preference should be given to carrying out a mini-competition in order to demonstrate value for money. Where price is not set out in the framework agreement, a mini-competition must always be undertaken.

14.5. Legal Services and Corporate Procurement must be involved before joining or buying from a framework agreement not let by the Council where the value of the contract will exceed the £100,000 procurement threshold. The process in Part 4 of these Procedures will be applicable to the procurement exercise.

15. Use of Standard Templates

15.1. All quotations must be invited using the approved templates published on the Council's intranet. Procurement documentation for the selection, invitation, receipt, evaluation, award and management of contracts are regularly updated to ensure compliance with procurement regulations as well as Council procurement policies.

15.2. All tenders must be invited using approved standard documentation available from Corporate Procurement.

16. Separation of Duties

16.1 Within each Directorate, arrangements should be made to ensure that there is adequate separation of duties and checking procedures to ensure probity and compliance with these procedures and financial regulations.

17. Local Businesses

17.1 To be classified as local, a supplier must be based in one of the following post codes:

- E1, E2, E3 and E14

17.2 Certain postcodes in E15, E16 and EC are also part of the geographical limits of Tower Hamlets.

18. Supply Chain Ethical Code of Conduct

The Council has adopted a Supply Chain Ethical Code of Conduct which must be included in all quotation and tender documentation, and with which all suppliers must comply. The full details of this Code are available on the Procurement intranet site, but in summary, the code set out the principles and standards of delivery for our suppliers and contractors:

- Maintaining integrity in business relationships.
- Rejecting improper business practice.
- Declaring any potential personal or business conflicts of interest.
- Acquiring and maintaining latest standards of technical knowledge and ethical behavior.

- Optimising the use of resources.
- Compliance with UK law, industry guidelines and contractual obligations.
- Fair, honest and respectable treatment of suppliers.
- Common courtesy at all times.
- Incorporating sustainable procurement aspects into procurement processes including human and employee rights and the environment.

18.2. Whilst it will not be possible to check that every single supplier to the Council complies with the Code, officers should draw suppliers' attention to the Code. Subscription to the code will be mandatory for those suppliers participating in a quotation or tender process.

Rule 5

- The Council is committed to maintaining the highest standards of ethical conduct. The Supply Chain Ethical Code of Conduct is essential to the operation and reputation of the Council. Suppliers are required to sign acceptance of the code when dealing with the Council.
- Quotations and tenders must be undertaken using approved procurement templates which will be updated by Procurement.

18.3. Corporate Directors must report to Corporate Procurement any issues or breaches arising under the Supply Chain Ethical Code of Conduct. Corporate Procurement may refer the report to Strategic Competition Board, if considered necessary.

19. The Bribery Act

19.1 This Act deals only with bribery – no other forms of white collar crime. The Council may be liable for failing to prevent a person from bribing on its behalf. The Council's policy regarding the Bribery Act is set out on its website at www.towerhamlets.gov.uk and must be adhered to in the contracting process.

20. Sustainable Procurement

20.1. The Council is committed to sustainable economic business development which minimises any adverse impact on the environment and supports social cohesion.

20.2. Sustainable criteria must be included as part of the award criteria in all contracts where appropriate. Sustainability will be assessed taken into consideration the following areas:

(a) Environmental sustainability - purchasing supplies, works and services in a way that minimises, where practically possible, the carbon footprint and encourage a positive impact on the local environment and utilises whole-life analysis.

(b) Economic sustainability – recognises the importance of Small and Medium Enterprises (SME) to the local community and ensures every opportunity is made not to discriminate against SME's during the tender process.

(c) Social Sustainability – ensures that community well-being is considered and that supply chain partners operate under ethical working practices.

21. Freedom of Information Act

21.1 The council has an obligation to publish specific information in the public domain. However, the Freedom of Information Act enables certain confidential information and commercially sensitive material to be withheld. Officers must therefore ensure that bid information is kept confidential at all stages, especially during the bid evaluation process and after the contract is awarded. Suppliers must also be given the opportunity to highlight in their bid any information that they would not wish disclosed under freedom of information request.

22. Contract Register and Contract Publication

22.1 Contracts let through a quotation process, that is, with a value at or below £100,000, will be published on the Councils website. Contracts let through a tender process, that is with a value in excess of £100,000 will be published through the London Contract Register website: http://www.londoncontractsregister.co.uk/

22.2 Corporate Directors must ensure that all contracts over £100,000 are registered with Procurement and tendered through Corporate Procurement.

22.3 In line with Part C, Section 11 (How Decisions are Made), officer decisions with a value over £250,000 must be published through the Council's officer decisions portal.

23. Contract Management

23.1. All contracts must be monitored to ensure they achieve the objectives and outcomes set out in the specifications. The Contract Management Framework sets out the principles and general guidance for the management of contracts. The Service, under its Director's supervision, will be responsible for the day-to-day operational delivery of contract management.

23.2. Corporate Procurement shall agree with Strategic Competition Board critical contracts (based upon value, business and reputation risk) that will be subject to performance monitoring and scrutiny by the Strategic Competition Board.

23.3. Corporate Procurement and Legal Services will provide second line support where performance failure is demonstrated.

Rule 6

- All contracts awarded through the quotation and tender processes must be published on the London Contract Register and the Council's website.
- All contracts should be managed in line with the Council's agreed Contract Management Framework
- Tender and quotation documentation and contract management records must be kept in accordance with the Retention Schedule published on the Council's intranet.

24. Extensions and Variations

24.1. Subject to any statutory restrictions and compliance with the Constitution and Financial Regulations (including Key Decision thresholds set out in the introduction), a Corporate Director may authorise the following extensions and variations to an existing contract, following consultation with Legal Services and Corporate Procurement:

24.2. Extensions

(a) Extension(s) for a particular period provided for within the terms of the original contract (but subject to satisfactory outcomes of contract monitoring);

(b) Extension(s) beyond the original contract are considered a new contract and therefore subject to Procurement Procedures and, where applicable, EU Regulations.

Any extensions that fall outside the original terms of the contract must be justified on the grounds provided by the waiver of the procurement procedures outlined in section 50.1.

A copy of the extension documentation must be provided to Corporate Procurement in order to update the Contract file and Contract Register accordingly.

24.3. Variations

The following variations/modifications to a contract are permitted with Corporate Director approval (following advice from Corporate Procurement and Legal Services):

(a) Variations provided for in the original contract in ‘clear, precise and unequivocal’ terms; or

(b) Variations outside the original contract terms that fall within any of the following **four situations**:

(i) where the change in value is relatively small - under 10% (services & supplies) or under 15% (works) and where the revised total contract value is under the applicable EU financial threshold (this is cumulative where there is a series of changes); or

(ii) where there are unforeseen circumstances, provided that change does not alter the overall nature of contract and the price increase is not greater than 50%; or

(iii) Where additional works, services or supplies necessary and a change in contractor cannot be made for economic or technical reasons e.g.: interoperability with existing kit; or

(iv) Where to change suppliers would cause significant inconvenience or duplication of costs. In any case, the price increase must not exceed 50% of the value of the original contract.

(c) There has been a replacement of the supplier following a corporate restructuring, insolvency or merger, and the new supplier still meets the original selection criteria.

24.4. In any case, a substantial modification not originally provided for in the contract will trigger a new procurement process. This will arise where the modification materially changes the nature of the contract.

24.5. Any Variations that fall outside the original terms of the contract and do not fall under the exceptions listed in section 49.1 must be justified on the grounds provided by the Waiver of the Procurement Procedures outlined in section 50.1.

24.6. A copy of the variation documentation must be provided to Corporate Procurement in order to update the Contract file and Contract Register accordingly.

Rule 7

(a) Subject to compliance with UK and EU law, a Corporate Director may authorise an extension to a Contract which was provided for in the original contract terms.

(b) A Corporate Director may authorise variations, including price variations, determined in accordance with the original contract terms, or other variations which do not materially change the contract, and which fall within the scenarios listed in 50.1.

(c) All extensions and variations outside of the term of the contract that amount to a contract value in excess of the Key Decision threshold (currently £1M (for suppliers or services) or £5 (for works) must be referred to Cabinet for approval.

PART 3 - APPLICABLE TO CONTRACTS BELOW £100,000

25. Competition

25.1. Contracts that fall within the level one, two and three that is equal to or below £100,000 in value, the Request for Quotation (RFQ) process **must** be followed and all quotations **must** be invited through the electronic RFQ system.

25.2. Officers undertaking the quotation process are responsible for the selection of suppliers. Suppliers selected for quotation **should** be located in the Tower Hamlets area unless a good business reason exists for selecting suppliers who are not based locally.

25.3. The Procurement Threshold table in section 6.2 of the Procedures sets out the required number of quotations for each level and the process to be followed.

26. Evaluation and contact award

26.1. Evaluation criteria for level one and two quotations **CAN** be based on cost only or cost and quality.

26.2. Evaluation criteria for level three quotations (£50,001 – £100,000) **MUST** be based on cost and quality.

26.3. In the case of nil response to a quotation exercise, the project manager should investigate the reasons for the lack of responses prior to commencing a new RFQ.

26.4. In the event only one quotation is received for level two and three quotation exercises, the evaluation must still be undertaken in accordance with the evaluation criteria. Upon completion, the project manager will need to assess whether the submission received satisfies the requirements and is acceptable to proceed to award or if required commence a new RFQ.

26.5. All contracts up to £100,000 **must** be awarded through the RFQ system.

27. Clarification and additional information

27.1 All bidder queries relating to RFQ should be in writing and managed through the RFQ system. In circumstances where a clarification response is assessed not be commercially restricted to a single bidder then the question and response should be released to all bidders without disclosing the identity of the originating bidder.

27.2 Further clarifications regarding quotation(s) received before contract award may be necessary. This might include areas of ambiguity, assumptions or possible errors. In such circumstances, all clarifications must be treated as commercial in confidence and managed through the RFQ system.

28. Timescales for Quotations

28.1. All requests for quotation include a default minimum of seven working days for the return of responses. This time period can be amended to allow a longer period where it is deemed necessary.

29. Terms and Conditions

29.1 All Requests for Quotation are invited with the Council's standard terms and conditions, which must be issued to suppliers with each RFQ. In the event that the standard terms and conditions are unsuitable, any alternative terms must be agreed with Legal Services.

30 Use of Purchasing Cards

30.1 Purchase Cards are to be used to order low value supplies and services (e.g. hotels, business travel and tickets) that do not require the additional risk management of terms and conditions encompassing orders or contracts, and only where there is no existing contract or suitable supplier available on the e-procurement system.

30.2 Purchasing Cards are to be used in accordance with the Visa Card User guide and associated documents available through the Corporate Procurement area on the Council intranet. The transactions **must** be reviewed and authorised in the Purchasing Card monitoring system. Any misuse may result in the Purchasing Card being withdrawn and lead to disciplinary action.

PART 4 - APPLICABLE TO CONTRACTS IN EXCESS OF £100,000

31. Competition

31.1 All contracts with a value in excess of £100,000 must be procured through Corporate Procurement to ensure compliance with the requirements of the Public Contracts Regulations 2015.

31.2 The Public Contracts Regulations set out detailed procedures for the award of contracts over specific thresholds. Details of the current thresholds are given below and are net of VAT.

	SUPPLIES	SERVICES	WORKS	LIGHT TOUCH REGIME	CONCESSION
Local Government	£189,330	£189,330	£4,332,012	£663,540	£4,733,252

32. Forward Plan

32.1 Corporate Directors must ensure that all contracts to be tendered are entered onto the forward plan of contracts, administered by Corporate Procurement at the earliest opportunity but with a minimum of six months before commencement of the procurement unless circumstances of urgency apply.

33. Project Initiation Form

33.1 In preparation for the Tendering exercise the Procurement Initiation Form (PIF) must be completed. The PIF will include:

(a) Identification and definition of needs;

(b) Options appraisal and business case development;

(c) A review of market conditions;

(d) Assessment of scope for collaboration; internally, externally with other organisations or the voluntary sector;

(e) Review of the implications for HR issues, sustainability, equalities, local businesses, etc;

(f) An analysis of the potential for achieving financial savings;

(g) Project planning, including definition of roles and responsibilities throughout the process;

(h) Risk analysis and recording on risk registers as appropriate

(i) Determining the process for contract management, including the arrangements for collating on a routine basis the financial and performance information needed to evaluate the effectiveness of the procurement exercise;

(j) Where an external agent is to be involved in the preparation of specifications, tender documentation, tender evaluation or any other procurement activity in relation to a contract, a declaration of interest and a confidentiality agreement must be completed;

(k) Service Heads or officers with delegated power must assess any potential conflict of interest and seek advice from Legal Services. The procurement should not proceed until such time as the assessment is made;

(l) Any disclosure of conflict of interest in a procurement process will be assessed by the Corporate Procurement and Legal Services on a case-by case basis. Individuals will be excluded on a case-by-case basis from the procurement process where the identified conflict is material and/or cannot be mitigated.

33.2 Corporate Procurement **must** be contacted as early as possible and full support given to enable the Procurement Instruction Form (PIF) to be fully completed.

33.3 No commitment can be made, and the procurement process **must not** commence, before this has taken place, and procurement advice on how to proceed has been received.

33.4 Corporate Procurement in liaison with the project manager and Legal Services will assess the procurement strategy, specification requirements and market conditions to determine the most suitable procurement procedure to employ and what internal governance measures are required.

33.5 For tenders above the EU threshold, and as part of the PIF process, Corporate Procurement will advise on current EU Law. EU Law is frequently evolving, so you should not assume guidance previously given will be unchanged in the future.

34. Cabinet Approval - Automatic Referral

34.1 Nothing in these rules obviates the requirement within the Constitution that “The contracting strategy and/or award of any contract for goods (supplies) or services with an estimated value exceeding £1,000,000, and any contract for capital works with an estimated value exceeding £5,000,000, shall be approved by the Mayor and/or Cabinet in accordance with the Procurement Procedures.”

34.2 In order to comply with this requirement, the Head of Procurement will submit a quarterly report to Cabinet, laying down a forward plan of contracting exercises across the Council for the forthcoming 12 months. This report will identify all contracts with a value exceeding £1,000,000 (for services and supplies) and £5m (for works) during the period in question, and will seek Cabinet’s approval to the outline contracting strategies.

34.3 Cabinet will be invited to identify those contracts they consider to be key decisions, and about which they wish to receive further reports on prior to contract award. The Corporate Director must ensure that the Head of Procurement is notified in good time in order to ensure that contracts are included in this report.

34.4 Prior to review by Cabinet, the Strategic Competition Board must have reviewed the strategy and/or award proposal.

35. Cabinet Approval – Referral by Head of Procurement

35.1 If in the view of the Head of Procurement, either a contract strategy or contract award needs to be approved by Cabinet, the project lead must submit the relevant report to the next available Cabinet meeting, after it has been presented to the Strategic Competition Board, and must not proceed with either the contracting process or the contract award until Cabinet approval has been obtained.

36. Tollgate Process

36.1 Contracts for supplies and services in excess of £1,000,000 in value, or for capital works in excess of £5,000,000 in value, will be subject to the Council's Tollgate Review Process. This is a procurement project appraisal methodology which assesses the health of the project, makes recommendations for improved outcomes and, where appropriate, provides a post-contract peer review. The Tollgate process is administered by Corporate Procurement on behalf of the Strategic Competition Board. Contracting officers must respond appropriately to recommendations in tollgate reports. In respect of contracts in excess of £1,000,000 (supplies & services) or £5,000,000 (capital works), you must obtain the approval of the Strategic Competition Board at two key points in the contracting cycle:

(a) To obtain agreement to the contracting strategy, prior to inviting tenders; and

(b) To obtain agreement to award contract, prior to issuing any award notification

36.2 The Procurement Cycle, including the Tollgate procedure, is set out in Appendix 1.

Rule 8

- Where the Contract is subject to the tendering rules of the EU Public Procurement Regulations, then those rules shall apply to the letting of the Contract.

- The contracting strategy for contracts for supplies and services in excess of £1,000,000 in value, or for capital works in excess of £5,000,000 in value, will be subject to Mayor and/or Cabinet approval.

37. Engagement with the Strategic Competition Board

37.1. The approval of the Strategic Competition Board will normally be through the internal Tollgate process. In the case of urgency, approval may be granted to the Contracting Strategy (but not the contract award) by the Head of Procurement and the Director of Legal with a subsequent report to the Strategic Competition Board.

38. Timescales

38.1. The Public Contract Regulations set out specific timescales for the letting of contracts for supplies, services and works above the EU threshold. It also sets outs specific procedures and timescales to be followed. An appropriate timetable must be drawn up in liaison with Procurement and Legal Services.

39. Tender Documentation

39.1. In inviting Tenders from suppliers, the Tender packs which are issued to suppliers must as a minimum include: Form of Tender, Valuing Diversity, Supply chain Ethical Code of Conduct, Confidentiality Agreement, Bona Fide and Anti-Collusion Certificate, Freedom of Information Disclosure, Conflict of Interest Declaration, Subcontractor or Consortium Member, Specifications, Quality Statements, Cost Schedule and Terms and Conditions

39.2. Local Employment and Community Benefits are intended to improve the economic, social or environmental wellbeing of the Council's area in addition to the main purpose of the contract. The Local Employment and Community Benefit must be considered in all relevant contracts above £100,000 and considered on appropriate contracts below £100,000.

40. Terms and conditions

40.1. The Terms and Conditions of a contract will be drafted by Legal Services and incorporated as part of the Tender pack. Where a bidder rejects acceptance of the Terms and Conditions (expressly, or by qualifying, caveating or supplying their own terms and conditions), the bid should be rejected as non-compliant.

40.2. Variations to the Terms and Conditions proposed by a bidder **must** only be accepted with the approval of Legal Services.

41. Tender Clarification and Additional Information

Pre-tender clarification

41.1. All queries from the bidders relating to the invitation to tender should be in writing through the e-procurement system. Where questions are considered of relevance to the subject matter of the contract and likely to affect some or all bidders' response to the tender, the clarification from the Council must be released to all bidders with the questioner's identity kept confidential.

41.2. Where the question is specific to one of the bidders (and therefore irrelevant to the submissions of the other bidders), it may be kept confidential between the Council and that bidder.

Post-tender clarification and request for additional information

41.3. Tender clarifications may be necessary in order to clarify areas of ambiguity, assumptions or possible errors in the cost and delivery of specifications. Clarifications must be fairly undertaken against the requirements specification released to all suppliers. In certain circumstances, it may be necessary to issue a response to a clarification to all bidders. Equally, competition must not be distorted by allowing any bidders to improve their offer without giving the same opportunity to all other bidders.

42. Negotiations

42.1. Tender negotiations refer to the discussions that take place between a Council's officers and the bidders. Unless expressly allowed for within the procedure, tender negotiations must not be conducted as they distort competition and adversely affect trust in the competitive bidding process and contravene procurement regulations. Under no circumstances is it permissible to use the lowest bid to seek a reduction in costs from the other bidders.

42.2. Only under specific circumstances laid down in the PCR 2015, and with the agreement of the Head of Procurement and Director of Legal will it be acceptable to negotiate as part of a procurement process. Prior to entering into negotiations, agreement and advice must be obtained from Legal Services and Corporate Procurement, and the process must be conducted in a fair manner that does not disadvantage or show undue favour to any tenderers. All negotiations must be fully documented.

43. Tender Evaluation

43.1. Evaluation criteria must be decided in advance of the advert and clearly stated in the tender documentation. All contracts must be awarded on the basis of most economically advantageous tender. For contracts over £100,000 a minimum of three officers must be involved in the evaluation of tender responses.

44. Supplier Selection Criteria

44.1. Selection Criteria (through the Standard Questionnaire – the SQ) are used to assess a bidder's ability to perform the proposed contract. Selection Criteria can apply at pre-tender stage in order to short-list bidders or, as part of the Open

Procedure, to determine which bidders' tender submissions can be considered. Where a SQ evaluation is required, the statutory Selection Questionnaire published by Crown Commercial Services must be used.

44.2. There is statutory guidance on the use of the SQ and Corporate Procurement and Legal advice must be sought before the SQ is used. There are very limited criteria under which potential suppliers may be ruled out at the SQ stage.

44.3. Where a SQ evaluation is required, the SQ will be issued and returned electronically via the Council's e-procurement systems with appropriate access given to officers to evaluate online. The tender documentation must clearly state the minimum requirements and how they will be assessed.

44.4 For the Construction & FM category the Council has adopted the Constructionline (CL) initiative to streamline the supplier SQ vetting process. Organisations wishing to bid for Council tender opportunities in this work category who are registered on CL and meet a selection criteria assessed against 'categories of work' and 'category values' will bypass the SQ standard question sets. None CL registered applicants need to demonstrate the same eligibility through the completion of the full SQ, which for the Construction & FM category will align with CL and follow the 'Common Assessment Standard' question set as referred to in Procurement Policy Note 03/24 and upon which CL vetting is based. Financial vetting of suppliers will adopt the Risk Radar application within the CL portal.

45. Supplier Award Criteria

45.1. Award Criteria are used to identify the tender that is the most economically advantageous to the Council. This will be the optimum combination of cost and quality benefits. Requirements must be related and proportionate to the subject-matter of the contract, and be clearly set out in the Contract Notice together with the means of proof, where appropriate.

45.2. Where Local Employment and Community Benefits are included as part of the award criteria, its weighting must not be more than 5% of the overall quality assessment.

46. Tender Report

46.1 A full tender report should be prepared by the Project Manager and kept on file. The report should include a complete review of the bidding strategy, methods used, details of bids received, and any justification for the opening of any late bids, the actual written approval for opening late bids, detailed bid evaluation and recommendations for award.

47. Debriefing

47.1 For EU tenders supplier debriefs are a statutory requirement and must be completed within 15 days of the date of the receipt of a written request from the tenderer. Legislation requires a comparison between the bid of the person being debriefed with the winning bid. This must be done in such a way as to comply with the regulations without breaching the FOIA. If you have any doubt as to how to proceed, guidance should be sought from Corporate Procurement and Legal Services.

48. Contract Award

48.1 Corporate Directors or Directors are responsible for signing contract award letters in respect of all contracts with a value between £100,000 and £1,000,000 for supplies, services; and works below £5,000,000.

48.2 Corporate Directors are responsible for signing contracts award letters in respect of all contracts with a value equal or above £250,000 for supplies, services; and works above £5,000,000.

48.3 When no bids are received in response to a tender undertaken in accordance with these procurement procedures, the project manager should investigate the reasons for the lack of responses.

48.4 Where only one bid is received, the evaluation may still be undertaken in accordance with the tender evaluation criteria. Once this is concluded, the Project Manager will need to assess whether the submission received is sufficient (such assessment to include consideration of best value and value for money) for the Council to proceed to award or whether it would be in the Council's best interest to re-tender.

48.5 Alternatively, but only on the advice of Corporate Procurement and Legal Services, it may be appropriate to invoke a negotiated process with the single supplier.

48.6 When a procurement exercise is to be abandoned, the Directors or Corporate Directors must authorise the decision. The Head of Procurement may request that the tender report for the procurement exercise is presented to Strategic Competition Board for approval.

PART 5 – EXCEPTIONS TO THE PROCUREMENT PROCEDURES

49. Valid Exceptions to the Procurement Procedures

49.1 All contracts must follow a quotation or tender process in accordance with this procedures unless, either:

(a) A waiver via the completion of a Record of Directors Action (RCDA) is obtained from the relevant Corporate Director, in accordance with the RCDA Guidance; or

(b) An existing, recognised consortium contract or framework, which has gone through an appropriate competitive tendering process, is being used in line with section 15. The Framework requirements to award a Call-off contract must be followed, either through a mini-competition or a direct call off process; or

(c) An existing term contract, Framework or appropriate arrangement let by the Council, which complies with these rules, is being used (see section 13) ; or

(d) The contract is to be funded in full by another public or voluntary organisation that has requested in writing that its own procedures are followed, subject to compliance with European law.

Corporate Procurement and Legal services must be involved in the award of such contracts where the value exceeds £100,000 the completion of a PIF and a Contract Award Report may be required.

50. Record of Corporate Director's Actions (RCDA) - Waiving ofProcurement Procedures

50.1 Procurement Procedures may be waived by a Corporate Director in liaison with the Head of Procurement and the Director of Legal, where the total value of the contract does not exceed the value of £189,330 (this is cumulative where there are a series of RCDAs in a period of 12 months), after considering a written report (RCDA) by the appropriate officer, that the waiver is justified because:

(a) The nature of the market for the works to be carried out or the supplies or services to be provided has been investigated and has demonstrated that only a single source of supply is available, or

(b) On balancing the risk and circumstances, it is clearly in the Council's interest to do so; or

(c) The contract is for works, supplies or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen – e.g. to protect life or property when no existing contractual arrangement is in place, or if the purchase is needed to urgently comply with an order of Civil or Criminal Court; or

(d) The purchase is from a supplier where there is an existing obligation to the Council (e.g. under a warranty to contribute to the cost).

(e) Variations of contracts that do not fall within the exceptions listed in section 24.3

50.2 Corporate Director's Actions must be used only in the circumstances listed above, and not to compensate for poor planning or a desire to retain incumbent suppliers through avoidance of competition.

50.3 A record of the decision approving a waiver and the reasons for it must be published on the Council's website once the decision has been taken and kept in a departmental Register of Corporate Directors' Actions.

50.4 Corporate Director's Actions in respect of contracts over £100,000 must be reported to Corporate Finance for submission to the next available meeting of the Cabinet.

50.5 Corporate Directors' Actions must be completed on the appropriate form.

50.6 Waivers of the Procurement Procedures relating to contracts in excess of the OJEU threshold can only be made by a decision of the Mayor, either in Cabinet or through an Individual Mayoral Decision. In such circumstances, consideration must be given to the requirements set out within the Public Contracts Regulations 2015.

Rule 10

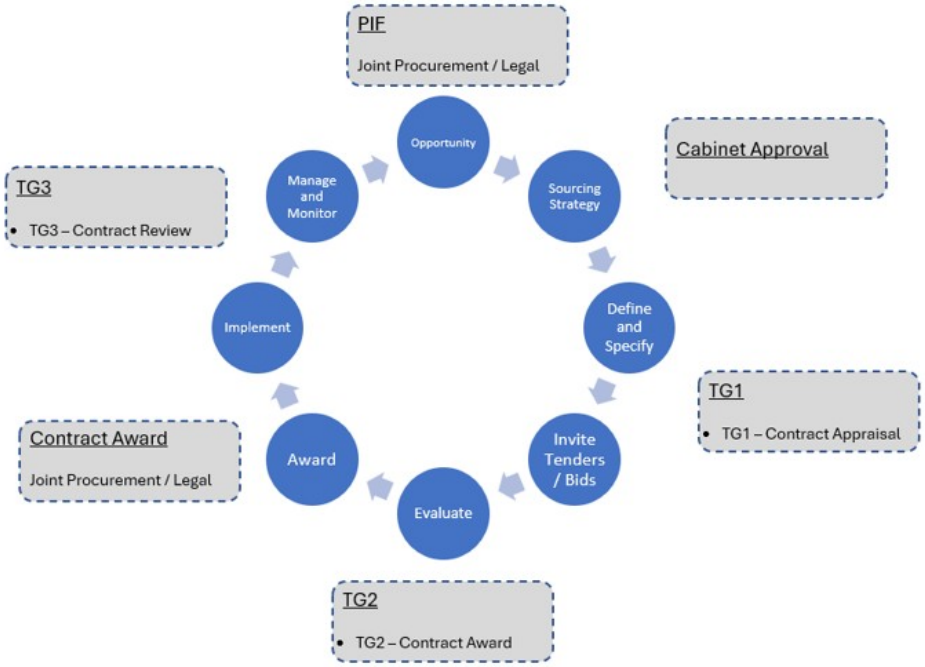
- Where the Procurement Procedures apply to a Contract a Corporate Director's Action may be taken to waive any provision, so long as it is justified in accordance with section 50 and this will not lead to a breach of UK or EU legislation.
- Waivers granted by the relevant Corporate Director must be agreed by the Head of Procurement and the Director of Legal.
- Waivers are an exception and must not be sought unless absolutely necessary.
- Corporate Director Waivers in respect of contracts over £100,000 must be reported to the next available meeting of the Cabinet.
- Where there is any doubt about an action breaching UK or EU Legislation advice from Legal Services must be sought.
- A record of the decision approving a waiver and the reasons for it must be kept in a Departmental Register of Corporate Directors' Actions.

Appendix 1: Tollgate process

Purchases of goods and services in excess of £1,000,000 in value, or for capital works in excess of £5m in value are subject to the Councils Tollgate Process.

The Tollgate Process examines projects at key decision points in their lifecycle to determine the likelihood of successful delivery of the project, adherence to the Council Strategy and Community Plan and compliance with existing Policies and Procedures.

Procurement Cycle



Project Initiation Form (PIF)

The Procurement Instruction Form acts as the initiation of a procurement project and must be completed to instruct Corporate Procurement and Legal Services to support the identified project. This will involve a joint assessment between stakeholders and the procurement category manager.

Assessment will include:

- Identification of project resource to complete the procurement.
- Background and Strategic fit: summary of supplies and works being procured; justification for contract; key changes to current arrangements; link with Council's strategy and objectives.
- Market Assessment: market conditions; possible collaboration; procurement options.
- Financials - Cost and benefit realisation: initial contract value; funding streams; efficiencies.

- Approach to risk management; controls, mitigation and monitoring.
- Agreed procurement timetable

Tollgates 1, 2 and 3

Tollgate reviews will take place for contracts for supplies and services in excess of **£1,000,000** or capital works in excess of **£5,000,000**.

The review is undertaken in a two stage process by: Competition Planning Forum and Strategic Competition Board.

a) Tollgate 1

Tollgate 1 is completed in liaison with the procurement category manager and MUST be signed off by the Project Sponsor (Director) and presented to Competition Planning Forum, who will review and make recommendation to Strategic Competition Board for approval with any specific recommendations prior to any advert being placed. Tollgate 1 will examine:

- The outcomes and objectives for the programme
- Confirm that the programme's potential to succeed has been considered in the wider context of Council's policy and procurement imperatives
- Programme takes account of joining up with other programmes, internal (consolidation) and external (collaboration)
- Arrangements for identifying and managing risks
- Provision for financial and other resources has been identified, including a minimum of 10% savings.
- Local Employment and Community Benefits are included and appropriate.
- Sustainability strategy has been outlined.
- LLW has been factored in the cost.
- Procurement is supported by key stakeholders and has been appropriately communicated to Lead Member and to Cabinet.

b) Tollgate 2

Tollgate 2 is completed in liaison with the procurement category manager and MUST be signed off by the Project Sponsor (Director) and presented to Competition Planning Forum who will review and make recommendation to Strategic Competition Board for approval with any specific recommendations prior to contract award.

Tollgate 2 objectives are to ensure:

- The Business Case is still valid and unaffected by internal and external events or changes.
- The original projected business benefit are to be achieved
- There are feasible and tested business contingency, continuity and/or reversion arrangements in place.
- All on-going risks and issues are being managed effectively and do not threaten implementation.
- Contract management arrangements are in place.
- Lessons for future projects are identified and recorded
- Recommendations from TG1 have been actioned.
- Compliance with all internal governance and reporting procedures

Tollgate 1 and 2 combined

In exceptional circumstances, where it is agreed for a TG1 and TG2 may be combined (5.23), a detailed contract award report (TG2-Report) must be completed in liaison with the procurement category manager and must be signed off by appropriate Project Sponsor (Director).

c) Tollgate 3

High risk contracts or contracts with a value in excess of £1,000,000 will be selected by Strategic Competition Board to present a review report after initial 12 months into the life of the contracts.

Tollgate 3 report will be completed by the contract managers. Procurement Category Managers will provide guidance on report requirements.

The report will be presented by the Contract Manager to Strategic Competition Board which may provide specific recommendations.

The purpose of the Tollgate 3 is to assess:

- There is still a business need for the investment.
- Financial and efficiency benefits are being realised.
- Funding issues and risks

- Variations are being recorded and reported in accordance with the Council's Procurement Procedures.
- Contract Monitoring and Management arrangements in place
- Where applicable, confirm the validity of exit strategy and arrangements for re-competition.
- Local Employment and Community Benefits achievement.
- Compliance with policies and procedures and corrective measures where non-compliance has occured.

CHAPTER 65: CORPORATE OPERATING PROCEDURES

Section 1: Introduction

1.1 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.

1.2 The procedures enable 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.

1.3 All powers in these procedures may also be exercised by the Chief Executive, by the Deputy Chief Executive when the Chief Executive is unavailable for any reason, or any other officer designated by the Council as Acting/Interim Chief Executive on a temporary basis.

1.4 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.

1.5 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.

1.6 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.

1.7 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.

1.8 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.

Section 2: Operating Procedures – General Principles

2.1 For the purposes of these procedures, a service manager is defined as a manager reporting to a Corporate Director who is not designated as a Director or a manager reporting to a Director, whilst a line manager is defined as a postholder who has line management responsibility for at least one employee.

2.2 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.

2.3 The table below explains who has the authority to make the type of decision.

Decision	CE	D	SM	LM	Notes
Type of Decision	√				The Chief Executive or Corporate Director only has the authority to make the decision. A Director, Service Manager or Line manager does not have the authority to make the decision.
Type of Decision	√	√			A 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 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 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 Director and/

						or Service Manager have to approve the decision made by the Line Manager unless other applicable Council procedures require this.

Corporate Operating Procedures

2.4 1. Establishment

	Decision	CE	D	SM	LM	Notes
1.1	Establishment Control: Creating posts	√	√			New posts must be funded within the Director's approved budget and authorised in accordance with the Establishment Control Procedure. See also relevant People: 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 people 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

2.5 2. Appointments

	Decision	CE	D	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 recruitment processes and people procedures referred to below. Each procedure states the applicable authorisation levels. See also relevant People: Recruitment and Selection Standards Establishment Control Procedures
2.2	Making decisions in relation to recruitment activities (including interview panels; offers and terms of appointments; pre – employment checks; probation)	√	√	√	√	All decisions in relation to recruitment and appointments must comply with the people recruitment processes and procedures referred to below. Each procedure states the applicable authorisation levels. See also relevant People Procedures: Recruitment and Selection standards DBS Procedure DBS Risk Assessment Procedure Reference Procedure Probation Procedure
2.3	Determine the outcome of a DBS Risk Assessment	√	√			The outcome may be to withdraw an offer of employment, continue

						employment or terminate employment in line with the following Procedures. See also relevant people Procedures: Recruitment and Selection standards DBS Procedure DBS Risk Assessment Procedure
2.4	Probation – Termination of contract following unsuccessful probation	√	√			Decision must comply with the following people procedures and advice sought from HR services where appropriate. See also relevant People Procedures: Probation Procedure Standards for Managing Employee Performance
2.5	Procuring/engaging agency workers and contractors	√	√			Decisions must be taken in line with the Temporary Worker Guidelines See also relevant People Procedure: Temporary Worker Guidelines

2.6 3. Remuneration

	Decision	**CE**	**D**	**SM**	**LM**	**Notes**

3.1	Appointment onto pay scales	√	√	√		All new starters are appointed at bottom of scale, by exception directors can authorise appointment to one spinal column point higher. All other requests are approved by Heads of HR/Senior HR Business Partners on behalf of the Director of Workforce, OD and Business Services See also relevant People Procedure: Recruitment Procedure
3.2	Authorising acting up and honoraria payments	√	√			Decisions must be taken in line with the Acting up and Honoraria Procedure. See also relevant People Procedure: Acting up and Honoraria Procedure
3.3	Authorising additional payments/ allowances/ expenses	√	√	√	√	Decisions must be taken in line with Terms and Conditions of Employment and People Procedures. See also relevant People Procedures: Subsistence and expenses Work Related Travel Expenses Schemes Guidance
3.4	Authorising market supplement payment	√	√			Decisions must comply with the Market Supplement Procedure and are approved by the Director of Workforce and Business Support Services and Corporate Director. See also relevant People Procedure: Market Supplement Procedure

2.7 4. **Discipline, capability, sickness absence and grievance**

	Decision	CE	D	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 People Procedure: Disciplinary Procedure
4.2	Instructing a member of staff to leave the premises	√	√	√		With advice from HR services. See also relevant People 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 services. See also relevant People 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 People Procedure:

						Disciplinary Procedure
4.5	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 People Procedure: Disciplinary Procedure
4.6	Performance/ Capability – initiating proceedings/ confirming action taken and outcomes **including dismissal**	√	√	√		See also relevant People Procedures: Standards for Managing Performance and Probation Probation Procedure Standards for Managing Employee Performance
4.7	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 People Procedures: Probation Procedure Standards for Managing Employee Performance
4.8	Sickness Management Procedure – initiating proceedings/confirming	√	√	√		Decisions must comply with Sickness Management Procedure and HR advice

	action taken and outcomes **including dismissal**					sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant People Procedure: Sickness Management Procedure
4.9	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 People Procedure: Sickness Management Procedure
4.10	Grievance and Harassment Procedures – initiating proceedings/ confirming action taken and outcomes	√	√	√	√	Decisions must be comply with relevant People Procedures and HR advice sought where appropriate. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant People Procedures: Combatting Harassment & Discrimination Procedure Grievance Resolution Procedure

2.8 5. Attendance

	Decision	CE	D	SM	LM	Notes
5.1	Dealing with requests for changes to contractual hours / flexible working	√	√	√	√	Decisions must comply with Flexible Working and other relevant People procedures. Different levels of authorisation may apply and these are clearly defined in the procedure. See also relevant People Procedure: Flexible Working Policy
5.2	Agreeing hours of working	√	√	√	√	Different levels of authorisation may apply and these are clearly defined in the procedures See also relevant People Procedures: Flexible Working Policy Flexi Time Scheme
5.3	Approving leave (including annual, special, flexi, paid, unpaid)	√	√	√	√	Decisions must comply with relevant People Leave procedures. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant People 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

2.9 6. Leavers

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

6.3	Providing references	√	√	√	√	References must be provided in line with relevant recruitment procedures and processes and HR advice sought where appropriate. Relevant People 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 People Procedure: Handling Organisational Change Procedure
6.5	Agreeing redundancy	√	√	√		Decisions must comply with relevant People Organisational Change and sickness management processes. Different levels of authorisation may apply and these are clearly defined in the procedures. See also relevant People Procedures: Handling Organisational Change Procedure Sickness Management Procedure
6.6	Agreeing early retirement	√	√			Decisions must comply with relevant People Organisational Change processes.

						See also relevant People Procedures: Flexible Retirement Policy

Other Matters

2.10 A. Managing Budgets

	Decision	CE	D	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
A.2	Incurring Capital expenditure only within terms of agreed capital programme	√	√	√		Complying with Financial regulations	See 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 £1M	√				Except i) Capital Financing ii) support services/Internal charges iii) Rates iv) Insurance v) pensions which require specific approval of Corporate Director Resources / Chief Finance Officer	Corporate Director – Resources /Chief Finance Officer to be advised of virements over £100,000 Other requirements may also apply, for full thresholds see table D2 in the Chapter 63 (Financial regulations and procedure rules).
A.5	All virements	√	√	√		Consider whether “key decision” required.	See also: Constitution Key decisions

2.11 B. Payroll

	Decision	**CE**	**D**	**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

2.12 C. Income

	Decision	**CE**	**D**	**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
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

2.13 D. Purchasing and Procurement

	Decision	CE	D	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
D.2	Seeking tenders and quotations	√	√	√		Within approved limits according to management level and Executive approval required if over £1M (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)	√				Up to EU threshold and in accordance with procurement procedures	Liaising with Corporate Director, Resources / Chief Finance Officer

							and reporting to Executive if over £100,000. See also relevant Procedures: Procurement Rule 6 and Financial thresholds
D.4	Awarding contracts following the appropriate procurement Procedure	√	√	√		Within approved limits	See also relevant Procedures: Executive approval required if contract for services over £1,000,000 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 £1,000,000, works below £5,000,000	See also relevant Procedures: Procurement Rule 6 Financial thresholds Procurement rule 10 Waiving procurement procedures
D.8	Signing Contracts	√	√			Above £1,000,000 (services) and £5,000,000 (works)	Only after decision by the Executive and specific delegation. See also relevant Procedure: Procurement Procedure Rule 48 limits
D.9	Terminating contracts	√	√	√			Subject to advice from the Director of Legal or their nominee
D.10		√	√	√			

	To advertise concession opportunities						Executive approval required if over £1,000,000 goods and services Award to be noted if value greater than £100,000. See also relevant Procedures: Financial procedure EA 1 External arrangements Contract Procedure Rule 8
D. 11	To award contract for concession	√	√	√			Executive approval required if over £1,000,000 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 £1,000,000. See also relevant Procedure: Procurement Rules 7
D. 13	Terminating the award of a concession	√	√	√			Subject to advice from the Director of Legal or their nominee
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		√	√	√	√		See also relevant Procedure:

	Disposal of Equipment/ furniture and other obsolete assets					After consultation with the Chief Finance Officer	In compliance with Financial CR10 Disposal of property and obsolete assets

2.14 E. Authorisations

	Decision	CE	D	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

2.15 F. Complaints

	Decision	CE	D	SM	LM	Constraint	Notes
F.1	To receive, investigate and respond to complaints at Stage 1 of the Corporate Complaints Procedure			√		With oversight from 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 - Director up to £25,000 and Service Manager up to £3,000	See also relevant Procedure: Corporate Complaints Procedure
F.5	Authorising Compensation for contravention of the GDPR and other data	√	√	√		Subject to financial limits – Director up to	

	protection legislation in accordance with sections 168 and 169 of the Data Protection Act 2018					£25,000 and Service Manager up to £3,000	

2.16 G. Engaging Specialists

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

2.17 H. Legal Matters

	Decision	CE	D	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 Director of Legal or their 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	√	√	√			See also relevant Procedure:

	Council (including an Order agreed by consent)						Constitution Chapter 15
H.3	Manage all information (including Confidential information)	√	√	√		in accordance with the Council's Information Management and Retention Policies	

2.18 I.Companies / Partnerships and other collaboration agreements

	Decision	CD	D	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
I.3	To ensure that any company formed Makes provision for any changes in the Company's Memorandum and Articles of	√	√	√		Taking appropriate professional advice	

	Association to be approved by the Council's Executive Makes provision for the company to report on an annual basis to the Council's Executive.						
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 Chief Finance Officer. See also relevant Procedure: In compliance with Financial procedure EA1 Partnerships

CHAPTER 66: CORPORATE SCHEME OF FINANCIAL REGULATIONS

Section 1: Introduction

1.1 The purpose of the Financial Regulations is to set out the Council's financial policies and the framework for managing the Council's financial affairs. The Regulations aim to ensure that the Council conducts is affairs in a way that complies with specific statutory provisions and best professional practice. All financial and accounting procedures and delegations must therefore be carried out in accordance with the Financial Regulations and all other relevant guidelines.

1.2 The purpose of the Scheme of Financial Delegation is to set out the powers, duties and responsibilities delegated to each role level. This schedule sets out the approved financial limits within which the Council's business may be conducted. Changes to limits within this Scheme may only be made with the approval of the Corporate Director of Resources.

Section 2: Roles and Responsibilities

2.1 The Council operates a system of devolved financial management which, in practice, means certain responsibilities are devolved to services, as follows:

- Ensuring that there is proper stewardship of public resources;
- Ensuring that statutory and regulatory standards are met;
- Ensuring value for money;
- Identifying, evaluating and managing risk;
- Supporting good decision making through the provision of financial information and advice to decision makers;
- Analysis of service activity costs and trends to feed into performance information;
- Aligning resource allocations with business objectives;
- Maximising income sources without being diverted from business priorities.

2.2 It is therefore important that there is clarity over roles and responsibilities within these areas of activity.

Section 3: Budget Holders

3.1 The default Budget Holder is deemed to be the Corporate Director in the absence of another specific budget holder being formally identified and nominated by the service. Corporate Directors are required to maintain a definitive schedule of all current employees in the directorate with delegated financial powers, which must be reviewed and updated at least quarterly (this may be in the form of a download from the Agresso finance system). Delegated financial authority at all levels is limited to the specific cost centres allocated to each staff member and recorded on the Agresso finance system (and supporting feeder systems).

Section 4: Approval Limits

4.1 In order to facilitate compliance with the Financial Regulations and Scheme of Financial Delegation, the Council has an authorised signatory process, primarily managed through the Agresso system workflows. All staff within posts deemed to have delegated financial authority are required to complete an authorised signatory form. This sets out the extent of the individual's authority, requires them to confirm the cost centres they have authority against. By signing this form, managers are confirming that they will abide by the rules and regulations set out both within the Financial Regulations and the Scheme of Financial Delegation. The details are held within the Agresso Financial Ledger system and are used to notify the relevant authorised signatories that transactions need to be approved.

4.2 Each role has a limit to the amount they can authorise, with anything above £5m always requiring Chef Executive approval. The designated approval level for each establishment role is determined by Budget Holder (by default the service director or alternatively a senior manager with appropriate delegated authority in the management hierarchy). All designated approvals for Service Manager and Director are designated by the Budget Holder in partnership with the Finance Manager/ Business Partner for the service. All individual employees with delegated financial powers are subject to the systems administration process for new starters, leavers and role changes.

4.3 The table below sets out the current approval limits that are recorded on the Agresso Financial Ledger system, alongside the role/grade definitions:

Amount	Approval Level	Comment/Role
<£1k	Approval Level 1	

		Designated Appropriate approval level for each establishment role is by determined by Budget Holder
£1k-£5k	Approval Level 2	Designated by Budget Holder
£5k-£25k	Approval Level 3	Designated by Budget Holder
£25k-£50k	Approval Level 4	Designated by Budget Holder
£50k-£250k	Service Manager/Head	Designated in partnership with finance
£250k-£1m	Divisional Director	Designated in partnership with finance
£1m-£5m	Corporate Director	Person in Corporate Director Role Deputy Section 151 Officer
>£5m	Chief Exec	Person in Chief Exec Role Section 151 Officer Deputy Section 151 Officer
	Journal Approval	Finance Manager
	Cost Centre Forecast and Sales Order Approval	Budget Holder

Section 5: London Borough of Tower Hamlets – Scheme of Financial Delegation

5.1 The following table sets out the core financial delegated powers cross referenced to approval limits and role grades. Specific delegated powers are allocated at the discretion of the relevant Budget Holder (by default the Corporate Director) and must comply with this scheme of financial delegation. However, further sub-delegation of service specific financial activity may be included in the Directorate Delegations section of the Constitution (these must be consistent with the limits set below).

	Description	**Limit/Value**	**Financial Authority delegated to**
	Managing Budgets		
	Incurring expenditure within approved budget limits	<£1k Approval Level 1 £1k-£5k Approval Level 2 £5k-£25k Approval Level 3 £25k-£50k Approval Level 4	Council staff with roles that include financial approval levels 1-4, as recorded on the Agresso Financial ledger.
		£50k-£250k	Service Manager
		£250k-£1m	Director
		£1m-£5m	Corporate Director
		>£5m	Chief Exec

	Individual revenue/ capital virements	Refer to table D2 of the Financial regulations	Refer to table D2 of the Financial regulations
	Income and Debtors		
	Determining whether income is due (raising an invoice).	<£1k Approval Level 1 £1k-£5k Approval Level 2 £5k-£25k Approval Level 3 £25k-£50k Approval Level 4	Council staff with roles that include financial approval levels 1-4, as recorded on the Agresso Financial ledger.
		£50k-£250k	Service Manager
		£250k-£1m	Director
		£1m-£5m	Corporate Director
		>£5m	Chief Exec
	Individual Sundry debtor accounts write offs (note this is the sum of debt on an account to be written off not individual invoices).	<£1m	Director with written approval from Chief Finance Officer
		>£1m	Corporate Director with written approval from Chief Finance Officer

	Individual Council Tax, NNDR, housing benefits overpayments and former client rent arrears write offs (per account / reference)	<£1m	Director with written approval from Chief Finance Officer
		>£1m	Director with written approval from Chief Finance Officer plus another Corporate Director
	Individual Housing rent or service charge write offs (per account reference).	<£5k	Service Manager (Housing only).
		£5k-£20k	Director or Corporate Director with written approval from Chief Finance Officer.
		>£20k	Corporate Director with written approval from Chief Finance Officer
	Individual Council Tax and NNDR Refunds (per account / reference).	<£1m	Director with written approval from Chief Finance Officer
		>£1m	Director with written approval from Chief Finance Officer plus one other Corporate Director
	Cancellation and reversal of debts raised in error	<£250k	

			Service Manager, providing that a clear documented evidence trail is maintained.
		£250k-£1m	Director, providing that a clear documented evidence trail is maintained.
		>£1m	Corporate Director, providing that a clear documented evidence trail is maintained.
	Fees and charges - Increases	Any value	Requires minuted decision from Mayor's Executive
	Fees and charges – New charges	Any value	Requires minuted decision from Mayor's Executive
	Signing off bids and applications for funding	Any value	Corporate Director
	Purchasing and Procurement		
	Approving placement of individual orders (commitments) with suppliers/contractors	<£1k Approval Level 1 £1k-£5k Approval Level 2 £5k-£25k Approval Level 3	Council staff with roles that include financial approval levels 1-4, as recorded on the Agresso Financial ledger.

		£25k-£50k Approval Level 4	
		£50k-£250k	Service Manager
		£250k-£1m	Director
		£1m-£5m	Corporate Director
		>£5m	Chief Exec
	Approving expenditure commitments on capital schemes	<£1k Approval Level 1 £1k-£5k Approval Level 2 £5k-£25k Approval Level 3 £25k-£50k Approval Level 4	Council staff with roles that include financial approval levels 1-4, as recorded on the Agresso Financial ledger.
		£50k-£250k	Service Manager
		£250k-£1m	Director
		£1m-£5m	Corporate Director
		>£5m	Chief Exec

	Approving additional budget on capital schemes/new capital schemes	<£5m	Corporate Director in addition to written authorisation from Director of Resources
		>£5m	Chief Exec
	Authorising payment of invoices	<£1k Approval Level 1 £1k-£5k Approval Level 2 £5k-£25k Approval Level 3 £25k-£50k Approval Level 4	Council staff with roles that include financial approval levels 1-4, as recorded on the Agresso Financial ledger.
		£50k-£250k	Service Manager
		£250k-£1m	Director
		£1m-£5m	Corporate Director
		>£5m	Chief Exec
	Approving compensatory payments	<£3k	Service Manager
		£3k-£25k	Service Manager
		£25k-£5m	Corporate Director or Director

		>£5m	Chief Exec
	Corporate credit card transactions (emergency use) or other payment card transactions	<£1k Approval Level 1 £1k-£5k Approval Level 2 £5k-£25k Approval Level 3 £25k-£50k Approval Level 4	Council staff with roles that include financial approval levels 1-4, as recorded on the Agresso Financial ledger.
		£50k-£250k	Service Manager
		£250k-£1m	Director
		£1m-£5m	Corporate Director
		>£5m	Chief Exec
	Cash payments (exceptional use)	Up to £500	Service Manager in addition to authorisation from Chief Finance Officer
	CHAPS Payments	Any value	Chief Finance Officer
	Emergency expenditure	<£5m	Chief Finance Officer
		>£5m	Chief Exec

			Director in addition to authorisation from Chief Finance Officer
	Procurement of supplier contracts: Seeking tenders and quotations Awarding contracts Placing orders Authorising variations Terminating contracts	<£1m	Director – subject to procurement procedures
		>£1m	Corporate Director – subject to procurement procedures
	Payroll/ Remuneration		
	Authorising payroll submissions (including authority to include a new employee on the payroll)	Any value	Director and Service Head
	Authorising payroll corrections	Any value	Director and Service Head
	Treasury Management		
	Expenditure and investment relating to treasury management and investments	Refer to Treasury Management Strategy Statement and Treasury	Refer to Treasury Management Strategy Statement and Treasury Management Scheme of Delegation.

		Management Scheme of Delegation.	
	Expenditure and investment relating to the operating of contracts for the pension fund	Any value	Delegated to Pension Fund Managers in line with the London Borough of Tower Hamlets Pension Fund Investment Strategy.
	Transfers between, withdrawals from or additions to Pension Managers Funds	Any value	Chief Finance Officer
	Asset management		
	Writing off deficiencies in stocks, stores and inventories	Any value	Chief Finance Officer
	Acquisitions and Disposals of land at full market value. (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review).	<£250k	Director (Housing and Regeneration only) and Corporate Director. Subject to reference to Mayor's Executive by the Corporate Director of Housing and Regeneration or land in the nature of open space if there is significant public interest in the preservation of the same.
	Acquisitions and Disposals of land at	>£250k	Chief Finance Officer with reference to Mayor's Executive

	full market value.		
	Acquisition and Disposals of land at below market value. where in respect of a purchase the value of the consideration does not exceed the limit or in respect of a sale the value of the consideration and the undervalue foregone do not together exceed the limit. Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent to the Secretary of State may be sought as necessary.	<£250k	Director (Housing and Regeneration only) or Corporate Director Subject to reference to Mayor's Executive by the Director of areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.
	Acquisition and Disposals of land at below market value.	>£250k	Chief Finance Officer with reference to Mayor's Executive
	Compulsory Disposals of land. Any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the	<£250k	Director (Housing and Regeneration only) or Corporate Director

	Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the statutory procedures.		
		>£250k	Chief Executive and Chief Finance Officer with reference to Mayor's Executive
	Acquisition or Disposal of property and other assets	<£250k	Director (Housing and Regeneration only) in consultation with Corporate Director.
		£250k-£5m	Corporate Director with written approval from Chief Finance Officer - Subject to guidance in the Financial Procedures Manual.
		>£5m	Chief Executive - Subject to guidance in the Financial Procedures Manual.
	Purchase, surrender, renewal, variation and re-gearing of property or other leases	<£250k	Director (Housing and Regeneration only) with written approval from Chief Finance Officer – Subject to guidance in the Financial Procedures Manual.
		£250k-£5m	

			Corporate Director with written approval from Chief Finance Officer - Subject to guidance in the Financial Procedures Manual.
		>£5m	Chief Executive - Subject to guidance in the Financial Procedures Manual.

Section 6: Appendix A - Other Financial Guidelines Documents

Guidelines:	Available From:
Financial Procedures Manual	Chief Accountant's Team
Budget Practitioners' Guide	Corporate Finance Team
Medium Term Financial Plan	Corporate Finance Team
Budget Setting Timetable	Corporate Finance Team
Closure of Accounts Guidance	Chief Accountant's Team
CIPFA Code of Practice on Local Authority Accounting	Chief Accountant's Team

CIPFA Code of Practice on Financial Management (Consultation draft)	Chief Accountant's Team
Value Added Tax (VAT) Manual	Chief Accountant's Team
Procurement Procedures	Procurement Team
Asset Management Plan	Capital Finance Team
Council Constitution	Monitoring Officer
Hospitality Procedure	HR Services

Section 7: Appendix B - Glossary and Abbreviations

Term	Definition
ACOP	Accounting Code of Practice published by the Chartered Institute of Public Finance setting out the policies and practices to be adopted in the operation of the Council's accounts.
Accrual	Accounting procedure to charge expenditure to the year it relates to rather than the year it is paid. Correspondingly it enables income to be credited to the year income is earned rather than when the cash is received.
Asset Management Plan (AMP)	Document detailing the strategy for the Council's property portfolio.

Balances	Sums available for consideration for carry forward from one financial year to the next.
Balance Sheet Codes	Cost centres used for expenditure and income not directly chargeable to revenue or capital. Contain all balances available for carry forward at year-end.
Approved Budget	The Council's spending plans for a financial year. The revenue budget, when approved by full Council and after deduction of Revenue Support Grant and Business Rates, determines the Council Tax for the year. The capital budget represents the approved amount of capital expenditure for a year. Budget can refer to the total budget or to a service or part of a service.
Budgetary Control	Comparison of actual expenditure and income against approved budgets during the year and the taking of action to resolve any variations, which arise.
Budget Head	The lowest level of expenditure or income at which budgets are monitored. Generally this will be a line in the budget book although for departmental purposes these budgets will be broken down on the financial accounting system (Agresso) and monitoring undertaken at this lower level.
Capital Charges	Charges in respect of depreciation and interest made to revenue accounts in respect of their utilisation of assets.
Capital Expenditure	The acquisition and/or construction of a fixed asset that increases the value or extends the useful life of the asset as defined in IAS16, Property, Plant and Equipment.
Capital Programme	A document that sets out the Council’s capital expenditure plans for the current year and subsequent two years.
Capital Receipts	

	The net proceeds arising from the sale of land, buildings and other fixed assets.
Capital Resources	Amounts available to finance capital expenditure. Includes borrowing, capital receipts, capital grants and revenue.
Cash Limit	Budget set at a fixed level with no scope for subsequent increases to compensate for price or volume increases.
Charges	Income raised from the users of services (external or internal). These may be statutory (set by government) or discretionary (set by the Council).
CLT (Corporate Leadership Team)	Group comprising all Corporate Directors, which determines authority-wide policies and practices, discusses corporate issues and makes recommendations to Members where appropriate.
Code of Practice	The Code of Practice on Local Authority Accounting in the UK. This outlines the accounting regulatory framework for Councils. The “Code” replaced the Statement of Recommended Practice for Local Authority Accounting (SORP).
Commitment	Agreement to incur expenditure.
Contingency	Sum set aside within an approved budget but not assigned for a specific purpose.
Contingent Liability	Defined in IAS37 "Provisions, Contingent Liabilities and Contingent Assets" as: “a possible obligation arising from past events whose existence will be confirmed only by the occurrence of one or more uncertain future events not wholly within the control of the entity.”
Deferred Charge	Capital expenditure which does not increase the stock of assets available to the Council.

De Minimis	A level specified by the Council below which normal accounting procedures do not apply.
MHCLG	The Ministry of Housing, Communities and Local Government
DMT (Departmental Management Team)	Corporate Directors and Service Heads within Directorates.
Estimate	Projected expenditure or income.
Income	Revenue income received by the Council.
Original Estimate	Budget approved at the time of fixing the Council Tax each year.
Overspending	The amount of actual expenditure at the end of a year or contract which is greater than the approved budget or actual income which is less than the approved budget.
Performance Plan	Document which establishes and explains overall priorities and objectives, current performance, and proposals for further improvement.
Provision	According to IAS37, “Provisions, Contingent Liabilities and Contingent Assets”, a provision is a liability that is of uncertain timing or amount, to be settled by the transfer of economic benefits.
Reserves	Amounts set aside for specific purposes to meet future expenditure which do not qualify as Provisions.
Revenue Budget	Approved amount of revenue expenditure or income.

Revenue Expenditure	Expenditure met from the Revenue Account. This will include capital charges and any capital expenditure not met from capital resources.
Revised Estimate	The approved amendment of an Original Estimate during the financial year.
Scheme of Delegation	The matters that Council Members determine can be undertaken by officers.
Service	A separate function undertaken by the Council. Normally the first summary level in the Budget Book.
Slippage	Expenditure on a capital scheme delayed from one financial year into the next but which does not affect the total cost of the scheme.
SORP	Statements of Recommended Practice (SORPs) are recommendations on accounting practices for specialised industries or sectors. They supplement accounting standards and other legal and regulatory requirements in the light of the special factors prevailing or transactions undertaken in a particular industry or sector. The SORP for Local Authorities is produced by the Chartered Institute for Public Finance and Accountancy (CIPFA), and agreed with the Accounting Standards Board (ASB).
Supplementary Estimate	Approved addition to a previously agreed budget.
Target Adjustment	Target adjustments are a form of virement that involve transferring budgets between Directorates, or between a Directorate budget and a Corporate budget.
Underspending	

	The amount of actual expenditure at the end of a year or contract which is less than the approved budget or actual income which is above the approved budget. This represents amounts that will not be incurred or received and should be distinguished from Slippage (see above).
Virement	The approved transfer of budget from one head of account to another.

CHAPTER 67: CHILDREN'S SERVICES DIRECTORATE SCHEME OF DELEGATIONS

Section 1: Introduction

1.1 The Council's legal powers are granted by law either to the Mayor or full Council, allowing the authority to carry out its functions for the benefit of the residents, workers and businesses in the borough of Tower Hamlets.

1.2 The Mayor and full Council both have power to delegate the exercise of these duties to members and officers. These delegations are set out in the Constitution. In addition, each Corporate Director also has the power to further delegate powers to individual officers and these are set out for the Children' Services Directorate in this scheme of delegation.

1.3 Note that - under the Local Government Act 2000, all of the Council's functions, its legal powers and duties, are the responsibility of the Mayor and are known as "executive functions", except where they are expressly specified under sch.1, sch.3 or sch.4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to not be the responsibility or sole responsibility of an authority's executive.

Section 2: Schemes of Delegation

2.1 Main Delegations List

	Decision	Corporate Director	Director	Head of Service	Other
1.1	Adoption and Children Act 2002	Children's Services	Children's Social Care (Supporting Families)		
1.2	Section 18 and 19 – placing a child for adoption	Children's Services	Children's Social Care (Supporting Families)		

1.3	Section 22 - taking a decision that a child ought to be placed for adoption and applying for a placement order.	Children's Services	Children's Social Care (Supporting Families)		
1.4	Section 23 and 24 – applying to vary or revoke a placement order	Children's Services	Children's Social Care (Supporting Families)		
1.5	Section 26 – applying for a contact order	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.6	Section 35 – giving notice to prospective adopters that the local authority is of the opinion that the child should not remain with them	Children's Services	Children's Social Care (Supporting Families)		
1.7	Section 41 - Power to apply for a recovery order in respect of a child who is or may be placed by an adoption agency	Children's Services	Children's Social Care (Supporting Families)	Regulated Services and Resources	
1.8					

	Section 43 - making reports to Court on the placing of a child for adoption.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Children's Social Care
1.9	Section 44 - power to investigate a notice of intention to adopt, to provide a report of such an investigation to the court, and to inform another local authority of the receipt of a notice of intention to adopt in respect of a child who it is known is looked after by that other authority	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.10	Power to carry out assessments for adoption support services, prepare and review adoption support plans, provide adoption support services and to exercise and perform all power and duties contained in any associated	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency

	regulations made by the Secretary of State.				
1.11	Power to prepare a plan for adoption services and exercise and perform support plans, provide adoption support services, and to exercise and perform all powers and duties contained in any associated regulations made by the Secretary of State.	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency
1.12	Power to exercise and perform all powers and duties conferred upon adoption agencies by the Adoption and Children Act 2002 and any regulations made under it	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency
1.13	Power to investigate a notice of intention to adopt, to provide a report of such an investigation to the court, and to inform another	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency

	local authority of the receipt of a notice of intention to adopt in respect of a child who it is known is looked after by that other authority.				
1.14	Duty to ascertain the wishes and feelings of certain persons, and duty to endeavour to promote contact with parents and to consider whether to recover contributions towards maintenance from the parents in accordance with associated regulations made by the Secretary of State.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Children's Social Care
1.15	Authorising payment of legal expenses in respect of prospective adopter's adoption application.	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency	Delegated to the Regional Adoption Agency
1.16					

	Authorising payment of medical expenses incurred in connection with adoption application.	Children's Services	Children's Social Care (Supporting Families)	Regulated Services and Resources	Team Manager Children's Social Care
	Supreme Court Act 1981				
1.17	Applying to make a minor a ward of court or for orders under the inherent jurisdiction of the high court.	Children's Services	Children's Social Care (Supporting Families)		
	Mental Health Act 1983				
1.18	Section 27 Powers of nearest relative in relation to children and young persons in care of local authority	Children's Services	Children's Social Care (Supporting Families)		
	Chronically Sick and Disabled Act 1970				
1.19			Education		

	Section 1 – Establishing and maintaining an information and advice relating to care and support for children	Children's Services	Children's Social Care (Supporting Families)	Special Educational Needs (SEN) Family Support & Protection & Children with Disabilities (CWD)	
1.20	Section 2 – provision of services as they relate to need the needs of a disabled child		Children's Social Care (Supporting Families)	Family Support & Protection & Children with Disabilities (CWD)	
1.21	Section 2A – making arrangements for transition to adult services		Education Children's Social Care (Supporting Families)	SEN Family Support & Protection & Children with Disabilities (CWD)	
1.22	**Disabled Persons (Services, Consultation & Representation) Act 1986**				
1.23	Section 5 - Power to appoint appropriate officer for disabled child	Children's Services	Children's Social Care (Supporting Families)	Family Support & Protection & Children with Disabilities (CWD)	Team Manager CWD
	Children Act 1989				

1.24	General – Authority to recommend the removal of a Schedule One offender from the department of health list.	Children's Services			
1.25	Section 4 - Applying for the discharge of Parental Responsibility Order or Agreement.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.26	Section 6 - Applying for the discharge of appointment of a child's guardian.	Children's Services	Children's Social Care (Supporting Families)		
1.27	Section 7 - Reporting to the Court on matters relating to the welfare of a child.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.28	Sections 8 and 9(3) - Applying for a Specific Issues Order or Prohibited Steps Order or giving consents to such an application by another party.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care

1.29	Section 14A – Undertake an assessment of the suitability of a prospective special guardian	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.30	Section 14D – apply to discharge or vary a special guardianship order	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.31	Section 14F(3) – undertake an assessment of a person's need for special guardianship support services	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.32	Section 14F(4) – take a decision as to whether to provide special guardianship support services to an individual	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.33	Section 15 - Contributing towards the cost of the accommodation and maintenance of a child, where that child lives	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	

	with a person as the result of a Residence Order				
1.34	Section 16 - Agreeing to make an Officer of the Authority available to 'advise, assist and befriend a child'. Agreeing to a Family Assistance Order. Applying for the discharge or variation of a section 8 Order while a Family Assistance Order is in force.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.35	Section 17 and Schedule 2 – Exercise of the powers and duties in relation to providing assistance and safeguarding and promoting the welfare of children.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.36	Sections 17ZA-C – undertaking a young carer's assessment and	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	

	taking a decision as to whether to provide support				Team Managers Children's Social Care
1.37	Sections 17ZD-F – undertaking a parent carer's assessment and taking a decision as to whether to provide support	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.38	Sections 17G-I – undertaking an assessment in respect of a young person on an EHCP transitioning to adult service and taking a decision as to whether to provide support	Children's Services	Education	SEN	
1.39	Section 17A – providing direct payments for services for a disabled child	Children's Services	Education Children's Social Care (Supporting Families)	SEN Family Support & Protection & Children with Disabilities (CWD)	
1.40	Section 18 and 19 - Provision of day care for under 5's not at school and guidance and	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care

	advice for those caring for them etc.				
1.41	Sections 20, 21 and 22 - Determining the welfare needs for the accommodation of children and young persons.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.42	Section 22C – make arrangements for a looked after child to live with a parent or a connected person, if consistent with their welfare	Children's Services	Children's Social Care (Supporting Families)		
1.43	Section 23ZA – exercising duty to visit a looked after child	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.44	Section 23ZB – arranging an independent visitor for a looked after child	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.45		Children's Services		Children's Social Care	

	Section 23A-B – exercising functions in relation to relevant children		Children's Social Care (Supporting Families)		Team Manager Through Care
1.46	Section 23C-CA– exercising functions in relation to former relevant children	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Through Care
1.47	Section 23CZA – making arrangements for a former relevant child to continue living with their former foster carer	Children's Services	Children's Social Care (Supporting Families)	Children Looked after (CLA) and Through Care Services	
1.48	Section 23D - allocating a personal advisor for relevant and former relevant children	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Through Care
1.49	Section 23E – assessing the needs of relevant and former relevant children and preparing a pathway plan	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Through Care
1.50	Sections 24-24B – exercising functions in	Children's Services		Children's Social Care	

	respect of eligible persons and providing financial support to meet their expenses of attending training or education		Children's Social Care (Supporting Families)		Team Manager Through Care
1.51	Section 25 - Applying to the Court for authority to keep a child in secure accommodation.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Through Care
1.52	Section 25A-25B – appointing an independent reviewing officer	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.53	Section 26 -26A - Establishing a complaints procedure and providing an advocacy service for complainants.	Children's Services	Children's Social Care (Supporting Families)		
1.54	Sections 27 and 28 - Asking other authorities for assistance and power to consult with Local Education Authority.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	

1.55	Section 29 - Recovering the cost of providing services.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.56	Section 31 - Power to make application for Care/Supervision Orders.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.57	Section 31A – Preparing a care plan for a child and keeping this under review	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.58	Section 33 - Applying for leave for child subject to a Care Order to be known by a new surname or travel abroad.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.59	Section 34 - Restricting contact and to make related court applications.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Social Care
1.60	Section 35 – Providing assistance to	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	

	children subject to a Supervision Order.				Team Managers Children's Social Care
1.61	Section 36(8) - Responding to consultations by the Local Education Authority prior to that Authority making an application for an Education Supervision Order.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.62	Section 37 – Preparing a report in respect of a child's welfare on direction of the court	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.63	Section 38 – 38B- Applying for an Interim Care Order or Supervision Order, including applying for a variation of directions, an exclusion order or seeking undertakings from parties.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care

1.64	Section 39 - Applying to the Court for the discharge or variation of a Care or Supervision Order.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.65	Section 42 - Making records available to an officer of CAFCASS.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Children's Social Care
1.66	Section 43 - Applying for a Child Assessment Order.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Manager Children's Social Care
1.67	Sections 44 and 45 - applying for an Emergency Protection Order, including seeking exclusion requirements.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.68	Section 46 – providing accommodation for a child subject of police protection	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.69	Section 47- Carrying out investigations to	Children's Services		Children's Social Care	

	determine whether action should be taken to safeguard or promote the welfare of a child.		Children's Social Care (Supporting Families)		Team Manager Children's Social Care
1.70	Section 50 - Applying for a Recovery Order.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.71	Section 53, 57, 62 – exercise of functions in relation to community homes and voluntary home	Children's Services	Children's Social Care (Supporting Families)		
1.72	Section 63(12) Schedule 7, 4 - Granting exemptions from the usual fostering limit in appropriate circumstances.	Children's Services	Children's Social Care (Supporting Families)	Regulated Services and Resources	
1.73	Section 67(3) - Authorising officers to visit foster homes.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.74		Children's Services	Children's Social Care (Supporting Families)		

	Section 68 - Consenting to private fostering by disqualified foster parents.				
1.75	Section 69 - Prohibiting private fostering.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.76	Schedule 8 - Imposing requirements on private foster carers	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.77	Section 70 - Prosecution in relation to private fostering.	Children's Services	Children's Social Care (Supporting Families)		
1.78	Section 86 - Safeguarding the welfare of children in residential care, nursing or mental nursing homes.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	Team Managers Children's Social Care
1.79	Sections 102 - applying for warrants of entry.	Children's Services	Children's Social Care (Supporting Families)		
1.80	Schedule 2 para 12D – Approval of a looked after	Children's Services		Children's Social Care	

	child at key stage 4 being placed out of borough		Children's Social Care (Supporting Families)		
1.81	Schedule 2 para 19 - Arranging for children to live abroad.	Children's Services	Children's Social Care (Supporting Families)		
1.82	Schedule 3 para 9 - Agreeing to a Supervision Order.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.83	Schedule 3 para 11 - Power to exercise supervision function under regulations and defraying costs.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.84	General - To exercise such other powers and duties of the Council in the Children Act 1989 not otherwise referred to above.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
	Adoption Agency Regulations 1983 and 1997				

1.85	Power to appoint members of the Adoption Panel except Councillor Panel members.	Children's Services	Children's Social Care (Supporting Families)		
	The Fostering Services (England) Regulations 2011				
1.86	Power to establish and maintain a fostering service.	Children's Services	Children's Social Care (Supporting Families)	Regulated Services and Resources	
1.87	Regulation 27 - Approval of foster carers following consideration by the Fostering Panel	Children's Services	Children's Social Care (Supporting Families)		
1.88	Regulation 28 - Reviewing and terminating the approval of foster parents following consideration by Fostering Panel.	Children's Services	Children's Social Care (Supporting Families)		
	Care Planning, Placement and Case Review Regulations 2010				

1.89	Regulation 18 - Approving placements of looked after child with parents.	Children's Services	Children's Social Care (Supporting Families)		
1.90	Regulation 23 - Approving emergency placement of looked after child with foster carer.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
1.91	Regulation 24 - temporary approval of connected person as foster carer for looked after child	Children's Services	Children's Social Care (Supporting Families)		
1.92	Regulation 25A - temporary approval of adopter as foster carer for looked after child	Children's Services	Children's Social Care (Supporting Families)		
1.93	Regulation 39 – decision to cease to look after a child who has been accommodated more than 20 days or is aged 16/17	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	

	Crime and Disorder Act 1998				
1.94	General - Applying for a Child Safety Order (and securing appropriate youth justice services) (Sections 11 and 38).	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	
1.95	Section 40: To prepare, submit and publish the annual youth justice plan which sets out the youth justice services are to be provided and funded; the reasonable steps that are to be taken to encourage children and young people not to commit offences	Children and Culture	Children's Social Care (Supporting Families)	Youth Justice Service	
1.96	Section 65 - Acting as an appropriate adult for an offender under 17 when a	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service Children's Social Care	Team Manager Children's Social Care, Social Worker

	reprimand or warning is given under this section				Youth Justice worker
	Adoption (Intercountry Aspects) Act 1999				
1.97	Section 2(4) collection etc. of information to facilitate and expedite adoption proceedings, services and counseling.	Children's Services	Children's Social Care (Supporting Families)	Service Manager Regulated Services and Resources	Team Manager Children's Social Care
	Part 3 - National Health Service Act 2006				
1.98	Subject to approval of the overall agreement by Cabinet, power to transfer funding between the local authority, Health and other agencies and to establish partnership arrangements to support shared objectives	Children's Services	Children's Social Care (Supporting Families)		

	ensuring clear audit trails and financial probity.				
	Immigration & Asylum Acts 1999 and 2002				
1.99	To make any necessary referral of matters under guidance issued by the Secretary of State.	Children's Services	Children's Social Care (Supporting Families)	Service Manager Children's Social Care	Team Manager Children's Social Care
	Protection of Children Act 1999				
1.100	Referring to Secretary of State details of any person who should be included in the list maintained under Section 1 (individuals who are considered unsuitable to work with children).	Children's Services	Children's Social Care (Supporting Families)	Service Managers Children's Social Care	
	Children Act 2004				
1.101					

	Section 2 - to provide the Children's Commissioner with such information about the exercise of the Council's functions in relation to children as he may request, and to state in writing what actions have been taken in respect of any recommendations made by the Commissioner.	Children's Services	Children's Social Care (Supporting Families)		
1.102	Section 3 - to state in writing what actions have been or are proposed to be taken in response to any recommendations made by the Children's Commissioner following any inquiry into the case of an individual child under this section	Children's Services	Children's Social Care (Supporting Families)		
1.103	Section 10 - to make arrangements to promote co-operation	Children's Services	Children's Social Care (Supporting Families)		

	between the Council, its relevant partners and other bodies with a view to improving the well-being of children in the Borough, including the provision of staff and resources and the establishment and maintenance of a pooled fund, and to have regard to any guidance given by the Secretary of State in relation to the exercise of the Council's functions under this section.				
1.104	Section 11 - to make arrangements to ensure that the Council's functions are discharged having regard to the need to safeguard and promote the welfare of children.	Children's Services	Children's Social Care (Supporting Families)		
1.105					

	Section 16C – notification to the Child Safeguarding Practice Review Panel	Children's Services	Children's Social Care (Supporting Families)		
1.106	Section 16E – 16L - to comply with and exercise and perform any powers and duties in relation to the exercise of the Council's functions in relation to the Local Safeguarding Partnership and Local Child Safeguarding Practice Reviews	Children's Services	Children's Social Care (Supporting Families)		
1.107	Section 16M – 16Q - to comply with and exercise and perform any powers and duties in relation to the exercise of the Council's functions in relation to Child Death Reviews	Children's Services	Children's Social Care (Supporting Families)		
1.108	Section 17 To comply with and exercise and perform any powers and	Children's Services	Children's Social Care (Supporting Families)		

	duties contained in any regulations made by the Secretary of State under this section in relation to the preparation and publication of a plan setting out the Council's strategy for discharging its functions in relation to children and relevant young persons. (This delegation is limited to preliminary and administrative functions only, the functions of adopting and revising any such plan are not hereby delegated).				
1.109	Section 17A - To prepare and implement a children and young person's plan and publish an annual report in respect of compliance	Children's Services	Children's Social Care (Supporting Families)		
1.110	To prepare and publish annual statement of	Children's Services		Family Support and Protection and CWD	

	purpose for adoption, annual statement of purpose for fostering and annual statement of purpose for private fostering.	Delegated to the RAA except the annual statement	Children's Social Care (Supporting Families)		
1.111	General - to carry out such other powers and functions not otherwise specifically delegated above under the Children Act 2004.	Children's Services	Children's Social Care (Supporting Families)	Children's Social Care	
	Children and Families Act 2014				
1.112	Section 26 – joint commissioning of health, education and social care provision	Children's Services	Children's Social Care (Supporting Families) Commissioning and Youth	Children's Social Care Integrated Children's commissioning	
1.113	Section 37-50 – exercise functions respect of preparing and reviewing EHCP plans		Education	SEN	

	Children and Social Work Act 2017				
1.114	Section 2 – publication of local offer to care leavers	Children's Services	Children's Social Care (Supporting Families)	Children Looked After & Through Care Service	
	Childcare Act 2006				
2.1	Section 1 - to improve the well-being of young children in the Borough	Children's Services	Education	Early Education & Childcare	
2.2	Section 3 - to make arrangements to secure early childhood services	Children's Services	Education	Early Education & Childcare	
2.3	Section 4 - to make arrangements to work with any of the Council's relevant partners in the performance of those duties having regard to any guidance	Children's Services	Education	Early Education & Childcare	

	issued by the Secretary of State				
2.4	Sections 5A – 5G – to make arrangements for sufficient provision of children's centres, comply with relevant regulations and consult in respect of any significant changes.	Children's Services	Education	Early Education & Childcare	
2.5	Section 6 -to secure, so far as is reasonably practicable, that the provision of childcare is sufficient to meet the requirements of working parents in the Borough and to have regard to any guidance issued by the Secretary of State.	Children's Services	Education	Early Education & Childcare	
2.6	Sections 7, 7A and 9A - to secure that early years provision of a prescribed description is available free of charge for young	Children's Services	Education	Early Education & Childcare	

	children in the Borough under school age, and to have regard to any guidance issued by the Secretary of State.				
2.7	Section 8 - to assist any person who provides or proposes to provide childcare, to make arrangements with any other person for the provision of childcare, and to provide childcare, and to have regard to any guidance issued by the Secretary of State.	Children's Services	Education	Early Education & Childcare	
2.8	Section 9 – to enter into an arrangement with a childcare provider to provide childcare in exchange for financial assistance	Children's Services	Education	Early Education & Childcare	
2.9		Children's Services	Education	Early Education & Childcare	

	Section 10 – enter into an agreement to charge for childcare				
2.10	Section 11 - to prepare any childcare assessment, to keep any such assessment under review, and to comply with and exercise and perform any powers and duties contained in any regulations made under this section with regard to the preparation of such assessments.	Children's Services	Education	Early Education & Childcare	
2.11	Section 12 & 13 - to establish and maintain a service providing information, advice and assistance and to have regard to any guidance issued by the Secretary of State.	Children's Services	Education	Pupil Access and Schools Sufficiency Parent and Family Support	
2.12			Education		

	Section 13A – to obtain information from the Secretary of State for the purpose of determining eligibility for free childcare	Children's Services		Early Education & Childcare	
2.13	Section 39 - to comply with any learning & development order	Children's Services	Education	Early Education & Childcare	
2.14	To exercise powers and duties in relation to later years provision – sections 54 – 61G.	Children's Services	Education	Early Education & Childcare	
2.15	Section 49 - To comply with and exercise any powers and duties in relation to inspection of early years provision	Children's Services	Education	Early Education & Childcare	
2.16	Section 50 - To publish any inspection reports in respect of early years provision	Children's Services	Education	Early Education & Childcare	

2.17	General - such other powers and duties contained in the Children Act 2006 not specifically delegated above.	Children's Services	Education	Early Education & Childcare	
	Children Act 1989				
2.18	Section 22 – appointment of a Virtual School Head	Children's Services	Education		
2.19	Section 36 and Part III of Schedule 3 - the power to apply for an Education Supervision Order and the duties of the Supervising Officer	Children's Services	Education	Pupil Access and Schools Sufficiency	
	Children and Young Persons Act 1963				
2.20	Section 37 - Granting licences under the Children and Young Persons Act 1963 to children under 16 to take part in	Children's Services	Education	Pupil Access and Schools Sufficiency	

	performances, or sports, or to work as a model, for payment and doing everything else necessary in connection therewith.				
	Education Act 1996				
2.21	Section 13A – comply with duty to promote high standards and fulfilment of potential	Delegated to the Tower Hamlets Education Partnership			
2.22	Section 14A – consider parental representations	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.23	Section 316A - Agreeing to the admission of a child to a special school for the purposes of assessment, or following a change of circumstances	Children's Services	Education	SEN	
2.24	Sections 323 and 324 - Making and maintaining a statement of special needs in respect of a child	Children's Services	Education	SEN	

	and doing everything else necessary in connection therewith.				
2.25	Section 436A – duty to identify children not receiving education	Children's Services	Education	Pupil Access and Schools Sufficiency Behaviour and Attendance	
2.26	Section 437 – duty to act if a child of compulsory school age is not receiving suitable education.	Children's Services	Education	Pupil Access and Schools Sufficiency Behaviour and Attendance	
2.27	Section 444 - serve a school attendance order on the parent of a child and doing everything else necessary in connection therewith.	Children's Services	Education	Pupil Access and Schools Sufficiency Behaviour and Attendance	
2.28	Section 508B and 508C - make decisions regarding the hire and use of taxis or other transport for home to	Children's Services	Education	Integrated Children's Commissioning SEN	

	school transport for children with special needs.				
2.29	Section 508E and Schedule 35C – make arrangements to give effect to the Council's travel scheme	Children's Services	Education		
2.30	Section 509A – power to provide travel assistance for a child receiving nursery education otherwise than at schools	Children's Services	Education		
2.31	Section 527A - Preparing and reviewing a statement setting out the arrangements made or proposed to be made for the education of children with behavioural difficulties, consulting as required.	Children's Services	Education	SEN	
2.32	Such other provisions as remain in force under the	Children's Services	Education	SEN	

	Education Act 1996 not specifically delegated in this scheme of delegation.				
	School Standards and Framework Act 1998				
2.33	Section 8 - Consenting to the governing body of a community or foundation special school determining to provide or cease to provide part-time education suitable to the requirements of persons over compulsory school age or full-time education suitable to the requirements of those aged over 19	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.34	Section 51A – comply with regulations in relation to reviews of exclusions, including the School Discipline (Pupil Exclusions	Children's Services	Education	Pupil Access and Schools Sufficiency	

	and Reviews) (England) Regulations 2012 and the Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007				
2.35	Section 62 - Taking such steps in relation to a maintained school as are required to prevent the breakdown of standards and performance, safety of pupils or continuing breakdown of discipline or otherwise at the school and to give directions to the governing body or head teacher.	Children's Services	Education		
2.36	Sections 86-87 - Duty to comply with parental preferences, with certain exceptions.	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.37	Sections 88, 88C, 88D and 88E - Determining the	Children's Services	Education		

	number of pupils that it is intended to admit to any maintained school and admission arrangements.			Pupil Access and Schools Sufficiency	
2.38	Section 92 - Duty to publish information for parents re: admission arrangements.	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.39	Sections 94 and 95 - Duty to make arrangements to enable parents to appeal against decisions regarding admissions.	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.40	Section 95A - Duty to make arrangements for a governing body to appeal against the admission of an excluded child to whom Section 87(2) applies.	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.41	Section 96 - Power to give direction to admit a child to a specified school.	Children's Services	Education	Pupil Access and Schools Sufficiency	

2.42	Section 96 - Power to give direction to admit a looked after child to a specified school.	Children's Services	Education	Pupil Access and Schools sufficiency	
2.43	Section 123 – comply with the code of practice in respect of early years education for children with special educational needs	Children's Services	Education	SEN	
2.44	General - such other duties and powers contained in the School Standards and Framework Act 1998 not specifically delegated above which are not reserved to the Cabinet	Children's Services	Education	Education Delegated to the Tower Hamlets Education Partnership	
2.45	All duties and powers concerning arrangements for the admission of children.	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.46		Children's Services	Education	Early Education & Childcare	

	Duty to review sufficiency of childcare in the LEA's area.				
2.47	Duty to prepare an early year's development plan.	Children's Services	Education	Early Education & Childcare	
	Education Act 2002				
2.48	Section 20 - Approve instruments of government for all School Governing Bodies	Children's Services	Education	School Governance	
2.49	Chapter 1 - Powers in relation to the membership and proceedings of governing bodies and other matters including the appointment of a clerk.	Children's Services	Education	School Governance	
2.50	Section 207 - Power to recoup cost of providing education for persons not	Children's Services	Education		

	belonging to the Council's own area.				
	Anti-social Behaviour Act 2003				
2.51	Sections 19 to 23 of the ASBA 2003 for powers in relation to Parenting Orders, Parenting Contracts and Penalty Notices (also s105 of the EIA 2006).	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	
	Education Act 2005				
2.52	Section 6 - Ensuring proper notification of any proposed inspection of a school and to assist with such inspections including provision of information and provision of copies of any such inspection report (and levying a charge for such copies).	Children's Services	Education	Delegated to the Tower Hamlets Education Partnership	

2.53	Section 40 - Prepare a written statement of action to be taken as a result of any inspection under this Act.	Children's Services	Education	Delegated to the Tower Hamlets Education Partnership	
2.54	Section 51 - Power to enter and inspect any maintained school.	Children's Services	Education	Delegated to the Tower Hamlets Education Partnership	
	Education and Inspections Act 2006				
2.55	Section 60 and 60A – give a warning notice to a governing body at a maintained schools	Children's Services	Education		
2.56	Section 63 – give notice to a governing body at a maintained schools to enter into arrangements	Children's Services	Education	School governance	
2.57	Section 64 – appoint additional governors to a governing body	Children's Services	Education	School governance	

2.58	Section 65 – give notice that a governing body will consist of interim executive members and appoint those members	Children's Services	Education	School governance	
2.59	Section 66 – suspend a delegated budget	Children's Services	Education		
2.60	Section 70A – notify the Secretary of State of interventions	Children's Services	Education		
2.61	Section 77 and 78– To make such travel arrangements as are considered necessary.	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.62	Section 101– Arrangements for the provision of suitable full time education for excluded pupils, at school or otherwise.	Children's Services	Education	Pupil Access and Schools Sufficiency	
2.63	Section 137 – prepare and publish a written	Children's Services	Education		

	statement in response to an inspection report			Delegated to the Tower Hamlets Education Partnership	
2.64	Section 23 and Schedule 2 paragraphs 10-16 - Make referrals, withdraw proposals and all other functions in relation to proposals referred to the adjudicator	Children's Services	Education	Pupil Access and Schools Sufficiency	
	Children Act 1989				
2.65	Section 36 and Schedule 3 Part III - Applying for an Education Supervision Order in respect of a child and doing everything else necessary in connection therewith.	Children's Services	Education	Pupil Access and Schools Sufficiency Behaviour and Attendance	
2.66	Nominating Education Welfare officers to represent the Authority in Court.	Children's Services	Education	Pupil Access and Schools sufficiency Behaviour and Attendance	

	Crime and Disorder Act 1998				
2.67	Section 16 - Designating premises as premises to which children and young persons of compulsory school age may be removed if found absent from school without lawful authority.	Children's Services	Education		
	Criminal Justice Act 1991				
3.1	Section 61 - to secure that the Council by itself or by arrangement with other authorities or organisations is in a position to comply with any security requirement which may be imposed by a remand or committal to local authority accommodation.	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	

3.2	Section 65 - to supervise a person under the age of 22 years who has been released from a term of detention in a young offender institution or under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000.	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	
3.3	Section 256AA - supervision of a young person sentenced to detention, or supervision after the end of the period of detention	Children's Services	Children's Social Care (Supporting Families)		
	Crime and Disorder Act 1998				
3.4	Section 38 – to cooperate with partners to ensure that there is provision for a youth justice service in the area	Children's Services	Children's Social Care (Supporting Families)		

3.5	Section 39 – to establish, provide funding for and appoint officers to the youth offending team	Children's Services	Children's Social Care (Supporting Families)		
3.6	Section 39A – to notify the young person's home and host authorities that a young person has been detained or is due for release	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	YOT worker
3.7	Section 40 – to formulate the youth justice plan	Children's Services	Children's Social Care (Supporting Families)		
3.8	Section 66ZA - to act as or arrange an appropriate adult for a looked after child receiving a youth caution or youth conditional discharge	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	YOT Social Worker Youth Justice Worker
3.9	Section 66ZB - the assessment of children and young persons, and the provision	Children's Services	Children's Social Care (Supporting Families)		

	for them of rehabilitation programmes				
	Powers of Criminal Courts (Sentencing) Act 2000				
3.10	Section 21 and 22 – duty to establish a youth offender panel where a referral order has been made in respect of an offender, to arrange for meetings of such a panel and to give notice of such meetings.	Children's Services	Children's Social Care (Supporting Families)		
3.11	Section 23-25 - powers to reach agreement with an offender on a programme of behaviour (a youth offending contract), keeping records, adjourn any meeting, end any meeting and resume any such meeting for the purposes of agreeing such contracts and powers to refer	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	Youth Justice Service Worker

	an offender back to the appropriate Court.				
3.12	Section 26/27 - to arrange a progress meeting under the terms of this section if so requested by a youth offender panel and to arrange for any final meeting of a youth offender panel	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	
3.13	Section 27A and 27B – to refer matter to court for revocation or extension of referral order	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	Youth Justice Worker
3.14	Section 29 – to make arrangements for supervising an offender's compliance with a youth offending contract and keep records	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	Youth Justice Worker
3.15	Sections 73 to 75 - power to appoint a Social Worker to prepare a report for any Court considering the	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	

	making of a reparation order or to act as a responsible officer once a section 73 order has been made and to exercise powers and duties in Schedule 8 of this Act.				
3.16	Section 103 - to appoint a Social Worker to supervise an offender subject to a detention and training order.	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	
	Criminal Justice and Immigration Act 2008				
3.17	Section 4 – appoint a qualifying officer in relation to an offender to whom a youth rehabilitation order relates	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	Youth Justice Worker
3.18	Schedule 1, paragraph 4 and 18 – consult with the court in respect of a youth	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	Youth Justice Worker

	rehabilitation order with fostering requirement				
3.19	Schedule 1, paragraph 17 – consult with the court in respect of a youth rehabilitation order with residential requirement	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	Youth Justice Worker
	Legal Aid, Sentencing and Punishment of Offenders Act 2012				
3.20	Section 92 – provide or arrange for the provision of accommodation for a child remanded to local authority care	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service Children's Social Care	Youth Justice Worker
3.21	Section 93 – apply to the court to impose, vary or revoke any conditions or requirements imposed by the court	Children's Services	Children's Social Care (Supporting Families)	Youth Justice Service	Youth Justice Worker

	Children and Young Persons Act 1969				
3.22	Section 9 to investigate factors concerning any child to be prosecuted by the Council.	Children's Services	Children's Social Care (Supporting Families)		
3.23	Section 30 - To detain any person in a community home in accordance with any Directions from the Secretary of State and authority to recover of expenses.	Children's Services	Children's Social Care (Supporting Families)		
	School Standards and Framework Act 1998				
4.1	Section 48 - Agreeing licensed deficits by schools up to £500,000 under the Council's financial scheme.	Children's Services	Education		

4.2	Section 51 and Schedule 15 - Duty to comply with provisions concerning delegated school's budgets and powers to suspend financial delegation to any school where there is a failure to comply with requirements of financial management	Children's Services	Education Some shared responsibilities with Schools Finance team		
4.3	Section 30 - power to maintain any such school should the governing body issue notice or discontinuation.	Children's Services	Education		
4.4	Section 90 reference of objections regarding admission arrangements to the Adjudicator or Secretary of State.	Children's Services	Education	Pupil Access and Schoolssufficiency	
4.5	Schedule 22 – exercise functions in respect of disposals of land	Children's Services	Education	Pupil Access and Schools sufficiency	

	Education Act 1996				
4.6	Section 14 - secure sufficient primary and secondary schools in the area	Children's Services	Education	Pupil Access and Schools sufficiency	
4.7	Section 507A – exercise functions in respect of recreational and training facilities for children under 13 years.	Children's Services	Commissioning and Youth	Young People's Service	
	Education Act 2002				
4.8	Section 2 - Applying to the Secretary of State for an exemption from or relaxation of any requirement of education legislation or for any modification of that legislation, consulting as required on the application and applying to vary or revoke any order	Children's Services	Education		

4.9	Section 19 and School Governance (Constitution) (England) Regulations 2012 - Making appointments for Council representation on school governing bodies.	Children's Services	Education	School governance	
4.10	Sections 122 and 127 - Giving effect to a governing body's decision in respect of the remuneration and other terms of employment of school teachers and any pay and conditions orders made by the Secretary of State in accordance with any guideline issued	Children's Services	Education		
4.11	Section 176 - Consultation with pupils as provided in guidance or Regulations when exercising the Council's functions.	Children's Services	Commissioning and Youth Education	Young People's Service Parenting and Family Support Service	

	Education and Inspections Act 2006				
4.12	Sections 6A-12 - Publish any notice in relation to establishment of new schools, carry out relevant consultation and seek appropriate approvals, including consultation with the Secretary of State for any academy under Schedule 2 and discontinuance of any proposals under Schedule 2.	Children's Services	Education	Pupil Access and Schools Sufficiency	
4.13	Sections 13 and 14 - To develop the Council's policy with regard to the duty in relation to diversity and choice to discharge the Council's duty to provide high standards and consider parental representations.	Children's Services	Education	Pupil Access and Schools Sufficiency	
4.14			Education		

	Section 16 – undertake consultation in respect of proposal to close a school	Children's Services		Pupil Access and Schools Sufficiency	
4.15	Section 19 - Publish proposals by the Council to alter a maintained school, such other duties and powers under the School Organisation (prescribed Alterations to Maintained Schools) (England) Regulations 2007.	Children's Services	Education	Pupil Access and Schools Sufficiency	
4.16	Section 23 and Schedule 2 paragraphs 10-16 - Make referrals, withdraw proposals and all other functions in relation to proposals referred to the adjudicator	Children's Services	Education	Pupil Access and Schools Sufficiency	
4.17	Schedule 2 - Implement and discharge the Council's	Children's Services	Education	Pupil Access and Schools Sufficiency	

	proposals relating to community schools (paragraph 23) foundation or voluntary control schools (paragraph 24), voluntary aided schools (paragraph 25) and foundation special schools (paragraph 26) such powers to include the provision of sites and assistance under paragraphs 28-31.				
4.18	Exercise the Council's powers and functions under the School Organisation (Establishment and Discontinuance of Schools) () Regulations 2007.	Children's Services	Education	Pupil Access and Schools Sufficiency	
	Children and Families Act 2014				
4.19	Section 22 – duty to identify children and young people with special	Children's Services	Education	SEN	

	educational needs or disabilities		Children's Social Care (Supporting Families)	Head of Family Support & Protection & CWD	
4.20	Section 25 – duty to ensure integration of provision of education and training with health care and social care	Children's Services	Education Children's Social Care (Supporting Families)	SEN Head of Family Support & Protection & CWD	
4.21	Section 26 – enter joint commissioning arrangements for education, health and care provision	Children's Services	Commissioning and Youth	Integrated Children's Commissioning	
4.22	Section 27 – keep education and care provision under review and consult with relevant persons when exercising these functions	Children's Services	Education Children's Social Care (Supporting Families)	SEN Head of Family Support & Protection & CWD	
4.23	Section 28 and 29 – cooperate with education partners	Children's Services	Education Children's Social Care (Supporting Families)	Heads of Service, Children's Services	Team Managers, Children's Services

4.24	Section 30 – publish local SEND offer	Children's Services	Education	Pupil Access and Schools sufficiency Parent and Family Support Service	
4.25	Section 32 – provide advice and information in relation to SEND	Children's Services	Education	SEN Pupil Access and Schools Sufficiency Parent and Family Support Service	
4.26	Sections 33-35 - make arrangements for children with EHC plans or special needs to attend a maintained nursery or mainstream school	Children's Services	Education	SEN	
4.27	Sections 37 – 50 - exercise functions respect of preparing and reviewing EHCP plans	Children's Services	Education	SEN	
	Miscellaneous Functions				
4.28	To agree early retirements granted by any	Children's Services			

	school governing body with delegated powers to do so and to make discretionary severance payments in accordance with regulations and guidelines for making such payments to non school based staff.		Head of Strategic Finance – Children's Services		
4.29	Authority to exercise discretionary powers under the Teachers' Pay and Conditions document.	Children's Services	Education		

2.2 Care Act 2014 (Note - Responsibilities shared with Health and Adults Social Care Directorate)

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
1.1	Sections 58 and 59 - Undertaking a child's needs assessments where it appears that a child may have needs for care and support post-18	Health and Social Care Children's Services	Adult Social Care Children's Social Care (Supporting Families)	Service Managers Principal Social Worker Principal Occupational Therapist	Children's Social Care Team Manager ASC, Social Worker Occupational Therapist

					Long Term Support Officer First Response Officer
1.2	Sections 60 and 61 - Undertaking a child's carer's assessment where it appears that a child may have needs for care and support post-18	Health and Social Care Children's Services	Adult Social Care Children's Social Care (Supporting Families)	Service Managers Principal Social Worker Principal Occupational Therapist	Children's Social Care Team Manager ASC, Social Worker Occupational Therapist Long Term Support Officer First Response Officer
1.3	Sections 63 and 64 - Undertaking a young carer's assessment where it appears that a person may have needs for care and support	Health and Social Care Children's Services	Adult Social Care Children's Social Care (Supporting Families)	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC, Children's Social Care Team Manager ASC, Social Worker Occupational Therapist

					Long Term Support Officer First Response Officer

2.3 Award of Grants

	Decision	Corporate Director	Director	Head of Service	Other
3.1	Setting, reviewing and updating priorities for Community Languages funding	Children's Services	Education	Community Languages	

2.4 Planning Contributions

	Decision	Corporate Director	Director	Head of Service	Other
4.1	Liaising with Place on the negotiation of S106 agreements and subsequent amendments on the basis of adopted strategies	Children's Services	Education	Head of Service Pupil Access and Schools Sufficiency	

CHAPTER 68: COMMUNITIES DIRECTORATE SCHEME OF DELEGATIONS

Section 1: Introduction

1.1 The Council's legal powers are granted by law either to the Mayor or full Council, allowing the authority to carry out its functions for the benefit of the residents, workers and businesses in the borough of Tower Hamlets.

1.2 The Mayor and full Council both have power to delegate the exercise of these duties to members and officers. These delegations are set out in the Constitution. In addition, each Corporate Director also has the power to further delegate powers to individual officers and these are set out for the Communities Directorate in this scheme of delegation.

1.3 Note that - under the Local Government Act 2000, all of the Council's functions, its legal powers and duties, are the responsibility of the Mayor and are known as "executive functions", except where they are expressly specified under sch.1, sch.3 or sch.4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to not be the responsibility or sole responsibility of an authority's executive.

Section 2: Schemes of Delegation

2.1 Landlord consent for events in public open spaces

	Decision	Corporate Director	Director	Head of Service	Other
3.1	Capacity of up to 25,000	Communities	Culture	Arts & Events	
3.2	Capacity above 25,000	Communities	Culture	Arts & Events	

2.2 Award of grants

					Other

	Decision	Corporate Director	Director	Head of Service	
3.3	Events fund (Arts & Events Service)	Communities	Culture	Arts & Events	
3.4	Support for Sport (Sport & Physical Activity Service	Communities	Culture	Sport & Physical Activity	

2.3 Entering into Service Level Agreements

	Decision	Corporate Director	Director	Head of Service	Other
3.6	Negotiation and variation of service level agreements where Cultural Services is the service provider (internal & external)	Communities	Culture	Arts & Events Sport & Physical Activity	
3.7	Negotiation and variation of service level agreements where Cultural Services is the client (internal & external, including, but not only, festival organisers, city farms, Tower Hamlets Cemetery Park, etc.)	Communities	Culture	Arts & Events Idea Stores Sport & Physical Activity	
3.8	Signing of service level agreements where Cultural Services is the service provider (internal & external) or client (including, but not	Communities	Culture	Arts & Events Sport & Physical Activity	

	only, PCT, ALMO, Youth Service, Football Foundation, etc.)				

2.4 Fees and charges (other than inflationary uplift)

	Decision	Corporate Director	Director	Head of Service	Other
3.9	Negotiation of event fees and penalties for events in public open spaces	Communities	Culture	Arts & Events	
3.10	Setting fees and charges for Leisure Centres and playing pitch bookings (Where decision not taken by Cabinet)	Communities	Culture	Sport & Physical Activity	
3.11	Authorisation of variations to or waiving of set charges	Communities	Culture	Arts & Events Sport & Physical Activity	

2.5 Management of External Funding

	Decision	Corporate Director	Director	Head of Service	Other
3.14	Signing of applications/ bids for external funding at or below £10k	Communities	Culture	Arts & Events Sport & Physical Activity	
3.15		Communities	Culture		

	Signing of applications/ bids for external funding from £10K - £100K			Arts & Events Sport & Physical Activity	
3.16	Signing of applications/ bids for external funding over £100K	Communities	Culture		
3.17	Signing funding claims up to £100K	Communities	Culture	Arts & Events Sport & Physical Activity	
3.18	Signing funding claims over £100K	Communities	Culture		

2.6 Applications for statutory licences/ permissions

	Decision	Corporate Director	Director	Head of Service	Other
3.17	Applications for entertainments licence	Communities	Culture	Arts & Events	Brady Centre Manager Kobi Nazrul Centre Manager Senior Arts & Events Manager
3.18	Application for alcohol licence	Communities	Culture	Arts & Events	Brady Centre Manager Kobi Nazrul Centre Manager Senior Arts & Events Manager

3.19	Application for Planning Permission or Listed Building Consent	Communities	Culture		

2.7 Granting permission for the use of Cultural Services premises

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
3.20	Permission for filming on premises	Communities	Culture	Arts & Events Sport & Physical Activity	
3.23	Letting of sports pitches and cancellation of bookings in accordance with agreed procedures, fees and charges	Communities	Culture	Arts & Events Sport and Physical Activity	
3.24	Casual letting of premises and cancellation of bookings in accordance with agreed procedures, fees and charges	Communities	Culture	Arts & Events Sport & Physical Activity	Parks Strategy and Business Development Manager Parks Contracts and Infrastructure Manager Area Parks Manager Area Community Ranger Manager Kobi

					Nazrul Centre Manager Brady Centre Manager

2.8 General

	Decision	Corporate Director	Director	Head of Service	Other
3.27	Instructions to Legal Services or external legal services providers on behalf of Cultural Services	Communities	Culture	Arts & Events Sport & Physical Activity	
3.28	Making requests to Legal Services for information in relation to property	Communities	Culture	Arts & Events Sport & Physical Activity	Parks Strategy and Business Development Manager

Community Safety Services, Safer Neighbourhood Operations Service, Drugs Action and Alcohol Team

2.9 Anti-Social Behaviour Crime and Policing Act 2014

Decision	Corporate Director	Director	Head of Service	Other
Part 1 of the Antisocial Behaviour and Crime Policing Act 2014	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager Community Safety Team Leader

			Head of Service Drugs and Alcohol Team	DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 5 - To give instructions to the Director of Legal or their nominated deputy to apply for an	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager Community Safety Team Leader

injunction under section 1 of the Act			Head of Service Drugs and Alcohol Team	DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 6 - To give instructions to the Director of Legal or their nominated deputy to apply for an injunction under section 1 of the Act without	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager

notice being given to the respondent			Head of Service Drugs and Alcohol Team	Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 8 - To give instructions to the Director of Legal or their nominated deputy to apply for the variation or discharge of an injunction under section 1 of the Act, to make a further application for	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager

variation or discharge of an injunction when an application under this section is dismissed but only with the consent of the court or with the agreement of the other party				DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 10 - To apply for the issue of an arrest warrant if the respondent is believed to be in breach of any of the provisions of an injunction	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager

				THEOs ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 14 - To consult the local youth offending team and inform any other appropriate body or individual before an application (including an application for variation or discharge) is made under section 1 if the respondent will be under 18 when the application is made or when the	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

respondent will be under 18 on the date of the first on-notice hearing when the court has adjourned a without-notice application				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers
Section 19 - To have regard to any guidance issued by the Secretary of State to persons entitled to apply for injunctions under section 1 about the exercise of functions under this Part	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 22 - To give instructions to the Director of Legal or their nominated deputy to apply for a criminal behaviour order and to find out the views of the local youth offending team before applying for an order to be made if the offender will be under the age of 18 when the application is made	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 23 - To provide evidence in proceedings for the application of a criminal behaviour order	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 27 - To give instructions to the Director of Legal or their nominated deputy to apply for a variation or discharge of a criminal behaviour order, to make a further application for variation or discharge of a criminal behaviour order when an application under this section is dismissed but only with the consent of the court which made the order or with the agreement of the other party	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 28 - To have regard to any relevant guidance issued by the Secretary of State under Section 32 in relation to participation in a review of a criminal behaviour order when considering how the review should be carried out, what particular matters the review should deal with and what action (if any) it would be appropriate to take as a result of the findings of the review	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 29 - To cooperate with the police in carrying out a review under section 28.	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	
Section 32 - To have regard to any guidance issued by the Secretary of State about the exercise of functions under this Part (Criminal Behaviour Orders)	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 43 - To issue, or designate a person to issue in accordance with section 53 (or an enactment amended by that section) of the Act a community protection warning or/and community protection notice.	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 45 - To post a community protection notice on the premises after reasonable enquiries to find out the name or proper address of the occupier have failed	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 47 - To take remedial action on failure by the defaulter to comply with the requirements of a community protection notice, to give notice to the defaulter of the work carried out and the cost	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 49 - To give instructions to the Director of Legal or their nominated deputy to apply for a remedial order under section 48	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 50 - To destroy or dispose of any forfeited item used in the commission of an offence under section 48 if ordered to do so by a court in accordance with the order or, if no arrangements are specified in the order, in whatever way seems appropriate	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 52 - To issue a fixed penalty notice to anyone who it is believed has committed an offence under section 48 (failing to comply with a community protection notice)	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 53 - To designate a person of a description specified in an order made by the Secretary of State to issue a community protection notice or a fixed penalty notice or to enter a premises and seize an item used in the commission of an offence under a warrant issued by a justice of the	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

peace under section 51 of this Act				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 55 - To issue a community protection notice in the manner prescribed by this section	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 56 - To have regard to any guidance issued by the Secretary of State to local authorities about the exercise of their functions under this Chapter and those of persons designated under section 53(1)(c).	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety Head of Service Drugs and Alcohol Team	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 59 - To make a public spaces protection order, to publish a public spaces protection order in accordance with regulations made by the Secretary of State	Communities	Community Safety	None	*Mayor/Cabinet if it affects more than one ward and likely to have a significant impact and/or considered politically sensitive.*
Section 60 - To extend a public spaces protection order, to publish an extension of a public spaces protection order in accordance	Communities	Community Safety	As above	As above

with regulations made by the Secretary of State				
Section 61 - To vary or discharge a public spaces protection order, to publish details of a varied or discharged order in accordance with regulations made by the Secretary of State	Communities	Community Safety	As above	As above
Section 63 - To authorise a person to exercise the functions described in this section (consumption of alcohol in breach of prohibition in public spaces protection order)	Communities	Community Safety	As above	As above
Section 64 - To comply with the requirements of this section when making a public spaces protection order which restricts the public right of way over a highway, to install, operate and maintain	Communities	Community Safety	As above	As above

barriers authorised under subsection (7)				
Section 68 - To authorise a person to issue a fixed penalty notice to anyone believed to have committed an offence under section 63 or 67 in relation to a public spaces protection order _	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager Neighbourhood Manager THEOs
Section 72 - To have regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the Convention (as defined by section 21(1) of the Human Rights Act 1998) before deciding whether to make, extend, vary or discharge a public spaces protection order, to carry out the necessary consultation and the necessary publicity and the necessary	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

notification (if any) before making, extending, varying or discharging a public spaces protection order				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 73 - To have regard to any guidance issued to local authorities by the Secretary of State in regard to the exercise of functions under this Chapter and those of persons authorised by local authorities under section 63 or 68	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 76 - To issue a closure notice in accordance with the requirements of this section, to consult with any appropriate body or individual before issuing a closure notice, to comply with and perform any powers and duties contained in any regulations made by the Secretary of State under this section with regard to specifying premises or descriptions of premises in relation to which	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

a closure notice may not be issued				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 78 - To issue a cancellation notice or variation notice in accordance with the provisions of this section	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager Neighbourhood Manager
Section 79 - To serve a closure notice, an extension notice, a cancellation notice or a variation notice in the manner prescribed by this section, to enter any premises (using reasonable force if necessary) for the purposes of fixing a copy of the notice or	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

giving it to a person appearing to have control of or responsibility for the premises, to designate a person, or employee of a person, to act on behalf of the Council for the purposes of this section (a 'representative')				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 80 - To give instructions to the Director of Legal or their nominated deputy to apply to a magistrate's court for a closure order (unless cancelled under section 78) within 48 hours of service of a closure notice	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 82 - To give instructions to the Director of Legal or their nominated deputy to make an application to a justice of the peace, by complaint, for an extension (or further extension) of the period for which a closure order is in force, to consult the chief officer of police for the area in which the premises are	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

situated before applying for an extension				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 83 - To give instructions to the Director of Legal or their nominated deputy to make an application to a justice of the peace, by complaint, for the discharge of a closure order	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 84 - To give instructions to the Director of Legal or their nominated deputy to appeal to the Crown Court against a decision not to make or extend a closure order or a decision not to order the continuation in force of a closure notice	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs

				ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 85 - To authorise a person to enter premises in respect of which a closure order is in force (producing evidence of identity or authority if required to do so), to do anything necessary to secure the premises against entry (using reasonable force if necessary) and to carry out	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager Neighbourhood Manager

essential maintenance or repairs				
Section 88 - To apply for reimbursement of expenditure incurred for the purpose of clearing, securing or maintaining premises in respect of which a closure order is in force	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	NONE
Section 91 - To have regard to any guidance issued by the Secretary of State about the exercise of the functions of local authorities and those of their representatives (within the meaning of section 79)	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Section 104 and Schedule 4 - To establish and publish an ASB case review procedure, to carry out a review following 4 receipt of a complaint about anti-social behaviour if requested to do so by the complainant and subject to the threshold for a review being met, to inform the applicant whether the review threshold has been met, to inform the applicant of the outcome of the review and of any	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	NONE

recommendations made, to make recommendations to a person who exercises public functions in respect of any matters arising from the review, to publish prescribed information concerning reviews as soon as practicable after the end of a reporting period				
Schedule 2 - To give instructions to the Director of Legal or their nominated deputy to apply for a supervision order or a detention order if a person aged under 18 is believed to be in breach of a provision of an injunction under section 1 and to consult with the relevant youth offending team and inform any individual or body thought appropriate before applying for an order, to	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

supply to a person specified in paragraph **[This function is also included in the Scheme of Delegation for Children's Services in so far as it relates to complying with and exercising and performing any powers and duties contained in Part 2 of the Schedule]**				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers Assertive Engagement Workers Relationship Managers
Provisions as regards Noise Enforcement (THEOS currently retain this role – Out of Hours response)				
Environmental Protection Act 1990	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager THEOs
Clean Neighbourhoods and Environment Act 2005	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager THEOs

Local Government (Miscellaneous Provisions) Act 1976 Section16 – requisition of information regarding building/land ownership	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager THEOs
Control of Pollution Act 1974 and Noise Act 1996	Communities	Community Safety	Head of Safer Neighbourhood Operations Head of Community Safety	Neighbourhood ASB and Enforcement Manager THEO ASB and Community Safety Officers and Team Leader
Road Traffic (Vehicle Emissions) (fixed penalty) (England) Regulations 2002	Communities	Community Safety	Head of Safer Neighbourhood Operations	Neighbourhood ASB and Enforcement Manager THEOs
London Local Authorities Act 2007 Sections 24 and 61 – Littering from Vehicles	Communities	Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs
Greater London Council (General Powers) Act 1972	Communities	Public Realm	Parking	Investigator

Section 17 – Power to require registered keeper to disclose driver at time of offence.				
Local Government Act 1972 (Breach of Bylaws)	Communities	Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs
London Local Authorities Act 1990 (Part III) – Street Trading Issues	Communities	Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs
Refuse Disposal (Amenity) Act 1978 – Abandoned Vehicles	Communities	Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs
Town and Country Planning Act 1990 (Part VIII Chapter III)	Communities	Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs
Highways Act 1980 (Part IX)	Communities	Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs

Noise Act 1996 as amended by the Antisocial Behaviour Act 2003	Communities	Community Safety	Head of Safer Neighbourhoods Operations	Neighbourhood ASB and Enforcement Manager THEOs
Dogs (Fouling of Land) Act 1996 Neighbourhood	Communities	Community Safety	Head of Safer Neighbourhoods Operations	ASB and Enforcement Manager THEOs

Public Realm

2.10 General Delegations

	Decision	Corporate Director	Director	Head of Service	Other
1.1	Appointment of officers or nomination of other person to exercise powers	Communities	Public Realm	All Heads of Service	
1.2	Issue credentials and authorise in writing any officer or other person to exercise powers	Communities	Public Realm	All Heads of Service	
1.3	Authority to act as a proper officer, authorised officer, inspector or other	Communities	Public Realm	All Heads of Service	All Communities officers

	designation, and exercise powers for all relevant legislation after being appropriately nominated				
1.4	Authority to approve the institution of legal proceedings subject to the Divisional Director Legal Assistant Chief Executive (Legal Services) or his/ her nominated Officer being satisfied with the sufficiency of evidence	Communities	Public Realm	All Heads of Service	Community Safety Operations Manager; Head of Environmental Health and Trading Standards And Team Leaders in Environmental Health and Trading Standards Head of Parking; Abandoned Vehicle Controller; All Environmental Services Managers and Officers; Head of Transportation & Highways; Head of Markets; Market Officer, Legal and Finance Officer
1.5	Authority to approve the defending of legal proceedings subject to the Assistant Chief Executive (Legal Services) or their nominated Officer being	Communities	Public Realm	All Heads of Service	Community Safety Operations Manager; Head of Environmental Health and Trading Standards; Head of Parking; Abandoned Vehicle Controller; All Environmental Services Managers; All Transportation & Highways Managers;

	satisfied with the sufficiency of evidence				All Markets Officers, Legal and Finance Officer

Environmental Health

2.11 General

	Decision	Corporate Director	Director	Head of Service	Other
4.1	Responsibility for the discharge of Environmental Health & Environmental Health Licensing functions	Communities	Public Realm	Environmental Health & Trading Standards	
4.2	Appointment of officers or nomination of other person to exercise powers for all relevant legislation	Communities	Public Realm	Environmental Health & Trading Standards	

4.3	Authority to authorise any other persons accompanying EHO's to TO's when exercising their powers under Section 20 of the Health and Safety at Work etc Act 1974	Communities	Public Realm	Environmental Health & Trading Standards	Team Leaders of all designations within Environment Health and Trading Standards Environmental Health Officers of all designations
4.4	Authority to execute and authorise the carrying out of works in default	Communities	Public Realm	Head of Environmental Health &Trading Standards	Team Leaders of all designations within Environmental Health and Trading Standards

2.12 Legal Proceedings for Environmental Health Commercial Licensing Matters

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
4.5	Authority to authorise inspectors pursuant of section 39 of the Health & Safety at Work etc. Act 1974 to prosecute in the magistrates court	Communities	Public Realm	Head of Environmental Health &Trading Standards	

4.6	Authority for inspectors, appropriately nominated, pursuant of section 39 of the Health & Safety at Work etc. Act 1974 to prosecute in the magistrates court	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leaders of all designations within Environmental Health and Trading Standards, Environmental Health Officers, Technical Officers, Consumer Services Officers, Licensing Officers and, Trading Standards Officers of all designations.
4.7	Chair Street Markets Panel and revoke licences	Communities	Public Realm	Head of Environmental Health & Trading Standards	

Administration of Licenses/Registrations and Approvals

2.13 Granting of Licences/Registrations and Approvals

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
4.8	Authority under the London Local Authorities Act 1991 to grant, renew, vary and transfer licences and	Communities	Public Realm	Head of Environmental Health &Trading Standards	Team Leader Licensing and Safety

	grant occasional licences where no objections are received for Massage and Special Treatments				
4.9	Authority under the Animal Boarding Establishment Act 1963 & 1970/Animal Welfare Act 2006 to grant Animal Boarding licences where no objections are received	Communities	Public Realm	Head of Environmental Health &Trading Standards	Team Leader Licensing and Safety
4.10	Authority under the Animal Welfare Act 2006 to grant Breeding of Dogs Licences where no objections are received	Communities	Public Realm	Head of Environmental Health Trading Standards	Team Leader Licensing and Safety
4.11	Authority under the Dangerous Wild Animals Act 1976 to grant Dangerous Wild Animal licences where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety

4.12	Authority under the Pet Animals Act 1951/ Animal Welfare Act 2006 to grant Pet Shop Licences where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
4.13	Authority under the Animal Welfare Act 2006 to grant Licences where no objections are received and register performing animals	Communities	Public Realm	Head of Environmental Health and Trading Standards	Team Leader Licensing and Safety
4.14	Authority under the General Product Safety Regulations 1994 and the relevant enforcement provisions of the Consumer Protection Act 1987 to register the use of filling materials and grant Filling Material Licences for storage and manufacture	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety

	where no objections are received				
4.15	Authority under the Riding Establishments Act 1964 & 1970 to grant Riding/ Animal Welfare Act 2006 Establishments Licences where no objections are received and authority to grant provisional licences where not satisfied that a licence can be granted under the principal Act	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
4.16	Authority under the Zoo Licencing Act 1981/ Animal Welfare Act 2006 to grant Zoo Licences where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
4.17	Authority under the Food Safety Act 1990, European Communities Act 1972 – [Regulation (EC) No	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Food Safety, Environmental Health Officers of all designations

	853/2004[refuse or revoke approvals for establishments.				within the Food Safety Team
4.18	Authority under the Food Safety Act 1990, European Communities Act 1972 – [Regulation (EC) No 853/2004] to grant, refuse, revoke or suspend licences/ approvals to food businesses as prescribed by Regulations made under the Act/Regulation	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Food Safety, Environmental Health Officers of all designations within the Food Safety Team
4.19	Public Health (Control of Diseases) Act 1984 section 45F (2)(a) and (b) and 45P(2) – the proper officer for the purposes of the Health Protection (Notification) Regulations 2010	Communities	Public Realm	Head of Environmental Health & Trading Standards	
4.20	The Road Traffic (Vehicle Emissions)	Communities	Public Realm, Divisional	All Heads of Service in Public Realm,	

	(Fixed Penalty) (England) Regulations 2002 Authority to revoke Fixed Penalty Notices under the Health Act 2006 and anti-idling legislation subject to the agreement of two Officers.		Director for Community Safety.	Head of Community Safety.	Al Public Realm Officers, THEOs
4.21	Health Act 2006 Part I – all sections. The Smoke-Free (premises & enforcement) Regulations 2006	Communities	Public Realm, Divisional Director for Community Safety.	All Heads of Service in Public Realm, Head of Community Safety.	Al Public Realm Officers, THEOs

2.14 Environmental Health Protection – Mortuary Services

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
5.1	To exercise powers as licence holder under the provisions of Human Tissue Act 2004	Communities	Public Realm		
5.2	To exercise powers as Designated individual under	Communities	Public Realm		Team Leader Corporate Health and

	the provisions of the Human Tissue Act 2004				Safety, Mortuary Manager
5.3	Authority to act as an authorised officer for the purposes of the Human Tissue Act 2004 and Coroner's legislation pertaining to the mortuary service	Communities	Public Realm		Mortuary Manager and Mortuary Technicians (all grades)
5.4	Authority to approve and make payments for the cost of parish funerals where the deceased has no financial means	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Corporate Health and Safety

2.15 Animal Warden Services

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
5.5	Authority to act an exercise powers as a proper Officer under the Dangerous Dogs Act 1991, Dogs Acts 1871 and 1906, Dogs Fouling of Land Act 1996, Clean Neighbourhoods and Environmental Act 2005 and	Communities	Public Realm	Operational Services	Animal Wardens (all designations)

	Environmental Protection Act 1990 concerning animal welfare issues, Anti-Social Behaviour, Crime and Policing Act 2014, The Microchipping of Dogs (England) Regulations 2015, Control of Dogs Order 1992 Road Traffic Act 1988 (Section 27), Appointed Inspectors under Animal Welfare Act 2006				

2.16 Environmental Health Pest Control

	Decision	Corporate Director	Director	Head of Service	Other
5.6	Authority to act and exercise powers as a proper Officer under the Prevention of Damage by Pests Act 1949, Environmental Protection Act 1990 and Public Health Act 1936 relating to pest control matters	Communities	Public Realm	Head of Environmental Health & Trading Standards)	Pest Control Supervisors Environmental Health Officers and Technical Officers of all designations Team Leaders

2.17 Environmental – Health and Environment Duties

	Decision	Corporate Director	Director	Head of Service	Other
5.7	Authority under the Environmental Protection Act 1990 to grant refuse, revoke, impose conditions upon, and vary existing conditions of Authorisations in respect of processes for which the Council is the enforcing authority	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Pollution,
5.8	The determination of contaminated land under the provisions of the Environment Act 1995	Communities	Public Realm	Head of Environmental Health & Trading Standards	
5.9	Authority to act and exercise powers as a proper officer under the Environment Act 1995 section 57, Part IIA of the Environmental Protection Act 1990, EU	Communities	Public Realm	Environmental Health & Trading Standards	Team Leader Pollution Contaminated Land Officer

	directive 2004/35/EC and under all other Acts amending or extending the said Acts and any regulations, byelaws or orders made thereunder, including the determination and remediation of contaminated land.				
5.10	Authority to act and exercise powers under section 108 and 109 of the Environment Act 1995 in respect of Power of Entry and Power to deal with cause of imminent danger of serious pollution etc.	Communities	Public Realm	All Heads of Service	All Public Realm Officers

2.18 Coronavirus Regulations

Decision	Director	Director	Head of Service	Other
The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 and The Health Protection (Coronavirus, Restrictions)				

(Local Authority Enforcement Powers and Amendment) (England) Regulations 2020					
Responsibility for the Environmental Health and Trading Standards discharge of the powers, enforcement notices, enforcement actions and institution of legal proceedings	Communities	Public Realm	Environmental Health & Trading Standards	

2.19 Environmental Health - Housing

	Decision	Corporate Director	Director	Head of Service	Other
5.11	Authority under the Housing Act 2004 to i) Licence Houses in multiple occupation ii) Refuse to licence, vary or revoke licences attached to a House in multiple occupation iii) undertake selective licensing of other residential accommodation	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Health and Housing, Principal Environmental Health Officers – Health and Housing

5.12	Authority to issue a notice of direction and to enforce the removal of vehicles, caravans and belongings under section 77 of the Criminal Justice and Public Order Act	Communities	Public Realm	Head of Environmental Health & Trading Standards	
5.13	To inspect or survey any premises under section 4(1) of the Housing Act 2004 or otherwise to determine whether any functions under Parts1 to 4 should be exercised	Communities	Public Realm	Head of Environmental Health and Trading Standards	Team Leaders Health and Housing Environmental Health Officers of all designations and Technical Officers of all designations within Environmental Health and Trading Standards
5.14	To require the production of any relevant document for any purpose connected with the exercise of any functions under any Parts 1 to 4 or to investigate whether any	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leaders Health and Housing Environmental Health Officers of all designations and Technical Officers of all designations within Environmental

	offence has been committed under any of those Parts.				Health and Trading Standards

2.20 Parking Services – On Street Maintenance and Suspension Team

	Decision	Corporate Director	Director	Head of Service	Other
6.1	Grant or refuse suspensions of parking places	Communities	Public Realm	Parking	On Street Services Manager & On Street Services Officer
6.2	Suspend vehicle parking in a designated bay	Communities	Public Realm	Parking	On Street Services Manager, On Street Services Officer, Maintenance Controller, Maintenance Officers
6.3	Issue dispensation to allow vehicles to park in a restricted street	Communities	Public Realm	Parking	On Street Services Manager, On Street Services Officer, Maintenance Controller, Maintenance Officers
6.4	Invoice and charge for suspensions and dispensations	Communities	Public Realm	Parking	

					On Street Services Manager & On Street Services Officer
6.5	Authorise the refund of suspension charges	Communities	Public Realm	Parking	On Street Services Manager & On Street Services Officer
6.6	Discount charges and exception from payment of suspensions and dispensation charges	Communities	Public Realm	Parking	On Street Services Manager, Maintenance Controller & Maintenance Officers
6.7	Introduce and paint road markings as and when necessary	Communities	Public Realm	Parking	On Street Services Manager & On Street Services Officer
6.8	Install and maintain street infrastructure including pay and display machines	Communities	Public Realm	Parking	On Street Services Manager, Maintenance Controller & Maintenance Officers
6.9	Manage the collection and banking of monies from pay and display machines	Communities	Public Realm	Parking	On Street Services Manager

6.10	Designating on street parking place (street works)	Communities	Public Realm	Parking	On Street Services Manager, Maintenance Controller & Maintenance Officers
6.11	Manage ‘off street’ car parks Roman Road and Watney Street)	Communities	Public Realm	Parking	On Street Services Manager, Maintenance Controller & Maintenance Officers
6.12	Carrying out changes to layouts and markings.	Communities	Public Realm	Parking	On Street Services Manager, Maintenance Controller & Maintenance Officers
6.13	Authorise the release of removed vehicles free of charge.	Communities	Public Realm	Parking	On Street Services Manager
6.14	Approve free suspensions of dispensations.	Communities	Public Realm	Parking	On Street Services Manager
6.15	Install and replace traffic and parking signs.	Communities	Public Realm	Parking	On Street Services Manager, Maintenance

					Controller & Maintenance Officers

Waste, Streets and Parks

2.21 Environmental Protection Act 1990, Parts II and IV Cleansing Section

	Decision	Corporate Director	Director	Head of Service	Other
7.1	Section 33 Fly-tipping	Communities	Public Realm	Operational Services, Waste Management	Waste Management Officers, Operational Services Officers
7.2	Section 34 Duty of care etc as respects waste	Communities	Public Realm	Operational Services, Waste Management	Waste Management Officers, Operational Services Officers
7.3	Section 45 collection of controlled waste	Communities	Public Realm	Operational Services. Waste Management	Waste Management Officers, Operational Services Officers
7.4	Section 46, 46A, 46B, 46C, 46D Receptacles for household waste,	Communities	Public Realm	Operational Services. Waste Management	Waste Management Officers, Environmental Services Team Officers

7.5	Section 47 Receptacles for commercial or industrial waste	Communities	Public Realm	Operational Services. Waste Management	Waste Management Officers, All Environmental Services Team Officers
7.6	47ZA Fixed penalty notices for offences under sections 46 and 47	Communities	Public Realm	Operational Services. Waste Management	All Environmental Services Team Officers
7.7	Section 48 duties of waste collection authorise as respects disposals of waste collected	Communities	Public Realm	Operational Services, Waste Management	Operational Services Officers, Waste Management officers
7.8	Section 51 function of waste disposal authorities	Communities	Public Realm	Operational Services, Waste Management	Environmental Services Improvement Team
7.9	Section 52 payments for recycling and disposal etc. of waste	Communities	Public Realm	Operational Services, Waste Management	Environmental Services Improvement Team
7.10	Section 55 powers for recycling waste	Communities	Public Realm	Operational Services, Waste Management	Environmental Services Improvement Team

7.11	Section 57 power of Secretary of State to require waste to be accepted, treated, disposal of or delivered	Communities	Public Realm	Operational Services, Waste Management	Environmental Services Improvement Team
7.12	Section 59 Powers to require removal of waste unlawfully deposited, Sections 59ZA, 59ZB, 59ZC	Communities	Public Realm	Operational Services	All Environmental Services Team Officers
7.13	Section 60 Interference with waste site and receptacles for waste	Communities	Public Realm	Operational Services	All Environmental Services Team Officers

7.14	Power to issue Fixed Penalty Notice (FPN) under Section 80 (4) – Abatement Notice – contravention of. Provided for in Schedule 2 of London Local Authorities Act 2004	Communities	Public Realm	Operational Services	All Environmental Services Team Officers
7.15	Section 86 Provisions relating to litter	Communities	Public Realm	Operational Services, Waste Management	
7.16	Section 87 offence of leaving litter	Communities	Public Realm	Operational Services Waste Management	All Public Realm Officers, Tower Hamlets Enforcement Officers (THEOs)
7.17	Section 88 fixed penalty notices for leaving litter	Communities	Public Realm	Operational Services, Waste Management	All Public Realm Officers, Tower Hamlets Enforcement Officers (THEOs)
7.18	Section 88A – littering from vehicles: civil penalty regime	Communities	Public realm	Operational Services, Waste Management	All Public Realm Officers, Tower Hamlets

	for offences pursuant to section 87(1)				Enforcement Officers (THEOs)
7.19	Section 89 duty to keep land and highway clear of litter etc	Communities	Public Realm	Operational Services, Waste Management	
7.20	Section 90 litter control areas	Communities	Public Realm	Operational Services, Waste Management	All Operational Service Officers, All Waste Management Officers
7.21	Section 91 summary proceedings by persons aggrieved by litter	Communities	Public Realm	Operational Services, Waste Management	
7.22	Section 95 public registers	Communities	Public Realm	Operational Services, Waste Management	All Operational Service Officers, All Waste Management Officers
7.23	Section 98 powers in relation to abandoned shopping and luggage trolleys .	Communities	Public Realm	Operational Services, Waste Management	All Operational Service Officers, All Waste Management Officers

2.22 Clean Neighbourhoods and Environment Act 2005

	Decision	Corporate Director	Director	Head of Service	Others
8.1	Clean Neighbourhoods and Environment Act 2005 - All relevant sections within. Including powers under section 73 (2) to issue FPN for failure to nominate key holder within an alarm notification area.	Communities	Public Realm Community Safety	Operational Services, Head of Community Safety	All Public Realm Officers, THEO's

2.23 All London Local Authorities Acts

	Decision	Corporate Director	Director	Head of Service	Others
8.2	All London Local Authorities Acts - All relevant sections	Communities	Public Realm Community Safety	Operational Services Head of Community Safety	All Public Realm Officers, THEO's

2.24 All London Local Authorities and Transport for London Acts

	Decision	Corporate Director	Director	Head of Service	Others

8.3	All London Local Authorities and Transport for London Acts - All relevant sections including S. 9(3) of the 2013 Act being the power to issue a PCN or FPN in respect of A builders' skip contraventions under the relevant sections (including section 139) of the Highways Act 1980 Act and any other relevant statutory legislation.	Communities	Public Realm Community Safety	Operational Services, Head of Community Safety	All Public Realm Officers, THEO's

2.25 Refuse Disposal (Amenity) Act 1978 and any regulations made thereunder

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
7.24	Penalty for unauthorised dumping: Section 2, 2A, 2B, 2C	Communities	Public Realm	Operational Services, Waste Management	All Operational Services Officers, All Waste Management Officers
7.25	Abandoned vehicles and other refuse: Section 3 removal of abandoned vehicles	Communities	Public Realm	Parking	Civil Enforcement Officers

7.26	Section 4 Disposal of removed vehicles	Communities	Public Realm	Parking	Civil Enforcement Officers
7.27	Section 5 Recovery of expenses connected with removed vehicles	Communities	Public Realm	Parking	Civil Enforcement Officers
7.28	Section 6 Removal and disposal etc. of other refuse	Communities	Public Realm	Operational Services, Waste Management	All Operational Services Officers, All Waste Management Officers

2.26 Highways Act 1980

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
7.29	Section 8 Agreements between local highway authorities	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.30	Section 25 creation of footpath or bridleway by agreement	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.31		Communities			

	Section 35 creation of walkways by agreement		Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.32	Section 38 to enter into an agreement on behalf of the Council for the adoption of highway and walkway infrastructure	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.33	Section 67 provision of guard rails etc in private streets	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.34	Section 68 provision of pedestrian refuges	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.35	Section 72 widening of highways	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.36	Section 73 power to prescribe and revoke improvement line for widening street	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers

7.37	Section 75 variation of width of carriageway and footway	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.38	Section 76 levelling of highways	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.39	Section 77 Alteration of levels	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.40	Section 78 cutting off of corners	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.41	Section 79 prevention of obstruction to view at corners	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.42	Section 81 provision of highway boundary posts	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.43	Section 100 (1) (c) Local Authority is empowered to scour, cleanse and keep open	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers

	all drains situated in the highway				
7.44	Sections 115B, 115C, 115F Provision of amenities on certain highways	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.45	Section 117 application for stopping up and diversion of highways	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.46	Section 118 provision of stopping up of footpaths and bridleways (and related sections 120-129)	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.47	Section 130 protection of public rights	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.48	Sections 131-133 penalties for damage to highways	Communities	Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.49		Communities			

	Section 136 Damage to highway consequent on exclusion of sun and wind		Public Realm	Transportation & Highways	All Transportation & Highways Officers
7.50	Section 137 Penalty for wilful obstruction	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.51	Section 138 penalty for erecting building etc on highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.52	Section 139 to provide a licence for use of builder’s skips on the highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.53	Section 140 power to remove builder’s skips	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.54	Section 141 restriction of planting of trees in or near carriageway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.55		Communities			

	Section 142 licence to plant trees, shrubs in a highway		Public Realm	Transportation & Highways	All Public Realm Officers
7.56	Section 143 Power to remove structures from highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.57	Section 144 Powers to erect flagpoles etc. on highways	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.58	Section 145 Powers as to gates across highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.59	Section 148 Penalty for depositing things or pitching booths on highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.60	Section 149 removal of things so deposited on highway as to be a nuisance	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.61		Communities			

	Section 150 Duty to remove snow, salt etc from the highway		Public Realm	Transportation & Highways	All Public Realm Officers
7.62	Section 151 prevention of soil etc being washed onto a street	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.63	Section 152 Powers as to removal of projection from highways	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.64	Section 153 doors etc in streets not to open outwards	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.65	Section 154 cutting and felling trees etc that overhang or are a danger to roads and footpaths	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.66	Section 161 penalties for causing certain kinds of danger or annoyance	Communities	Public Realm	Transportation & Highways	All Public Realm Officers

7.67	Section 162 penalty for placing rope etc across highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.68	Section 163 prevention of water falling on or flowing onto highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.69	Section 164 power to require removal of barbed wire	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.70	Section 165 dangerous land adjoining street	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.71	Section 166 forecourt abutting on streets	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.72	Section 167 powers relating to retaining walls near streets	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.73		Communities	Public Realm	Transportation & Highways	All Public Realm Officers

	Section 168 building operations affecting public safety				
7.74	Section 169 to provide a licence to control use of scaffolding and other temporary structures	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.75	Section 170 control of mixing mortar etc on highways	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.76	Section 171 Control of deposit of building materials and making of excavations in streets	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.76.1	Section 171A Works under s. 169 or s. 171: charge for occupation of the highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.76.2		Communities			

	Scaffolding, building materials and excavations: charge determined by reference to duration of occupation of highway		Public Realm	Transportation & Highways	All Public Realm Officers
7.77	Section 172 to Hoardings to be set up during buildings	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.78	Section 173 to Hoardings to be securely erected	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.79	Section 175 liability of certain persons in respect of materials left in highways.	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.80	Section 176 Restrictions on construction bridges over highways.	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.81		Communities	Public Realm	Transportation & Highways	All Public Realm Officers

	Section 177 to grant a licence for structures over and under the public highway (incl cables and signs).				
7.82	Section 178 restriction on placing rails, beams, etc over highways	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.83	Section 179 control of construction of cellars under street	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.84	Section 180 control of openings into cellars under streets and pavements lights and ventilators	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.88	Section 184 vehicle crossings over footways and verges	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.89		Communities	Public Realm	Transportation & Highways	All Public Realm Officers

	Section 185 power to install refuse or storage bins in streets				
7.90	Section 256 power to exchange land to adjust boundaries of highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.91	Section 278 Agreements and Contributions towards highway works by persons deriving special benefit from them	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.92	Section 85 power to negotiate and agree boundary maintenance agreements with other authorities	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.93	Powers to remove obstructions and other objects from the highway	Communities	Public Realm	Transportation & Highways	All Public Realm Officers

	under Sections 133, 149, 151 and 175				
7.93.1	SCHEDULE 22B Power to give fixed penalty notices	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.93.2	Section 333 Saving for rights and liabilities as to interference with highways.	Communities	Public Realm	Transportation & Highways	All Public Realm Officers

2.27 **Greater London Council (General Powers) Act 1974 and all or any such other Greater London Council (General Powers) Acts**

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
7.94	Section 5 to deal with businesses using public highway to repair motor vehicles	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.95	Section 11 provision and declaration of walkways	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.96	Section 13 Exercise of power of part III Act	Communities	Public Realm	Transportation & Highways	All Public Realm Officers

7.97	Section 15 paving etc of walkways	Communities	Public Realm	Transportation & Highways	All Public Realm Officers
7.98	Greater London Council (General Powers) Act 1972 Section 17 – Power to require registered keeper to disclose driver at time of offence	Communities	Public Realm	Parking	Investigator

2.28 Road Traffic Regulation Act 1984

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
7.102	Section 6 orders for controlling or regulating vehicular and other traffic	Communities	Public Realm	Transportation & Highways	Transportation & Highways officers
7.103	Section 9 Experimental Traffic Order	Communities	Public Realm	Transportation & Highways	Transportation & Highways officers

2.29 Road Traffic Regulation Act 1984 and all or any such other Road Traffic Regulation Acts

	Decision	**Corporate Director**	**Director**	**Heads of Service**	**Other**
7.104		Communities			

	All of the relevant sections of the Acts		Public Realm	Transportation and Highways	All Public Realm Officers

2.30 Road Traffic Act 1991

	Decision	Corporate Director	Director	Head of Service	Other
7.105	All of the relevant sections of the Act	Communities	Public Realm	Transportation and Highways	All Public Realm Officers

2.31 New Roads and Street Works Act 1991

	Decision	Corporate Director	Director	Head of Service	Other
7.105	All of the relevant sections of the Act.	Communities	Public Realm	Transportation and Highways	Transportation and Highways Officers

2.32 Flood & Water Management Act 2010

	Decision	Corporate Director	Director	Head of Service	Other
7.106	All of the Act	Communities	Public Realm	Transportation and Highways	Transportation and Highways Officers

2.33 Traffic Management Act 2004

	Decision	Corporate Director	Director	Head of Service	Other
7.107	All of the Act	Communities	Public Realm	Transportation and Highways	Transportation and Highways Officers

2.34 Town and Country Planning Act 1990 c.8

	Decision	Corporate Director	Director	Head of Service	Other
7.108	Section 215-219 Land Adversely Affecting Amenity of Neighbourhood	Communities	Public Realm	All Heads of Service in Public Realm	All Public Realm Officers
7.109	Power to issue an FPN under Section 224(3) provided for in Schedule 2 of London Local Authorities Act 2004 Displaying advertisement in contravention of regulations (flyposting)	Communities	Public Realm	All Heads of Service in Public Realm	All Public Realm Officers
7.110	Section 225 A-E Enforcement of control over advertisements	Communities	Public Realm	All Heads of Service in Public Realm	All Public Realm Officers
7.111	Section 225 F-J	Communities	Public Realm		All Public Realm Officers

	Remedying defacement of premises			All Heads of Service in Public Realm	

2.35 Prevention of Damage by Pests Act 1949 c.55

	Decision	Corporate Director	Director	Head of Service	Other
7.112	Part I – Rats and Mice, Sections 2 to 10	Communities	Public Realm	All Heads of Service	All Public Realm Officers
7.113	Part II – Infestation of Food, Sections 13 to 18	Communities	Public Realm	All Heads of Service	All Public Realm Officers
7.114	Part III – Supplemental – sections: 22 – Power of Entry and 26 – Legal Proceedings	Communities	Public Realm	All Heads of Service	All Public Realm Officers

2.36 8. London Local Authorities Act 1990 and all or any such other London Local Authorities Acts for Street Markets and Trading

	Decision	Corporate Director	Director	Head of Service	Other
8.0	Powers under Part III – Street Trading of the London Local Authorities Act 1990 and all other relevant sections of the said Act and all or any such other relevant	Communities	Public Realm	Head of Market Services	Market Manager, Principal Licencing and Development

	powers available within the other London Local Authorities Acts All of which relate to the specific delegations as below (8.1 to 8.22)				Officer, Legal and Finance Officer
8.1	Convene Revocation Panel.	Communities	Public Realm	Head of Market Services	Market Manager, Principal Licencing and Development Officer, Legal and Finance Officer
8.2	Chair panel and revoke licence.	Communities	Public Realm	Head of Market Services	
8.3	Treat and agree terms of trader debt repayment.	Communities	Public Realm	Head of Market Services	Market Manager, Principal Licencing and Development Officer, Market Officer, Legal and Finance Officer
8.4	Non renewal of temporary licence.	Communities	Public Realm	Head of Market Services	Market Manager, Principal Licencing and Development Officer, Market

					Officer, Legal and Finance Officer
8.5	Withdraw prosecution on settlement of trader debt or ‘other cause’.	Communities	Public Realm	Head of Market Services	Market Manager, Market Officer, Principal Licencing and Development Officer, Market Officer
8.6	Designation and de-designation of permanently licensed pitches/ markets.	Communities	Public Realm	Head of Market Services	Market Manager, Market Officer, Principal Licencing and Development Officer
8.7	Designation of temporary pitches.	Communities	Public Realm	Head of Market Services	Market Manager, Market Officer, Principal Licencing and Development Officer
8.8	Determination and confirmation of pitch size.	Communities	Public Realm	Head of Market Services	Market Manager, Market Officer, Principal Licencing and Development Officer
8.9		Communities	Public Realm		Market Manager, Principal

	Production of standard licence conditions.			Head of Market Services	Licencing and Development Officer
8.10	Annual review of fees and charges.	Communities	Public Realm	Head of Market Services	Market Manager, Principal Licencing and Development Officer
8.11	Waiving or suspending fees and charges.	Communities	Public Realm	Head of Market Services	Market Manager
8.12	Issue written confirmation of verbal warning.	Communities	Public Realm	Head of Market Services	Market Officer, Legal and Finance Officer
8.13	Issues Head of Markets warning.	Communities	Public Realm	Head of Market Services	Market Manager
8.14	Withdraw serials 12 and 12 above.	Communities	Public Realm	Head of Market Services	Market Manager
8.15	Issue a fixed penalty notice for breach of licence conditions.	Communities	Public Realm	Head of Market Services	Market Officer, Legal and Finance Officer
8.16	Issue temporary and permanent licences to trade.	Communities	Public Realm	Head of Market Services	Principal Licencing and Development Officer,

					Market Administration and Development Officer, Market Officer
8.17	Refuse to issue or renewal a licence to trade on not meeting terms of application acceptance.	Communities	Public Realm	Head of Market Services	Principal Licencing and Development Officer, Market Administration and Development Officer
8.18	Convene and chair Traders Representatives Meetings.	Communities	Public Realm	Head of Market Services	Market Manager
8.19	Set limitations on commodities in market.	Communities	Public Realm	Head of Market Services	Principal Licencing and Development Officer, Market Administration and Development Officer
8.20	Make at discretion refunds on licence applications and for unused vouchers.	Communities	Public Realm	Head of Market Services	Principal Licencing and Development Officer,

					Market Administration and Development Officer
8.21	Invite and make variations to licences.	Communities	Public Realm	Head of Market Services	Principal Licencing and Development Officer, Market Administration and Development Officer
8.22	Authorise Market Service staff to act upon and deliver in their person the powers identified in Appendix A as applicable to usage of or on public footway and in street markets.	Communities	Public Realm	Head of Market Services	Market Officer, Legal and Finance Officer, Market Administration and Development Officer & Market Officer

9. Trading Standards and Licensing

2.37 Responsibilities for the discharge of Trading Standards and Licensing functions:-

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
9.1	Authority to issue and serve Suspension Notices under	Communities	Public Realm		Team Leader Trading Standards, Trading

	the Consumer Protection Act 1987 and other authorised regulations made under the European Communities Act 1972. This authority can only be used by TSOs and CSOs with the approval of DD Public Realm, HEH & TS			Head of Environmental Health and Trading Standards	Standards Officers of all designations, Consumer Services Officers of all designations, Licensing Officers of all designations

2.38 Legal Proceedings for Trading Standards and Licensing Matters

	Decision	Corporate Director	Director	Head of Service	Other
9.2	Authority to authorise inspectors pursuant of section 39 of the Health & Safety at Work Act 1974 to prosecute in the magistrates court	Communities	Public Realm	Head of Environmental Health & Trading Standards	
9.3	Authority for inspectors, appropriately nominated, pursuant of section 39 of the Health &	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Trading Standards, Trading Standards Officers of all designations,

	Safety at Work Act 1974 to prosecute in the magistrates court				Consumer Services Officers of all designations, Licensing Officers of all designations
	Delegated to sign the Memex Data Sharing Agreement	Communities	Public Realm	Head of Environmental Health and Trading Standards	
	Weights and Measures Act 1985: section 72(1) person appointed as Chief Inspector of Weights and Measures	Communities	Public Realm	Head of Environmental Health and Trading Standards	Team Leader Trading Standards, Senior Trading Standards Officer
	Authority to issue Penalty Charge Notices under legislation detailed	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Trading Standards, Trading Standards Officers of all designations, Consumer Services Officers of all designations, Licensing Officers of all designations
	Authority to permit revocation or	Communities	Public Realm		

	vary a Penalty Charge Notices under relevant legislation			Head of Environmental Health & Trading Standards	Team Leader Trading Standards

Administration of Licences

2.39 Licensing Act 2003

	Decision	Corporate Director	Director	Head of Service	Other
9.4	Authority to grant a Personal Licence where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.5	Authority to grant or vary a Premises Licence where no relevant representation is made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.6	Authority to transfer a premises Licence where no Police representation is made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.7	Authority to grant or vary Club premises	Communities	Public Realm		

	certificate where no relevant representation is made			Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.8	Authority to grant a Provisional statement where no relevant representation is made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.9	Authority to remove a designated personal licence holder	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.10	Authority to grant Interim Authorities where no Policy representation is made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.11	Authority to decide on whether a Complaint or Representation (other than a statutory authority) is irrelevant, frivolous or vexatious	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety

9.12	Authority to decide to object when the Local Authority is a consultee and not the Lead Authority	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.12.1	Authority to grant or refuse Minor variations	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.12.2	Authority to apply conditions to a Premises Licence that are consistent with the operating schedule	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.12.3	Authority to grant a sexual entertainment venue licence where there are no objections under Schedule 3, Local Government (Miscellaneous Provisions) Act 1982	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.12.4	Authority to grant or reject a Temporary Events Notice	Communities	Public Realm		Team Leader Licensing and Safety,

				Head of Environmental Health & Trading Standards	Licensing officer of all designations
9.12.5	6. Power to close premises – Anti-social Behaviour, Crime and Policing Act 2014 Chapter 3 - 24 hour duration	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing & Safety
9.12.6	7. Power to close premises – Anti-social Behaviour, Crime and Policing Act 2014 Chapter 3 - 48 hour duration	Communities	Public Realm	Head of Environmental Health & Trading Standards	

2.40 Scrap Metal Dealers Act 2013

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Others**

9.12.7	Powers under all the relevant sections of the entire Scrap Metal Dealers Act 2013 together with the provisions of Schedules 1 and 2.	Communities	Public Realm	Head of Environmental Health and Trading Standards	Team Leader Licensing & Safety Licensing Officer of all designations

2.41 Anti-Social Behaviour Crime and Policing Act 2014 c.12

Decision	Corporate Director	Director	Head of Service	Other
PART 4 Community Protection **CHAPTER 1** **Community Protection Notices** **Under Section 43 To 58**	Communities	Public Realm	All Heads of service	All Public Realm Officers Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader

				Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers
Chapter 2 **Public spaces protection orders** **Under Section 59 to 75**	Communities	Public Realm	All Heads of service	All Public Realm Officers Neighbourhood ASB and Enforcement Manager DAAT Criminal Justice Manager Neighbourhood Manager DAAT Criminal Justice Manager THEOs ASB and Community Safety Officers and Team Leader Specialist Substance Misuse Investigation Officers Neighbourhood Community Safety Officers
To give instructions to the Director of Legal or their nominated	Communities	Public Realm		All Public Realm Officers

deputy to make application to or lodge an appeal to the appropriate Court			All Heads of Service		

2.42 Gambling Act 2005

	Decision	Corporate Director	Director	Head of Service	Other
9.13	Authority to grant a Premises Licence where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.14	Authority to grant a Temporary use notice where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.15	Authority to grant a Small Society Lottery where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.16	Authority to grant a Family Entertainment Centre Gaming Machine Permit where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.17		Communities			

	Authority to grant a Club Gaming Permit where no representations are made		Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.18	Authority to grant a Club Machine Permit where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.19	Authority to grant a Licensed Premises Gaming Machine permit where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.20	Authority to grant a Prize Gaming Permit where no representations are made	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
	Section 33 Provision of facilities for gambling	Communities	Public Realm	All Heads of Service	All Public Realm Officers, THEOs
	Section 42 Cheating	Communities	Public Realm	All Heads of Service	All Public Realm Officers THEOs

2.43 Other Legislation

	Decision	Corporate Director	Director	Section Head	Other
9.21	Authority under the Gaming Act 1968 to grant, renew and transfer Gaming Permits where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
	Authority under the Vehicle Crime Act 2001 to serve notices proposing to refuse or revoke a Motor Salvage Operator Registration	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
	Authority under the Vehicle Crime Act 2001 to hear and determine representations to refuse or revoke a registration	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
	Authority under Vehicles (Crime) Act 2001 to register and renew registration of Motor Salvage Operators where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
		Communities			

	Authority under Greater London Council (General Powers) Act 1984 Part VI to grant, renew and vary Registration for the Sale of Goods by Way of Competitive Bidding where there are no objections		Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
	Betting Gaming and Lotteries Act 1963 to grant, renew and vary Pools Promoters Registrations where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.22	Authority under the Lotteries and Amusements Act 1976 to grant, renew and vary Society Lottery Registrations where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety
9.23	Authority under Game Act 1831 to grant Game Licences where no objections are received	Communities	Public Realm	Head of Environmental Health & Trading Standards	Team Leader Licensing and Safety

2.44 London Building Acts (Amendment) Act 1939

	Decision	Corporate Director	Director	Head of Service	Other
7.101	Section 15 proceedings by local authority under s.10 and other provisions within this section (15)	Communities	Public Realm	Transportation and Highways	Transportation and Highways Officers

CHAPTER 69: HEALTH AND ADULTS DIRECTORATE SCHEME OF DELEGATION

Section 1: Introduction

1.1 The Council's legal powers are granted by law either to the Mayor or full Council, allowing the authority to carry out its functions for the benefit of the residents, workers and businesses in the borough of Tower Hamlets.

1.2 The Mayor and full Council both have power to delegate the exercise of these duties to members and officers. These delegations are set out in the Constitution. In addition, each Corporate Director also has the power to further delegate powers to individual officers and these are set out for the Health and Adult Social Care Directorate in this scheme of delegation.

1.3 Note that - under the Local Government Act 2000, all of the Council's functions, its legal powers and duties, are the responsibility of the Mayor and are known as "executive functions", except where they are expressly specified under sch.1, sch.3 or sch.4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to not be the responsibility or sole responsibility of an authority's executive.

Section 2: Schemes of Delegation

2.1 Care and Support

	Decision	Corporate Director	Director	Head of Service	Other
	Care Act 2014				
	Section 2 – Provide services to prevent needs for care and support developing	Health and Adult Social Care	Integrated Commissioning Adult Social Care Public Health		

	Section 4 - Establish and maintain an information and advice service	Health and Adult Social Care	Integrated Commissioning Adult Social Care		
	Sections 9 and 12 - Undertaking a needs assessment where it appears that a person may have needs for care and support:	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice
	Sections 10 and 12 - Undertaking a carer's assessment where it appears that a person may have needs for care and support, now or in the future	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice

					Occupational Therapy Apprentice
	Sections 58 and 59 - Undertaking a child's needs assessments where it appears that a child may have needs for care and support post-18	Health and Adult Social Care Children's Services	Adult Social Care Supporting Families	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice
	Sections 60 and 61 - Undertaking a child's carer's assessment where it appears that a child may have needs for care and support post-18	Health and Adult Social Care Children's Services	Adult Social Care Supporting Families	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice

	Sections 63 and 64 - Undertaking a young carer's assessment where it appears that a person may have needs for care and support	Health and Adult Social Care Children's Services	Adult Social Care Supporting Families	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice
	Sections 13 and 18 and the Care and Support (Eligibility Criteria) Regulations 2014) - Decisions as to whether identified needs meet the eligibility criteria and if so consider what could be done to meet those needs	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice

					Brokerage Manager / Seniors. Brokerage officer - All within approved expenditure
	Sections 25 and 27 - Preparing or reviewing a care and support plan	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice
	Section 14 - Exercising power to charge for care	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer

					Social Work Apprentice Occupational Therapy Apprentice
	Section 17 - Undertake an assessment of financial resources	Health and Adult Social Care Resources	Adult Social Care	Service Managers	Team Manager Client Financial Assessment Team Financial Assessment Officers – Client Financial Assessment Team
	Section 26 – prepare a personal budget in respect of the costs of meeting a person's eligible care needs	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice

	Section 30 - Provide or arrange accommodation in a person's preferred accommodation	Health and Adult Social Care	Adult Social Care Integrated Commissioning	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer Social Work Apprentice Occupational Therapy Apprentice Brokerage Manager / Seniors. Brokerage officer - All within approved expenditure
	Sections 31 and 32, and The Care and Support (Direct Payments) Regulations 2014 Agreement to offer a Direct Payment	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager ASC Social Worker, Occupational Therapist Long Term Support Officer First Response Officer

					Social Work Apprentice Occupational Therapy Apprentice Brokerage Manager / Seniors. Brokerage officer Within approved expenditure
	Sections 34-36 and The Care and Support (Deferred Payment) Regulations 2014- Enter into a deferred payment agreement where the conditions are met.	Resources / Health and Adult Social Care	Adult Social Care	Financial Assessment Team Manager	Financial Assessment Officers
	Section 69 – Take a decision to recover a debt owing to the Council under the Act	Health and Adult Social Care Resources	Adult Social Care	Service Managers ASC Principal Social Worker Principal Occupational Therapist	Income Collection and Enforcement Manager

				Head of Revenue and Benefits	
	Section 70 – Take a decision to recover the value of assets transferred to avoid charges	Health and Adult Social Care	Adult Social Care	Service Managers ASC Principal Social Worker Principal Occupational Therapist Head of Revenue and Benefits	Income Collection and Enforcement Manager
	Section 19 – Take decision to meet the care needs of someone who is ordinarily resident in another local authority's area in urgent circumstances	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager
	Section 37 – notify another local authority that an adult in need of care and support intends to move	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager Social Worker Occupational Therapist Long term support worker

	to their area and provide relevant documentation				First Response Officer Brokerage Manager Brokerage Officer
	Sections 40 and 41 Apply to the Secretary of State or determination of ordinary residence and recover costs of support from another local authority	Health and Adult Social Care	Adult Social Care		
	Section 42 – carrying out a safeguarding enquiry	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Social Worker and Occupational Therapists trained as Enquiry Officers.
	Section 43 & Schedule 2 - Establishing and maintaining a Safeguarding Adults Board	Health and Adult Social Care	Adult Social Care Integrated Commissioning	Service Manager Safeguarding Principal Social Worker	Strategic Boards Manager Partnership Board Coordinator

				Head of Strategy, Policy and Improvement	
	Section 48 - Temporary duty on local authority to meet care and support needs where there has been a care provider business failure	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers in ASC and IC Principal Social Worker Principal Occupational Therapist	Team Managers ASC
	Section 67 and 68 - Arrange independent advocacy to represent and support the individual.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager ASC and IC Principal Social Worker Principal Occupational Therapist	Team Manager Social Worker Occupational Therapist Long term support worker First Response Officer
	Section 74 and Schedule 3 - Assessment of needs and provision of services upon discharge from hospital	Health and Adult Social Care	Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Team Manager Social Worker Occupational Therapist Long term support worker First Response Officer

					within approved expenditure limits
	Section 74 Schedule 3, Paragraph 4 - Making daily reimbursement payments to the relevant NHS body if the local authority is solely responsible for any delays in the discharge of a patient from hospital.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager Within approved expenditure	
	Section 77 - establish and maintain a register of sight-impaired and severely sight-impaired adults, and a register of adults in needs of care and support if appropriate	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager Reablement	Team Manager Reablement Service
	Miscellaneous				
	Disabled Persons (Services, Consultation	Health and Adult Social Care	Integrated Commissioning	Service Managers ASC and IC	

	and Representation) Act 1986 Section 10 - Consultation with organisations of disabled people regarding appointment or co-option to committees of persons with special knowledge of the needs of disabled persons		Adult Social Care	Principal Social Worker Principal Occupational Therapist	
	Health and Social Care (Community Health and Standards) Act 2003, Section 114, the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 -Consider a complaint made about Social Services or services commissioned by Social Services	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers ASC and IC Principal Social Worker Principal Occupational Therapist	Team Manager

	Disabled Persons (Employment) Act 1958, Section 3 - Arranging for the provision of facilities for enabling seriously disabled persons to be employed under special conditions.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	Commissioning Managers within agreed budgets and Financial Regulations Team Managers ASC Principal Social Worker

2.2 Mental Health

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
	Mental Health Act 1983				
2.1	Section 11 - Applications for admission for assessment or for treatment or for guardianship. Specification of the qualification of the applicant is to be detailed.				Delegated to approved Mental Health Professional only
2.2					

	Section 13 - Applications for admission to hospital or guardianship in respect of a patient in any case where an approved mental health professional is satisfied that an application ought to be made.				Delegated to approved Mental Health Professional only
2.3	Section 14 - Providing an approved mental health professional's report on the patient's social circumstances to the hospital managers pursuant to an application made by a patient's nearest relative.				Delegated to Approved Mental Health Professional only
2.4	Section 17A – agreement to a person being placed under a community treatment order				Delegated to Approved Mental Health Professional only
2.5					

	Section 29 - Applications to Court to displace the nearest relative where the conditions are met.				Delegated to Approved Mental Health Professional only
2.6	Section 37 - Arrangements for reception into guardianship where such directions are made by the criminal courts.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers Principal Social Worker	
2.7	Section 114 & 130A - Appointment of a sufficient number of approved mental health professionals and Independent mental health advocates	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers Principal Social Worker	
2.8	Section 115 - Entry and inspection of any premises in the area of the authority in which a mentally disordered	Health and Adult Social Care	Integrated Commissioning Adult Social Care		Approved Mental Health Professional with warrants/ legal authorisation

	patient is living, with reasonable cause to believe that the patient is not under proper care.				appropriate to the circumstances
2.9	Section 116 - Visiting and attending to the welfare of the following patients admitted to a hospital or care home: a looked after child; where the local authority holds guardianship where the local authority is the nearest relative	Health and Adult Social Care Children's Services	Integrated Commissioning Adult Social Care Supporting Families	Service Manager Principal Social Worker	Team Managers Approved Mental Health Professional
2.10	Section 117 - Identification of and arranging provision of after-care services together with the Integrated Care Board; and discharge from such services.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager Principal Social Worker	Delegated to Team Managers/ Senior Practitioners, social workers [within approved expenditure limits for the provision of services]

2.11	Section 117A - Provide or arrange accommodation in a person's preferred accommodation	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager Principal Social Worker	Delegated to Team Managers/ Senior Practitioners, social workers [within approved expenditure limits for the provision of services]
	Miscellaneous				
2.12	Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008, Rule 32 - Provision of reports to Mental Health Act Review Tribunals.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager Principal Social Worker	Delegated to social work staff, Community Mental Health Teams
2.13	National Assistance Act 1948, Section 49 – compliance with duty to protect the property of a person	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager Principal Social Worker	Delegated to Team Managers/ Senior Practitioners, social workers within

	temporarily admitted to hospital			Principal Occupational Therapist	approved expenditure limits
2.14	Disabled Persons (Services Consultation and Representation) Act 1986, Section 7 - Assessment of needs and provision of services upon discharge from hospital after 6 months treatment for a mental disorder	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Manager	Delegated to Team Manager Senior Practitioner Social worker/ Occupational Therapist Occupational Therapist Social Workers within approved expenditure limits

2.3 Mental Capacity Act

	Decision	**Corporate Director**	**Divisional Director**	**Head of Service**	**Other**
	Mental Capacity Act 2005				
	Section 2 and Schedule A1 – Assessment as to whether an individual has capacity to make a particular decision	Health and Adult Social Care	Adult Social Care	Service Manager Principal Social Worker	Team Manager Senior Practitioner Occupational Therapist

				Principal Occupational Therapist	Social Workers Long term support officers First response officers
	Section 4 and Schedule A1– carry out a Best Interest assessment				Best Interest assessors Social Workers for general BI decisions with exclusion of deprivation of liberty BI assessemnts.
	Section 4A – authority to deprive a person of their liberty on behalf of the Council if authorised to do so under the provisions of the MCA	Health and Adult Social Care	Adult Social Care	Service Manager	Team Manager Senior Practitioner Social worker Occupational Threapist
	Section 16 – Apply to become the welfare or financial deputy for a person lacking capacity	Health and Adult Social Care	Adult Social Care	Service Manager	Team Managers Social Workers

	Section 19 – be appointed to position of deputy as a consequence of holding a position or office within the Council, and if appropriate, seek reimbursement of reasonable expenses in carrying function of deputy	Health and Adult Social Care	Adult Social Care		
	Section 22 and 23 – apply to court for invalidation or variation of lasting power of attorney	Health and Adult Social Care	Adult Social Care	Service Manager Principal Social Worker	
	Section 35 – Make arrangements for independent mental capacity advocates to be available to represent and support persons to under the relevant provisions.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers ASC and IC Principal Social Worker	Team Manager Social Workers Occupational Therapists
	Schedule A1 - Responsibility to undertake deprivation of liberty safeguards assessments on	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers	Approved Best Interest Assessors

	request from the managing authority				
	Schedule A1 - Decision to give a standard authorisation for the deprivation of a person's liberty on behalf of the council as the supervisory body.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers Principal Social Worker Principal Occupational Therapist	
	Schedule A1 - Duty to inform the hospital or care home management, the person concerned, any IMCA instructed and all interested persons consulted by the best interest assessor of their decision and the reason for it where the Local Authority is the supervisory body.	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers	Central Safeguarding Team
	Miscellaneous				
	The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers	Team Manager and Senior Practitioners

	Ordinary Residence) Regulations 2008 - Approval of sufficient numbers of qualified Best Interest Assessors for the conducting of Best Interest Assessments				in the Central Safeguarding Team
	The Mental Capacity (Deprivation of Liberty: Appointment of Relevant Person's Representative) Regulations 2008 -appointment of relevant person's representatives	Health and Adult Social Care	Integrated Commissioning Adult Social Care	Service Managers	

2.4 Public Health

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
	National Health Act 2006				
4.1	Section 2B - Comply with the council's duty to take steps to improve public health through provision of advice, information, services, incentives and training	Health and Adult Social Care	Public Health Integrated Commissioning	Associate Directors of Public Health Service Managers	

4.2	Section 111 - Exercise functions in respect of dental public health (National Health Act 2006)	Health and Adult Social Care	Public Health	Associate Directors of Public Health	
4.3	Section 75 - Enter into prescribed arrangement with an NHS body	Health and Adult Social Care	Public Health Integrated Commissioning Director of Adult Social Care	Associate Directors of Public Health Service Managers IC and ASC	
4.4	Section 76 and National Health Service (Conditions Relating to Payments by Local Authorities to NHS bodies) Directions 2013 - Authorising payments to the NHS Board or clinical commissioning group	Health and Adult Social Care	Public Health Integrated Commissioning Adult Social Care	Associate Directors of Public Health Service Manager, ASC within financial limits	
4.5	Schedule 1 - Making provision for health assessments of school children, the weighing and measuring of junior school and early years children	Health and Adult Social Care	Public Health	Associate Directors of Public Health	
	Care Act 2014				

4.6	Section 3 - Exercise duties under the Care Act with a view to promoting integration of health and social care	Health and Adult Social Care	Public Health Integrated Commissioning Adult Social Care	Associate Directors of Public Health Service Managers	Team Managers ASC
	Health and Social Care Act 2012				
4.7	Section 199 – provide information requested by the Health and Wellbeing Board	Health and Adult Social Care	Public Health Integrated Commissioning Adult Social Care	Associate Directors of Public Health Service Managers	Team Managers
	Local Government and Public Involvement in Health Act 2007				
4.8	Section 116A – Comply with the Council's duties in respect of preparing, refreshing and publishing a joint health and wellbeing strategy	Health and Adult Social Care	Public Health		
4.9	Section 221 and 222 – enter contractual arrangements and provide funding for services to promote and support the	Health and Adult Social Care	Public Health Integrated Commissioning	Associate Directors of Public Health	

	involvement of local people in the commissioning, provision, scrutiny and review of local care services and how these could be improved		Adult Social Care	Service Managers ASC and IC	

CHAPTER 70: HOUSING AND REGENERATION DIRECTORATE SCHEME OF DELEGATION

Section 1: Introduction

1.1 The Council's legal powers are granted by law either to the Mayor or full Council, allowing the authority to carry out its functions for the benefit of the residents, workers and businesses in the borough of Tower Hamlets.

1.2 The Mayor and full Council both have power to delegate the exercise of these duties to members and officers. These delegations are set out in the Constitution. In addition, each Corporate Director also has the power to further delegate powers to individual officers and these are set out for the Housing and Regeneration Directorate in this scheme of delegation.

1.3 Note that - under the Local Government Act 2000, all of the Council's functions, its legal powers and duties, are the responsibility of the Mayor and are known as "executive functions", except where they are expressly specified under sch.1, sch.3 or sch.4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to not be the responsibility or sole responsibility of an authority's executive.

Section 2: Schemes of Delegation

2.1 Planning

	Decision (Powers and Duties)	**Corporate Director**	**Director**	**Head of Service**	**Other**
1.1	Development Plans Functions relating to development plans (Part 2 of the Town and Country Planning Act 1990) except:	Housing and Regeneration	Planning and Building Control Deputy Director	Strategic Planning	Plan Making Team Leader Place Shaping Team Leader

	where approval by Cabinet is needed for a Supplementary Planning Document, the Local Development Scheme, the Statement of Community Involvement or the Annual Monitoring Report; or where statutory or constitutional approval by Council is needed for a Development Plan Document.				
1.2	Development Management Functions relating to control over development (Part 3 of the Town and Country Planning Act 1990) except where a matter is delegated to the Development or Strategic Development Committee in	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Managers Planning Compliance Manager (1) (See conditions key below) Team Leaders DM (1) Principal Planning Officers DM (2)

	accordance with their terms of reference.				
1.3	Enforcement and Compliance Functions relating to planning control and enforcement (Part 7 of the Town and Country Planning Act 1990)	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Manager Planning Compliance Manager Principal Planning Compliance Officer (3)
1.4	Lawful Development Certificates Functions relating to the determination and granting of lawful development certificates (Part 7 of the Town and Country Planning Act 1990 as amended)	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Manager Planning Compliance Manager (1) Team Leader DM (1) Principal Planning Officer DM (2) Principal Planning Compliance Officer (3)
1.5	Advertisements, trees and land adversely affecting amenity Functions relating to special planning controls	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management Strategic Planning Manager	Area Planning Manager Planning Compliance Manager

	(eg trees, amenity land and advertisements) (Part 8 of the Town and Country Planning Act 1990).				Team Leader DM (1) Principal Planning Officer DM (2) Place Making Team Leader (for matters relating to trees)
1.6	Highways and Planning Functions relating to highways and planning (Part 10 of the Town and Country Planning Act 1990).	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Manager
1.7	Statutory Undertakers Functions relating to statutory undertakers and planning (Part 11 of the Town and Country Planning Act 1990) except where a matter is delegated to the Development or Strategic Development Committee in	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Manager Team Leader DM

	accordance with their terms of reference.				
1.8	Crown Land Functions relating to Crown land and planning (Part 13 of the Town and Country Planning Act 1990) except where a matter is delegated to the Development or Strategic Development Committee in accordance with their terms of reference.	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Manager Team Leader DM
1.9	Financial Provisions Functions relating to financial provisions for planning (Part 14 of the Town and Country Planning Act 1990).	Housing and Regeneration	Planning and Building Control Deputy Director	Development Manager Divisional Support	Area Planning Manager Planning & Building Control Support Team Leader
1.10	Miscellaneous planning provisions Functions relating to miscellaneous	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Manager

	and general planning provisions (eg rights of entry) (Part 15 of the Town and Country Planning Act 1990).				
1.11	Listed Buildings Functions relating to listed buildings (Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990) except where a matter is delegated to the Development or Strategic Development Committee in accordance with their terms of reference.	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management Strategic Planning	Area Planning Manager Planning Compliance Manager (1) Team Leader DM (1) Place Shaping Team Leader Principal Planning Officers DM (2)
1.12	Conservation Areas Powers relating to conservation areas (Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990) except:	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management Strategic Planning	Area Planning Manager Planning Compliance Manager (1) Team Leader DM (1) Place Shaping Team Leader

	the designation of a conservation area by Cabinet; or where a matter is delegated to the Development or Strategic Development Committee in accordance with their terms of reference.				Principal Planning Officers DM (2)
1.13	Listed buildings and conservation areas - general Functions relating to general matters relating to listed buildings and conservation areas (eg Crown land and rights of entry) (Part 3 of the Planning (Listed Buildings and Conservation Areas) Act 1990).	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management Strategic Planning	Area Planning Manager Planning Compliance Manager (1) Team Leader DM (1) Place Shaping Team Leader Principal Planning Officers DM(2)
1.14	Control over hazardous substances Functions relating to controls over hazardous substances	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management Strategic Planning Manager	Area Planning Manager (4)

	(Planning (Hazardous Substances) Act 1990) except where a matter is delegated to the Development or Strategic Development Committee in accordance with their terms of reference.				
1.15	Other Bodies or planning authorities Planning related matters delegated to the Council by other bodies (eg Olympic delivery Authority) (London Olympic Games and Paralympic Games Act 2006, plus any other similar provisions made in the future) except where a matter is delegated to the Development or Strategic Development Committee in accordance with their terms of reference.	Housing and Regeneration	Planning and Building Control Deputy Director	Development Manager	Area Planning Manager Team Leaders DM

	Responses to requests for observations received from neighbouring or other planning authorities.				
1.16	Illegal Advertisement Hoardings Functions related to the removal of illegal advertising hoardings (Section 11 London Local Authorities Act 1995)	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management	Area Planning Manager Planning Compliance Manager
1.17	Authorising Execution of Documents To Authorise the execution of agreements or deeds of variation, pursuant to Section 106 of the Town and Country Planning Act 1990 and to accept Unilateral Undertakings and authority to execute agreements pursuant to Section 278 and	Housing and Regeneration	Planning & Building Control Deputy Director	Development Management Infrastructure Planning Manager	Area Planning Manager Planning Compliance Manager Team Leader DM Infrastructure Planning Manager (Programming) (6)

	section 38 of the Highways Act 1980 in so far as it relates to a Planning Application.				
1.18	Legal Proceedings Authority to institute, conduct, settle and conclude legal proceedings, including section 106 obligations in the course of Appeal proceedings, section 106 injunctions and for the avoidance of doubt authority to use rubber stamps and mechanical devices to reproduce the Director's signature where appropriate.	Housing and Regeneration	Planning & Building Control Deputy Director	Development Management Infrastructure Planning Manager	Area Planning Manager Planning Compliance Manager Team Leader DM Infrastructure Planning Manager (Programming) (7)
1.19	Planning Obligations Authority to cancel a planning obligation on the land charges register as a result of an application to	Housing and Regeneration	Planning and Building Control Deputy Director	Development Management Infrastructure Planning Manager	Area Planning Manager Planning Compliance Manager Team Leader DM

	modify or discharge a planning obligation or where the planning permissions has not been implemented within the required time limit and an application is made to remove the obligation.				Infrastructure Planning Manager (Programming) (8)

Conditions and Limitations

(a) Development Management decisions by Team Leaders (DM) and Planning Compliance Manager shall be LIMITED to the determination of planning applications and permission in principle applications for non-major development (see definition below) and advertisement consent, listed building consent, lawful development certificates, works to tress, approval of details and prior approval applications, where the number of representations received in response to publicity is 5 or less. .

(b) Development Management Decisions by Principal Planning Officers shall be LIMITED to the determination of planning applications for non-major development (see definition below), advertisement consent, listed building consent, lawful development certificates, works to tress, approval of details and prior approval applications and where no representations have been received in response to publicity.

(c) Enforcement Functions exercised by Principal Planning Compliance Officers LIMITED to decisions to serve Planning Compliance Notices and Breach of Condition Notices and determination of Lawful Development Certificates for non-major development and where the number of representations received in response to publicity is 5 or less.

(d) Decisions by Area Planning Managers EXCLUDES determination of applications to revoke hazardous substance consents.

(e) For the purposes of conditions (a) and (b), non-major development is defined as development (including changes of use) involving the creation of 1-9 dwellings (unless floor space exceeds 1000m²), site areas less than 0.5 hectares, office / light industrial, general industrial, retail and other non-

residential development up to 999 m² / under 1 hectare, gypsy/traveler sites up to 9 pitches, householder development, advertisement consent, development where no floor space is created (e.g. shop fronts).

(f) For Deed of Variation to s106 agreements only

(g) For securing compliance with s106 agreements only

(h) For applications made to remove an obligation

2.2 Building Regulations

Notes:
PBCS = Principal Building Control Surveyor
BCS = PBCS, and Building Control Surveyor
SDTL = Spatial Data Team Leader
SN&NO and SN&NA = Street Naming & Numbering Officer and SN&N Assistant
BC Engineer = Building Control Engineer [Structures] and Building Control Engineer [Fire Safety Services]

	Decision (Power)	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
2(a)	Powers and duties relating to the relaxation of building regulations, passing or rejection of plans and breach of building regulations (Part I of the Building Act 1984)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control)
2(b)	Powers and duties relating to the supervision of building work etc otherwise than by local Authorities (Part II of the Building Act 1984)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS

2(c)	Powers and duties relating to defective premises, demolitions, etc including the power to serve notice and issue schedules of conditions (Part III of the Building Act 1984)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS [in TL absence]
2(d)	Powers and duties relating to the duties of local authorities to execute the Building Act 1984 and to enforce building regulations (Part IV of the Act)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS [in TL absence]
2(e)	Authority and power to enter premises for the purpose of enforcing the provisions of the Building Act 1984 (Part IV of the Act)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) BCS BC Engineer
2(f)	Authority to sign documents required under the Building Act 1984	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS [in TL absence]
2(f1)	Powers & Duties in respect of Naming & Numbering of Streets & Buildings & (Part II	Housing and Regeneration	Planning & Building Control	Divisional Support	SDTL

	of the London Building Acts [Amendment] Act 1939)		Deputy Director		Principal Spatial Data Officer
2(f2)	Section 6 of the London Building Acts [Amendment] Act 1938) Assigning of names of streets etc.	Housing and Regeneration	Planning & Building Control Deputy Director	Divisional Support	SDTL Principal Spatial Data Officer
2(f3)	Section 8 of the London Building Acts [Amendment] Act 1939) Setting up of names of streets.	Housing and Regeneration	Planning & Building Control Deputy Director	Divisional Support	SDTL Principal Spatial Data Officer
2(f4)	Section 11 of the London Building Acts [Amendment] Act 1939) Numbering and naming of buildings	Housing and Regeneration	Planning & Building Control Deputy Director	Divisional Support	SDTL Principal Spatial Data Officer
2(g)	Powers and duties, in respect of the construction of buildings (Part III of the London Building Acts (Amendment) Act 1939 (as amended))	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS [in TL absence]
2(h)	Powers and duties in respect of special and temporary buildings (Part IV of the London	Housing and Regeneration		Building Control	

	Building Acts (Amendment) Act 1939)		Planning & Building Control Deputy Director		Team Leader (Building Control) PBCS [in TL absence]
2(i)	Powers and duties in respect of precautions against fire in certain old buildings (Part V of the London Building Acts (Amendment) Act 1939)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS [in TL absence]
2(j)	Powers and duties in respect of dangerous and neglected structures (Part VII of the London Building Acts (Amendment) Act 1939)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS BC Engineer (Structures)
2(k)	The power to discharge the duties of the district surveyor (part IX of the London Building Acts (Amendment) Act 1939)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control)
2(l)	Powers and duties in respect of legal proceedings (Part XI	Housing and Regeneration	Planning & Building Control	Building Control	Team Leader (Building Control)

	of the London Building Acts (Amendment) Act 1939)		Deputy Director		
2(m)	The power to issue consents and make regulations under Part XII of the London Building Acts (Amendment) Act 1939	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control)
2(n)	Authority and power to enter premises for the purpose of enforcing the provisions of the London Building Acts (Amendment) Act 1939 (all relevant sections)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control Divisional Support	Team Leader (Building Control) BCS SN&N O and SN&NA BC Engineer
2(o)	Power to authorise notices under all relevant sections of the Building (Approved Inspector) Regulations 2000 (as amended)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) PBCS [in TL absence]
2(p)	Power to approve the safety of platforms etc. erected or issued on public occasions (section 37 of the Public Health Acts Amendment Act 1890)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control)

2(q)	The power to act as Client under the (Construction (Design & Management Regulations 1994) in appointing planning supervisor in relation to demolition and other works in connection with:- Dangerous and Neglected Structures and works in contravention of legislation	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control)
2(r)	Power to act as ‘appointing officer’ (sections 10(8) and 20(8) of the Party Wall etc. Act 1996)	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control)
2(s)	Authority to modify the Charges Scheme to ensure recovery of the proper costs incurred in performing the Council’s building control functions under the Building (Local Authority Charges) Regulations 2010.	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control Divisional Support	

2 (t)	Theatre Act 1968 ~ section 15 Authority and power of entry to premises for the purpose of inspection.	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) BCS
2 (u)	Cinema Act 1985 ~ section 13 Authority and power of entry to premises for the purpose of inspection.	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) BCS
2 (v)	London Government Act 1963 ~ section 12(1) Authority and power of entry to premises for the purpose of inspection.	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) BCS
2 (w)	Safety of Sports Ground Act 1975 ~ section 11 Authority and power of entry to premises for the purpose of inspection.	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) BCS
2 (x)	Private Places of Entertainment (Licensing) Act 1967	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	Team Leader (Building Control) BCS

	Authority and power of entry to premises for the purpose of inspection.				
2(y)	**Legal Proceedings** Authority to institute, conduct and conclude legal proceedings, including specifically the use of rubber stamps and mechanical devices to reproduce the Director's signature where appropriate.	Housing and Regeneration	Planning & Building Control Deputy Director	Building Control	

2.3 Community Infrastructure Levy Regulations

	Decision (Powers and Duties)	**Corporate Director**	**Director**	**Head of Service**	**Other**
3(a)	Powers relating to the issuing of notices, raising of relevant invoices and payments under the Community Infrastructure Levy Regulations 2010 (as amended): Issuing and withdrawing CIL liability notices (including	Housing and Regeneration	Planning & Building Control Deputy Director	Infrastructure Planning	Infrastructure Planning Manager (Growth) (for any CIL liable amount) Infrastructure Planning Manager (1) Principal Growth & Infrastructure Planner (up to

	revised liability) and demand notices Issuing Default liability notices Apportionment of liability and subsequent information notice Effect of death on assumed liability Serving Information Notices and notices re disqualifying events Referral of applications for exceptional circumstances to the Mayor of London as required Issuing notice of chargeable development Suspending demand notices Acknowledging receipt of notices and payments				CIL liabilities of £100,000 or less)

	Making payments to Charging Authorities Registering and removing CIL as a local land charge Determining deemed commencement and serving notice of deemed commencement/ commencement notices as required Providing abatements and overpayment Review a request for payment deferrals Reviewing a request for surcharge and interest deferral Approval of agreements to make payments in kind, administration and collection of payments in kind					

	Requesting information as a collecting authority to relevant person Reviewing a request for payment deferrals Reviewing a request for surcharge and interest deferral Approval of agreements to make payments in kind; administration and collection of payments in kind				
3(b)	Powers relating to Part 9 (Enforcement) of The Community Infrastructure Levy Regulations 2010 (as amended): Application of CIL surcharges and late payment interest Serving Warning Notices, CIL Stop Notices and withdrawal of a CIL Stop Notice and registering	Housing and Regeneration	Planning & Building Control Deputy Director	Infrastructure Planning	Infrastructure Planning

	Apply to court for an injunction					
	Enforcement of local land charges					
	Power to require information from any owner of a material interest in any relevant land					
	Authorising powers of entry					
	Issuing a reminder notice					
	Issuing applications for liability and charging orders to the Magistrates' Court (or appropriate court) and issuing associated notices					
	Seizing goods if debtor in pursuance of distress					
	Dealing with appeals in connections with distress					
	Issuing applications for the issue of					

	warrant committing a debtor to prison with the Magistrates' Court Making applications for charging orders Pursuing CIL debts Prosecution of CIL offences Recovering liable CIL from executors or administrators				
3(c)	Powers relating to Part 10 (Appeals) of The Community Infrastructure Levy Regulations 2010 (as amended): Considering requests for reviews Dealing with all matters relating to appeals	Housing and Regeneration	Planning & Building Control Deputy Director	Infrastructure Planning Manager	*(NOTE: Person reviewing must be more senior to the person making the original calculation and has had no previous involvement) Infrastructure Planning Manager (Growth) (for any CIL liable amount)
3(d)	Powers relating to Part 10A (Reporting) of	Housing and Regeneration		Infrastructure Planning	

	The Community Infrastructure Levy Regulations 2010 (as amended: Publication of Annual Infrastructure Funding Statement Publication of Annual CIL Rate Summary		Planning & Building Control Deputy Director		Infrastructure Planning Manager (Growth) Infrastructure Planning Manager (Programming)

2.4 Asset Management and Estates

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
4.1	To grant consent for the change of use, alterations, sub-letting or assignment or any other consents relating to leases or licences.	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.2	To authorise any letting where the rent does not exceed £100,000 pa.	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.3	To authorise rent reviews and renewal of leases where the Council is the landlord	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	

	except for renewals of contracted out leases where the rent is over £100,000 pa.				
4.4	To authorise rent reviews and renewals where the Council is the tenant except for renewals of leases where the rent is over £100,000 pa	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.5	To authorise variations to the terms of leases , licences, easements, wayleaves, covenants, acceptance of surrenders and other legal arrangements where the consideration for the variation does not exceed £100,000 pa or a premium payment of £1m.	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.6	To be responsible for all aspects of overall estate management in relation to Council owned, tenanted[non-residential]	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	

	properties including authorisation of proceedings for rent arrears or any other breach of lease covenant including forfeiture				
4.7	To be responsible for conducting negotiations in relation to the sale or acquisition of any property or interest, whether freehold, leasehold, covenant or by licence.	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.8	To grant wayleaves to statutory undertakers and other third parties over and under land owned by the Council subject to consultation with other departments as appropriate	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.9	To grant easements in, over or through Council land subject to consultation with other departments as appropriate	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.10		Housing and Regeneration			

	To authorise the acquisition of property subject to the purchase price not exceeding £1m		Property and Major Programmes		
4.11	To authorise the disposal of property, release of covenants and other capital transactions subject to the consideration not exceeding £1m and no public notice or external consent being required	Housing and Regeneration	Property and Major Programmes		
4.12	To grant licences for temporary/short term works on Council owned land	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.13	To approve after consultation with the Corporate Director Resources and other Corporate Directors as appropriate appropriations between relevant function areas and statutory holding powers, except where public notice of the proposed appropriation is	Housing and Regeneration	Property and Major Programmes		

	required and objections are received				
4.14	To exercise the powers and duties of the Council under the Landlord & Tenant (Covenants) Act 1995	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.15	To approve, after consultation with other services and the Divisional Director, Legal Services and Corporate Directors, as appropriate, occupation of Council owned premises or parts of premises by a third party in absence of completed formal documentation in cases of emergency	Housing and Regeneration	Property and Major Programmes		
4.16	To appoint external consultants to advise and/or act for the Council in negotiations and /or transactions	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	Subject to the Procurement Procedures
4.17	To act as the property owner in respect of work to	Housing and Regeneration			

	be carried out by an adjoining owner covered by the Party Walls etc. Act 1996		Property and Major Programmes	Head of Asset Management	
4.18	To agree terms and conclude agreements for the location of telecommunications equipment on Council owned property, subject to consultation with appropriate Corporate Directors in respect of residential property.	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.19	Provide valuation advice of all types including asset valuations. Right to buy valuations, CPO compensation, leasehold enfranchisement and rating.	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	
4.20	Authority to conduct rent reviews, to negotiate lease renewals and carry out negotiations on any associated or similar property transitions.	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	

4.21	Authorising Execution of Documents: To Authorise the execution of agreements or deeds of variation or Unilateral Undertakings for development on Council owned land pursuant to Section 106 of the Town and Country Planning Act 1990	Housing and Regeneration	Property and Major Programmes	Head of Asset Management	

2.5 Housing

Housing Development

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
5.1	Authorising the approval and payment of Mandatory and discretionary Housing Grants (Disabled Facilities, Home Repairs, Houseproud, Landlord Improvement, Assistance with	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector Housing & Home Improvement Agency Co-ordinator

	Moving, Empty Property) up to £6,000 - £25,000.				
5.2	Authorising the approval and payment of discretionary Housing Grants (Disabled Facilities, Home Repairs, Houseproud, Landlord Improvement, Assistance with Moving, Empty Property) from £25,000 - £100,000. And: waiver of grant conditions.	Housing and Regeneration			
5.3	Authority to extend the period of grant availability.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector Housing & Home Improvement Agency Co-ordinator
5.4	Authority to enter into Development Agreements with Registered Providers.	Housing and Regeneration	Housing		
5.5	Authority to sign Local Authority Social Housing Grant	Housing and Regeneration	Housing	Housing Supply	

	applications, subject to available Capital Funding.				
5.6	Authority to enter into nomination agreements with Registered Providers.	Housing and Regeneration	Housing	Housing Supply	
5.7	To inspect or survey any premises under Section 4 of the Housing Act 2004, or otherwise to determine whether any functions under Parts 1 to 4 should be exercised.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector and Home Improvement Agency Co-ordinator, HIA Surveyor, Private Sector Development Officer and HIA Technical Officers
5.8	To require the production of any relevant documents for any purposes connected with the exercise of any of the authority's functions under any of Parts 1 to 4 of the Housing Act 2004 or to investigate whether any offence has been	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector and Home Improvement Agency Co-ordinator, HIA Surveyor, Private Sector Development Officer and HIA Technical Officers

	committed under any of those Parts.				
5.9	To instigate Compulsory Purchase Procedures in conjunction with the Head of Legal Services where owners have failed to improve or bring empty premises back into use.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector & Home Improvement Agency Co-ordinator, HIA Surveyor, Private Sector Development Officer and HIA Technical Officers
5.10	To serve notices and take enforcement action under legislation to require works or other improvements at premises.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector & Home Improvement Agency Co-ordinator, HIA Surveyor, Private Sector Development Officer and HIA Technical Officers
5.11	To instigate works in default of owners failing to comply with the above notices, or in conjunction with the Head of Legal Services to prosecute	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector & Home Improvement Agency Co-ordinator, HIA Surveyor, Private Sector Development Officer and HIA Technical Officers

	persons failing to comply with any notice as served.				
5.12	To recover costs incurred in execution of works in default including by use of the powers in the Law of Property Act 1925.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector & Home Improvement Agency Co-ordinator, HIA Surveyor, Private Sector Development Officer and HIA Technical Officers
5.13	To recover certain administrative and other costs in serving any of the above notices. - and to waive the recover of these costs	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	Private Sector & Home Improvement Agency Co-ordinator, HIA Surveyor, Private Sector Development Officer and HIA Technical Officers

Energy Efficiency

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
5.14	Authority to make decisions as a board member of Barkentine Heat & Power Company.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	

	(PFI contract) (No voting rights on board)				
5.15	Authorisation of Warm Front grant Applications and energy works through the East London Renewal Partnership.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	
5.16	Authority to negotiate and recover certain promotional and other costs in relation to marketing the East End Energy Savers' scheme and to manage the Loan Fund.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	
5.17	Authority to set energy efficiency targets for the council as required by the Climate Change and Sustainable Energy Act 2006 and Climate Change Act 2008.	Housing and Regeneration	Housing	Energy, Sustainability and Private Sector	

Legal Proceedings

	Decision	**Corporate Director**	**Director**	**Head of Service**	

					Other (name post)
5.18	Authority to institute, conduct and conclude legal proceedings, including specifically the use of rubber stamps and mechanical devices or electronic signature to reproduce the Director's signature where appropriate.	Housing and Regeneration	All Housing and Regeneration Directors		

Management of Tenancies

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
5.19	Authority to amend tenancy terms in accordance with Council policy.	Housing and Regeneration	Neighbourhood Services		

Rent

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
5.20	Authority to fix rent for council housing properties.	Housing and Regeneration Resources	Neighbourhood Services Housing Asset Management		

			Finance Procurement and Audit		
5.21	Authority to fix rent for new build council properties	Housing and Regeneration Resources	Neighbourhood Services Housing Asset Management Finance, Procurement and Audit		
5.22	Service of Notice of Variation of Rent.	Housing and Regeneration Resources	Neighbourhood Services Housing Asset Management Finance, Procurement and Audit		

Compensation

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
5.24	Authorisation of refunds of undue expenditure, rent refunds or waivers and similar (not the fault of the tenant) in appropriate circumstances.	Housing and Regeneration	Neighbourhood Services Housing Asset Management Finance, Procurement and Audit	Head of Neighbourhood Head of Repairs Head of Capital Works	

5.25	Authority to approve payment of compensation for failure of the council to carry out repairs in accordance with the Tenancy Agreement and current landlord and tenant legislation.	Housing and Regeneration	Neighbourhood services Housing Asset Management	Head of Neighbourhood Head of Repairs Head of Capital Works	
5.26	Authority to approve payment of reasonable expenses relating to removal and reconnection of appliances, and/ or a disturbance allowance in appropriate cases to tenants who are required to move by the council.	Housing and Regeneration	Housing Neighbourhood services Housing Asset Management	Housing Supply Head of Neighbourhood Head of Repairs Head of Capital Works	

5.27	To authorise compensation for loss of service amenities	Housing and Regeneration	Housing Neighbourhood services Housing Asset Management	Housing Supply Head of Neighbourhood Head of Repairs Head of Capital Works	

Right to Buy and Leasehold Services

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other (name post)**
5.28	Approval of Right to Buy sales	Housing and Regeneration	Housing Neighbourhood Services Housing Asset Management	Neighbourhoods Leasehold Services	
5.29	Approval of Section 42 enfranchisement disposals. To us for approval prior to statutory note being issued after valuation.	Housing and Regeneration	Housing Asset Management	Leasehold Services	
5.30	Approve collective enfranchisement disposals.	Housing and Regeneration	Neighbourhood Services		

			Housing Asset Management		
5.30	Approve and exercise discretion permitted in the Acts covering mortgages in relation to assignment of leases.	Housing and Regeneration	Neighbourhood Services Housing Asset Management	Leasehold Services	
5.31	Approve and exercise discretion permitted in the Acts covering mortgages in relation to Rent-to-Mortgage.	Housing and Regeneration	Housing Asset Management	Leasehold Services	
5.32	Determination of service charges and cancellation of service charge accounts.	Housing and Regeneration Resources	Housing Asset Management Finance, Procurement and Audit	Leaseholder Services Finance (Housing Management)	
5.33	Certification of service charge accounts in accordance with the requirements of the council's residential leases.	Housing and Regeneration Resources	Finance, Procurement and Audit	Finance (Housing Management)	

5.34	Authority to vary a lease.	Housing and Regeneration Resources	Housing Asset Management Finance, Procurement and Audit	Leaseholder Services Finance (Housing Management)	
5.35	Authority to apply the discretionary cap and determine reduction of service charge in relation to extensive and exceptional works.	Housing and Regeneration Resources	Finance, Procurement and Audit With Housing Asset Management (both need to agree)		
5.37	Authority to approve leasehold alterations and improvement works	Housing and Regeneration	Neighbourhood Services Housing Asset Management	Leaseholder Services	

2.6 London Building Acts (Amendment) Act 1939

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
7.98	Section 6 Assigning of names of streets etc	Housing and Regeneration	Growth and Economic Development	Directorate Management Systems	Transportation & Highways officers
7.99					

	Section 8 Setting up of names of streets etc	Housing and Regeneration	Growth and Economic Development	Directorate Management Systems	Transportation & Highways officers
7.99.1	s. 10 Wrongful setting up of names of streets &c.	Housing and Regeneration	Growth and Economic Development	Directorate Management Systems	Transportation & Highways officers
7.100	Section 11 Numbering of naming of buildings	Housing and Regeneration	Growth and Economic Development	Directorate Management Systems	Transportation & Highways officers

2.7 Housing Options

	Decision	**Corporate Director**	**Director**	**Head of Service/ Section Head**	**Other**
8.1	Authority to enter into agreements with RPs, private landlords and other organisations for the provision of accommodation for homeless households (statutory and non-statutory).	Housing and Regeneration	Housing		Delegated to Team Manager – Housing Management and Procurement Must be in accordance with the Council's Financial Regulations

					and Procurement Guidance.
8.2	Determine duties owed to applicants as homeless under statutory definition including the Housing Act 1996, the Homelessness Act 2002 and the Homelessness Reduction Act 2017	Housing and Regeneration	Housing	Team Managers	Delegated to Team Leaders
8.3	Determination of reviews against decisions in homelessness cases in accordance with approved legislation, Code of Guidance and approved policy guidelines.	Housing and Regeneration	Housing	Team Managers	Delegated to Reviews Officers
8.4	Authorisation to give housing guarantees of not more than one month and rent deposit loans as part of the duty to provide advice and assistance or prevent homelessness.	Housing and Regeneration	Housing	Team Managers	Delegated to Team Leaders

8.5	Possession proceedings against occupiers of temporary accommodation to whom it has been established that no homeless duty is owed, or against those occupiers to whom a homeless duty has been lost or against squatters or unauthorised occupants of temporary accommodation.	Housing and Regeneration	Housing	Team Managers	Delegated to Team Leaders
8.6	Authorisation in cases of intentional homelessness to award a concessionary offer of public or private sector accommodation.	Housing and Regeneration	Housing	Head of Housing Options	Delegated to Statutory and Advocacy Team Manager
8.7	Waiving of charges for the provision of temporary accommodation [“Rent”].	Housing and Regeneration	Housing		Delegated to Team Manager – Housing Management and Procurement
8.8		Housing and Regeneration	Housing		Delegated to Team Manager – Housing

	Waiving of charges for removal and storage of furniture.				Management and Procurement
8.9	Awarding of Emergency Housing Priority (CG 1).	Housing and Regeneration	Housing	Head of Housing Options	Delegated to the Housing Management Panel/Team Manager – Assessment and Attainment
8.10	Awarding Extenuating Social Need Transfer (CG2).	Housing and Regeneration	Housing	Head of Housing Options	Delegated to the Housing Management Panel/Team Manager – Assessment and Attainment
8.11	Authorisation of transfer of tenants of temporary accommodation in rent arrears in exceptional cases.	Housing and Regeneration	Housing	Team Manager – Housing Management and Procurement	Delegated to Housing Management Team Leaders
8.12	Decisions on application for priority housing on management, medical grounds, and emergency housing accommodation from persons who are homeless or	Housing and Regeneration	Housing	Head of Housing Options	Delegated to Team Leaders

	threatened with eviction from their present accommodation.				
8.13	Decision on reviews on the above matters.	Housing and Regeneration	Head of Housing Options	Team Managers	
8.14	Authority to amend tenancy terms for temporary accommodation in accordance with Council policy.	Housing and Regeneration	Housing	Team Manager – Housing Management and Procurement	
8.15	Approval of requests to be absent from temporary accommodation.	Housing and Regeneration	Housing	Team Manager – Housing Management and Procurement	Delegated to Housing Management Team Leaders
8.16	Authorise officers to exercise all powers under Schedule 3 of the Environmental Protection Act 1990 (powers of entry etc) including, but not limited to, entry to any premises and applying for, obtaining and executing warrants for such entry with regard to the inspection, repair and maintenance	Housing and Regeneration	Housing	Team Manager – Housing Management and Procurement	Delegated to Housing Management Team Leaders

	of gas appliances, installations and fittings and all associated works.				
8.17	Authority to write-off rent arrears in accordance with financial regulations.	Housing and Regeneration	Housing	Team Manager – Housing Management and Procurement	Delegated according to Financial Regulations
8.18	Authorisation of refunds, compensation and other reasonable expenses to homeless applicants in appropriate circumstances.	Housing and Regeneration	Housing	Head of Housing Options	Team Managers

CHAPTER 71: RESOURCES DIRECTORATE SCHEME OF DELEGATION

Section 1: Introduction

1.1 The Council's legal powers are granted by law either to the Mayor or full Council, allowing the authority to carry out its functions for the benefit of the residents, workers and businesses in the borough of Tower Hamlets.

1.2 The Mayor and full Council both have power to delegate the exercise of these duties to members and officers. These delegations are set out in the Constitution. In addition, each Corporate Director also has the power to further delegate powers to individual officers and these are set out for the Resources Directorate in this scheme of delegation.

1.3 Note that - under the Local Government Act 2000, all of the Council's functions, its legal powers and duties, are the responsibility of the Mayor and are known as "executive functions", except where they are expressly specified under sch.1, sch.3 or sch.4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to not be the responsibility or sole responsibility of an authority's executive.

Section 2: Schemes of Delegation

2.1 Corporate Finance (Resources)

	Decision	Corporate Director	Director	Head of Service	Other
1.1	Officer responsible for the proper administration of the Council's financial affairs under s.151 of the Local Government Act 1972.	Resources (Section 151 Officer) Known as the Chief Finance Officer in this constitution			Includes the responsibilities allotted by legislation to the Chief Finance Officer. See Financial Regulations for more detail.

1.2	Deputise for the Section 151 officer (Chief Finance Officer) in his/her absence.		Finance		
1.3	Prepare a Medium Term Financial Plan for a three year review period annually for consideration by Cabinet, before submission to the full Council.	Resources	Finance		See Financial Regulations for more detail.
1.4	Proposing the adoption of the Council's Local Council Tax Reduction Scheme	Resources	Finance	Benefits Manager	
1.5	Borrow and invest monies on behalf of the Council in accordance with the Local Government Act 2003.	Resources	Finance	Head of Strategic & Corporate Finance	Subject to the policies and limits established by Council in the Treasury Management Strategy and prudential indicators. Borrowing for this purpose shall be taken to include other credit arrangements as

					defined and permitted by legislation.
1.6	Make banking arrangement, including overdraft facilities.	Resources	Finance	Chief Accountant	In the case of overdraft facilities, as above.
1.7	Create, invest, realise and utilise funds, provisions and reserves.	Resources	Finance		
1.8	Exercise powers in the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016.	Resources	Finance	Head of Strategic & Corporate Finance	
1.9	Maintain and publicise statutory accounts in accordance with legislation.	Resources	Finance	Chief Accountant	Inter alia; the Local Government Finance Act, the Local Government and Housing Act, the Audit Commission Act, the Accounts & Audit Regulations 2003.
1.10	Exercise powers and duties in relation to	Resources	Finance		

	pensions fund accounting and actuarial valuation under the Local Government Pension Scheme Regulations 2013.			Head of Strategic & Corporate Finance	
1.11	Exercise any functions related to the completion of tax returns.	Resources	Finance	Chief Accountant	
1.12	Make a periodic budget monitoring report to the Cabinet for the purposes of s.28 Local Government Act 2003.	Resources	Finance	Head of Strategic & Corporate Finance	
1.13	Determine the establishment and operation of trading accounts and business units and on the accounting arrangements to be adopted relating to partnerships and joint ventures.	Resources	Finance	Chief Accountant	See Financial Regulations for more detail.

2.2 Human Resources

	Decision	Corporate Director	Director	Head of Service	Other
2.1	Authorising a Settlement Agreement or Special Severance Payment. Payments up to £20k	Resources	Workforce, OD and Business Support		Subject to proposal by Director, Workforce. VFM and Audit justification must be agreed by Corporate Director of Resources and Director of Legal & Monitoring Officer.
2.2	Authorising a Settlement Agreement or Special Severance Payment. Payments £20k to £100K	Resources	Workforce, OD and Business Support		Subject to proposal by Director, Workforce. VFM and Audit justification must be agreed by Corporate Director of Resources and Director of Legal & Monitoring Officer. Decision only taken following consultation with the Mayor and Chief Executive

2.3	Authorising a Settlement Agreement or Special Severance Payment. Payments above £100k				Subject to proposal by Director, Workforce. VFM and Audit justification must be agreed by Corporate Director of Resources and Director of Legal & Monitoring Officer. Decision to be taken by a meeting of Council
2.4	Authorising settlement of an Employment Tribunal Claim	Resources in consultation with the Director of Legal and Monitoring Officer	Workforce, OD and Business Support		
2.5	Agreeing to establish individual Employee Appeal Sub-Committees including; Membership, Meeting dates/ times, training and other procedural matters as required.		Workforce OD and Business Support		

2.3 Information and Communications Technology (ICT)

	Decision	Corporate Director	Director	Head of Service	Other
3.1	Approve changes to previously implemented IT system.	Resources	ICT	Head of ICT	
3.2	Implementation of a new IT system.	Resources	ICT	Head of ICT	
3.3	Adoption of any new technology in support of the Council's IT systems and their delivery.	Resources	ICT	Head of ICT	
3.4	Approval of purchase of PC, server, printer, telephones or any allied technology.	Resources	ICT	Head of ICT	

2.4 Revenues and Benefits

	Decision	Corporate Director	Director	Head of Service	Other
4.1	Initiate proceedings in the event of non payment of any debt due to the Council, including actions post court or liability order.	Resources	Finance	Revenues Manager	
4.2	Determine local fee rates and costs levels.	Resources	All relevant Divisional Directors		

4.3	Determine entitlement to housing benefit and relief under the Council Tax Reduction Scheme (LCTRS) including hardship payments and backdating.	Resources	Finance	Benefits Manager	
4.4	Approval of Discretionary Housing Payments to all claimant client groups in exceptional circumstances.	Resources	Finance	Benefits Manager	
4.5	Review determination of a claim for housing benefit in the event of an appeal.	Resources	Finance	Benefits Manager	
4.6	Determine applications for relief from business rates by charities and kindred organisations; or hardship in accordance with council guidelines.	Resources	Finance	Revenue Services	
4.7	Determine appeals against refusal to allow relief from business rates.	Resources in consultation with the Director of Legal & Monitoring Officer			
4.8	Determine appeals against refusal to allow applications for	Resources in consultation with the			

	discounts or exemptions from council tax.	Director of Legal & Monitoring Officer			
4.9	Authorise staff or contracted agents to act on behalf of the Council as; bailiffs or debt collectors statutory demand or process servers Insolvency practitioners in, or to initiate proceedings Officers able to execute warrants of apprehension backed with, or without bail.	Resources	Finance	Revenue Services	
4.10	Responsibility for depositing a copy of the valuation and rating lists for public inspection and publicising appeals against the list.	Resources	Finance	Revenue Services	
4.11	Determine whether landlords or agents are fit and proper to receive payment of benefits direct on behalf of their tenants.	Resources	Finance	Benefits Manager	
4.12		Resources	Finance		

	Authority to determine completion date and serve relevant notices on developers to initiate liability.			Revenue Services	
4.13	To submit proposals to alter the valuation or rating lists or raise objection to a proposed adjustment in respect of council or other property.	Resources	Finance	Revenue Services	
4.14	Authorise the issue of a manual cheque in the event of an emergency payment.	Resources	Finance	Head of Strategic & Corporate Finance	

2.5 Risk Management

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
5.1	Management of the Council's insurance including the renewal; or policies within long term agreements.	Resources	Finance	Head of Internal Audit, Risk & Insurance	
5.2	Approval of payments from the insurance fund in respect of claims meeting the criteria and terms of self insured risks:	Resources	Finance	Head of Internal Audit, Risk & Insurance	
5.3	- up to £20k	Resources	Finance		

				Insurance Manager	
5.4	- up to £250k	Resources	Finance		
5.5	- over £250k and all claims involving members	Resources			

2.6 Trade Union Facilities

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
6.1	Approving written requests for Branch Meetings	Resources	Workforce, OD and Business Support		
6.2	Approving urgent request to convene an emergency trade union meeting at short notice.	Resources	Workforce, OD and Business Support		
6.3	Recalling an employee from a trade union secondment.	Resources	Workforce, OD and Business Support		All in consultation with the Corporate Director of the staff member's department.
6.4	Approving requests for trade union officials to take allocated time off.	Resources	Workforce, OD and Business Support		

6.5	Resolving disputes in relation to time off for trade union duties.	Resources	Workforce, OD and Business Support		
6.6	Approving requests from trade unions to e-mail large groups of staff or all e-mail users.	Resources	Workforce, OD and Business Support		
6.7	Approving allocation of Trade Union facilities time in accordance with the Facilities Arrangements.	Resources	Workforce, OD and Business Support		
6.8	Monitoring attendance i.e. annual leave and sickness of trade union secondments.	Resources	Workforce, OD and Business Support		
6.9	Approving requests for additional Trade Union facilities time.	Resources	Workforce, OD and Business Support		

2.7 Registration

	Decision	**Director**	**Director**	**Head of Service**	**Other**
7.1		Corporate Director, Resources		Superintendent Registrar	

	Power to approve premises for the solemnisation of marriages (Section 46A, Marriage Act 1949)				
7.2	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, Resources		Superintendent Registrar	

CHAPTER 72: DIRECTOR OF LEGAL AND GOVERNANCE'S SCHEME OF DELEGATION

Section 1: Introduction

1.1 The Council's legal powers are granted by law either to the Mayor or full Council, allowing the authority to carry out its functions for the benefit of the residents, workers and businesses in the borough of Tower Hamlets.

1.2 The Mayor and full Council both have power to delegate the exercise of these duties to members and officers. These delegations are set out in the Constitution. In addition, each Corporate Director also has the power to further delegate powers to individual officers and these are set out in the Constitution. The Director of Legal also has powers of delegation in relation to those duties set out below.

1.3 Note that - under the Local Government Act 2000, all of the Council's functions, its legal powers and duties, are the responsibility of the Mayor and are known as "executive functions", except where they are expressly specified under sch.1, sch.3 or sch.4 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 to not be the responsibility or sole responsibility of an authority's executive.

Section 2: Schemes of Delegation

2.1 Ceremonial and name/status of areas and individuals

	Decision	Corporate Director	Director	Head of Service	Other
1.1	To keep the roll of Freemen (Section 248, Local Government Act 1972)		Director of Legal / Monitoring Officer	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		Director of Legal / Monitoring Officer	Democratic Services	

	freeman has been conferred. (as above, Section 249)				

2.2 Councillors/Appointment of Committees etc

	Decision	Corporate Director	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.		All appointments: Monitoring Officer Employee Appeals & Appointments: Director Workforce, OD and Business Support	Licensing: Democratic Services	Licensing: Democratic Services Officer

2.3 Meetings of Committees

	Decision	Corporate Director	Director	Head of Service	Other
3.1	Creating, changing or cancelling the date, time or place of a meeting following discussion with the Chair and any further requirements as set out in the Constitution.		All meetings: Monitoring Officer Appointment Sub-Committee and Employee Appeals: Director of	Licensing: Democratic Services	Licensing: Democratic Services Officer

			Workforce, OD and Business Support		

2.4 General

	Decision	Corporate Director	Director	Head of Service	Other
4.1	To deputise for the Director of Legal in their absence as directed by the Chief Executive or Director of Legal.		As Monitoring Officer: Deputy Monitoring Officers	Any Head of Service within Legal Services	
4.2	To provide legal sign-off of RCDAs (Records of Corporate Director Actions)			Any Heads of Service within Legal Services	

2.5 Appointment of Independent and Co-Opted Members

	Decision	Corporate Director	Director	Head of Service	Other
5.1	Recruiting and recommending to the Council the appointment of Independent Persons and Co-opted members to the Standards Committee.		Monitoring Officer		

2.6 Legal Proceedings

	Decision	Corporate Director	Director	Head of Service	Other
6.1	Instituting Proceeding - Taking a decision to commence proceedings in a particular case		Legal	Litigation Safeguarding	
6.2	Issuing proceedings/ application - including signing and finalising any instituting summons or application pursuant to court rules		Legal	Litigation Safeguarding	Principal Lawyers , Seniors and Lawyers
6.3	Laying of Information/ Complaint		Legal	Litigation Safeguarding	Principal Lawyers, Seniors and Lawyers
6.4	Appear on behalf of the Local Authority in proceedings		Legal	Litigation Safeguarding	Principal Lawyers Senior Lawyers Lawyers Legal Assistants Trainee Solicitor

6.5	Settle Proceedings- Generally		Legal	Litigation Safeguarding (Up to 20K costs or damages) save own cases).	Principal Lawyer Civil Litigation (Up to 8k costs or damages) save own cases).
6.6	Settling by way of signing or administering simple cautions License appeals by consent Market license revocations appeals by consent		Legal	Litigation Safeguarding	Principal Lawyer (Enforcement)
6.7	Providing undertakings to Court or parties (other than an undertaking as to fees)		Legal	Litigation Safeguarding	
6.8	Providing Undertakings as to payment of an application fee		Legal	Litigation Safeguarding	Principal Lawyers

2.7 Consents

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**

7.1	Release of restrictions and grant of consents where required by operation of law or effluxion of time.		Legal	Commercial and Contracts	Principal Lawyer - Property and Regeneration

2.8 Authentication of Documents

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
8.1	Sign legal Documents		Legal	Litigation Safeguarding Commercial & Contracts	Practice Manager, Principal Lawyers Property and Regen, Planning and Contracts but must not sign own team's documents
8.2	Signing Claim Forms includes Statement of Truth		Legal	Litigation Safeguarding	Principal Lawyers Civil Litigation, Senior lawyers, lawyers

2.9 Common Seal of Council

	Decision	**Corporate Director**	**Director**	**Head of Service**	**Other**
9.1	Attest seal.		Legal	Litigation Safeguarding Commercial & Contracts	Practice Manager, Principal Lawyers Property and Regen, Planning and

					Contracts but must not attest own team's documents
9.2	Signing documents on behalf of the Council.		Legal	Litigation Safeguarding Commercial & Contracts	Practice Manager, Principal Lawyers Property and Regen, Planning and Contracts but must not sign own team's documents,