Local Democracy and Member Services

www.haringey.gov.uk



Our Ref: CH/210512

This matter is being dealt Clifford Hart

by:

Direct line: 020 8489 2920 **Fax no:** 020 8881 5218

Email: clifford.hart@haringey.

gov.uk

17 May 2012

To: All Members of the Full Council

Dear Member,

Full Council - Monday, 21st May, 2012

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

- 12. TO APPROVE THE COUNCIL CALENDAR FOR THE 2012/13 MUNICIPAL YEAR (PAGES 1 16)
- 14. TO RECEIVE A STATEMENT OF COUNCILLORS' ATTENDANCE AT MEETINGS OF THE COUNCIL, COMMITTEES AND SUB-COMMITTEES IN ACCORDANCE WITH COUNCIL PROCEDURE RULES. (PAGES 17 22)
- 15. TO NOTE THE END OF MUNICIPAL YEAR FINANCIAL STATEMENT FOR 2011/12. (PAGES 23 30)
- 16. TO AGREE THE MEMBERS' ALLOWANCES SCHEME FOR 2012/13 (PAGES 31 60)
- 17. THE ETHICAL FRAMEWORK (PAGES 61 140)

Report of the Head of Legal Services and Monitoring Officer. TO RECEIVE REPORTS FROM THE FOLLOWING BODIES (PAGES)

18. 141 - 264)

a) Governance Review Delivery Group No 2 - 2011/12

Yours sincerely

Clifford Hart **Democratic Services Manager**



Agenda item:

Report for:	Annual Council 21 MAY 2012	1	Item number	
<u> </u>				
Title:	Schedule of me	eetings fo	or .2012/13	
Report authorised by:	Chief Executive	, S	H K	
	 			
Lead Officer:	Clifford Hart, De Tel: 0208 489 2		c Services N	Manager
Ward(s) affected:		Report	for Key/Non	Key Decision:
N/A		N/A		

1. Describe the issue under consideration

To agree the schedule of meetings for 2012/13. The schedule of meetings is submitted annually to the Council for approval.

2. Cabinet Member Introduction

N/A

3. Recommendations

That the attached schedule of meetings for 2012/13 be agreed.

4. Comments of the Chief Financial Officer and Financial Implications

There are no direct financial implications.

5. Head of Legal Services and Legal Implications

There are no perceived legal implications arising from this report.

6. Local Government (Access to Information) Act 1985

The 2011/12 schedule of meetings was used during the compilation of this report.

The background papers are located at River Park House, 225 High Road, Wood Green, London N22 8HQ.

To inspect them or to discuss this report further, please contact Clifford Hart on 0208 489 2920.

7. Equalities and Community Cohesion Comments

N/A

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Report for:	Annual Counci 21 MAY 2012	I Item number						
Title:	STATEMENT OF MEMBERS ATTENDANCE 2011/12							
Report authorised by:	Chief Executive	· (= / /) . /						
Lead Officer:	Clifford Hart, D Tel: 0208 489 2	Democratic Services Manager 2920						
Ward(s) affected:		Report for Key/Non Key Decision:						
N/A		N/A						

1. Describe the issue under consideration

To note the statement of Member attendance for the 2011/12 Municipal Year.

2. Cabinet Member Introduction

N/A

- 3. Recommendations
- 1.1 That the statement of attendance, as attached, be noted.



Haringey Council

4. Comments of the Chief Financial Officer and Financial Implications

N/A

5. Head of Legal Services and Legal Implications

N/A

6. Local Government (Access to Information) Act 1985

Background papers

The following papers have been used in the preparation of this report and can be inspected at River Park House, 225 High Road Wood Green, London, N22 8HQ by contacting Clifford Hart on 020 8489 2920:

Member attendance sheets were used to assist the production of this report.

7. Equalities and Community Cohesion Comments

N/A

Agenda item:

Statement of attendance of Councillors at Council, committee, sub-committee and panel meetings 23rd May 2011 to 15th May 2012 inclusive

The following bodies have not been included:

Disciplinary and Dismissal Appeals Panel
Job Evaluation and Grievance Appeals Panels
outside bodies
single party meetings with the exception of
scheduled meetings of the Cabinet

This list represents only the attendance at formal Council bodies as listed on the *Appointments of Committees, Sub-Committees and Panels document* reported to Council on 23 May 2011.

These figures do not include apologies for clashes of meetings which are noted as an absence.

Councillors attend numerous community meetings and are required to represent the Council on outside bodies. These meetings may sometimes clash with formal Council body meetings and the Councillor attendance figures set out in this report could be reduced as a result.

Where a member has a personal or prejudicial interest in a matter at a meeting they should absent themselves from the meeting during consultation of that matter. This may result in a reduction of their attendance figures.

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Report for:	Annual Council 21 MAY 2012	Item number
Title:	FINANCIAL STA	TEMENT FOR 2011/12 to Members
Report authorised by :	Chief Executive	Stut K.
Lead Officer:	Clifford Hart, Demo Tel: 0208 489 2920	cratic Services Manager

Ward(s) affected:	Report for Key/Non Key Decision:
N/A	N/A

1. Describe the issue under consideration

1.1 To note the end of year statement for 2011/12 of allowances paid to Members..

2. Cabinet Member Introduction

N/A

3. Recommendations

That the allowances paid to each Member, as set out at Appendix 1, be noted.



Haringey Council

4. BACKGROUND

- 4.1 The Council Meeting on 23 May 2011 approved a scheme for the payment of members' allowances for 2011/12. The scheme was originally based on the findings of an Independent Panel commissioned by the ALG.
- 4.2 The scheme is made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. The regulations indicate that agreement and adoption of the scheme is the responsibility of full Council and will continue to be so within any new arrangements set out in the Constitution which the Council is required to adopt under the Local Government Act 2000.
- 4.3 This report indicates the amounts paid to Members in 2011/12, as detailed at Appendix 1.
- 4.4 The allowances that can be paid include:
 - basic allowance
 - special responsibility allowance
 - · childcare and dependent carers' allowance
 - travel (outside M25 area only)
- 4.5 Arrangements must be made for publication of the total amount paid to each member, including basic, special responsibility and childcare/dependent carers' allowance, after the end of the year to which the scheme relates. These are set out for 2011/12 in Appendix 1.
- 5. Comments of the Chief Financial Officer and Financial Implications

The Chief Financial Officer confirms that the allowances paid during 2011/12 were within the budget provision for the year.

6. Head of Legal Services and Legal Implications

All payments made are in accordance with the Members Allowances Scheme approved annually by the Council.

7. Local Government (Access to Information) Act 1985

Background papers

The following papers have been used in the preparation of this report and can be inspected at River Park House, 225 High Road Wood Green, London, N22 8HQ by contacting Clifford Hart on 020 8489 2920:



Information supplied by the Party Groups.

8. Equalities and Community Cohesion Comments

The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

Policy and Equalities Team have been consulted in the preparation of this report and they comment that the proposals outlined in this report carry no apparent implications for the any aspect of duty outlined above. This page is intentionally left blank

APPENDIX 1

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					APPER	1011	
Mem	bers' Allowa	nces for F	inancial Year 2011/12				
	Name	Basic Allowance	Position held in 2011/12	SRA	Baby Sitting Allowance	Travel Cost	Total
Cllr G	Adamou	£10.500	The Mayor	£14,607			£25,107
Cllr C	Adje	£6,977					
Cllr K	Alexander		Member of Overview & Scrutiny	£9,018			£6,977
Cllr R	Allison	£10,500	member of everylett a cordiny	29,010			£19,518 £10,500
Cllr A	Amin	£10,500	,				£10,500
Cllr D	Basu	£10,500		£2,286			£12,786
Cllr D	Beacham	£10,500					£10,500
Cllr J	Bevan		Cabinet Member	£23,622			£34,122
Cllr J	Bloch	£10,500	**************************************				£10,500
Cllr Z	Brabazone	£10,500					£10,500
Cllr D	Browne	£10,500	Member of Overview and Scrutiny	£15,750			
Cllr G	Bull		Chair of Overview & Scrutiny	£23,622			£26,250 £34,122
Cllr E	Butcher	£10,500	- Control of Control	220,022			£10,500
Cllr N	Canver		Cabinet Member	£23,622		£155	£34,277
Cllr J	Christophides		Member of Overview & Scrutiny	£14,607	£392	2100	£25,499
Clir M	Cooke		Chair of Alexandra Palace	£15,750	2002		£26,250
Cllr M	Davies	£10,500		2.10,700			£10,500
Cllr A	Demerci		Chair of Regulatory Committee	£15,750			£26,250
Clir I	Diakides		Member of Overview & Scrutiny	£14,607			£25,107
Cllr D	Dogus		Cabinet Member	£23,622		£30	£34,152
Clir P	Egan		Chief Whip	£15,750		200	£26,250
Cllr J	Ejiofor		Member of Overview & Scrutiny	£15,750	£541		£26,791
Cllr G	Engert		Member of Overview & Scrutiny	£14,607			£25,107
Clir S	Erskine	£10,500					£10,500
Cllr P	Gibson	£10,500					£10,500
Cllr J	Goldberg	£10,500	Cabinet Member	£23,622			£34,122
Cllr R	Gorrie	£10,500		£3,429			£13,929
Cllr E	Griffith	£10,500					£10,500
Cllr B	Hare	£10,500					£10,500
Cllr J	Jenks	£10,500	Opposition Deputy Leader	£13,464			£23,964
Cllr R	Khan	£10,500		£2,286			£12,786
Cllr C	Kober	£10,500	The Leader	£31,497			£41,997
Cllr A	Mallett	£10,500		£3,429			£13,929
Cllr S	McNamara	£10,133		£1,143			£11,276
Cllr G	Meehan		Chair of Corporate Committee	£15,750			£26,250
Cllr M	Newton	£10,500		£2,286			£12,786
Cllr S	Peacock	£10,500		£2,286			£12,786
Clir K	Reece	£10,500					£10,500
CIIr E	Reid	£10,500					£10,500
Cllr L	Reith		Cabinet Member	£23,622			£34,122
Cllr R	Rice	£10,500					£10,500
Cllr D	Schmitz	£10,500					£10,500
Cllr N	Scott	£10,500					£10,500
Ollr J	Solomon	£10,500					£10,500
Cllr A	Stanton	£10,500					£10,500
Cllr A	Stennett	£10,500		£1,143			£11,643
Ollr J	Stewart	£10,500					£10,500
Cllr P	Strang	£10,500					£10,500
Clir A	Strickland	£10,500 (Cabinet Member	£20,193			£30,693

	Лате	Basic Allowance	Position held in 2011/12	SRA	Baby Sitting Allowance	Travel Cost	Total Payments
Cllr B	Vanier		Cabinet Member	£23,622			£34,122
Cllr A	Waters	£10,500					£10,500
Cllr R	Watson	£10,500		£2,286			£12,786
Cllr L	Weber		Member of Overview & Scrutiny	£3,556			£14,056
Cllr M	Whyte		Opposition Chief Whip	£15,750			£26,250
Cllr N	Williams	£10,500					£10,500
Cllr R	Wilson	£10,500	Opposition Leader	£22,479			£32,979
Cllr D	Winskill	£10,500	Member of Overview & Scrutiny	£14,543			£25,043
	Total	£594,610		£469,358	£933	£185	£1,065,087
			Co-optees				
			James Darbyshire				£616
	1		Yvonne Denny				£616
			Mariatta Ezeji		*****		£94
			Rachell Hatch				£1,294
			Annabel Lloyd				£680
	1		Sarah Marsh				£154
	1		Jemide Marcelle				£186
			Philip Skinner				£616
			Carol Sykes				£308
			Andrea Rabe .				£616
			Christopher Watts	100			£529
			Total				£5,709
							·
The abo	ove allowances	show payments	for April 2011 up until March 2012.				
The Co	uncil meets the	telephone line r	Lental for apparatus, including broadband a	nd all data charges.			



Report for:	ANNUAL COUNC 21 MAY 2012	IL Item number			
Title:	Making the Mer for 2012/13	nbers' Allowances Scheme			
Report authorised by:	Chief Executive	SHA.			
Lead Officer:	Clifford Hart, Dem Tel: 0208 489 292	ocratic Services Manager 0			
Ward(s) affected:	R	eport for Key/Non Key Decision:			
N/A	N	N/A			

- 1. Describe the issue under consideration
- 1.1 Every year the council is required, in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003, to adopt a Members' Allowances Scheme to run from 1 April to 31 March the following year.
- 1.2 This report recommends to full Council the Members' Allowances Scheme for the period 1 April 2012 to 31 March 2013 as set out at Appendix 1.
 - 2. Cabinet Member Introduction

N/A

3. Recommendations

- 3.1 That Members resolve to revoke the current Members' Allowances Scheme as from 31 March 2012.
- 3.2 That Members resolve to adopt the Members' Allowances Scheme for 1 April 2012 31 March 2013 as set out in Appendix 1 to this report, and to adopt this as the replacement for Part 6 of the Council's Constitution.

4. Comments of the Chief Financial Officer and Financial Implications

The Chief Financial Officer has reviewed the proposed changes to the Members' Allowances scheme and confirms that the financial impact is cost neutral and will be met from the cash limited budget for allowances.

5. Head of Legal Services and Legal Implications

The legal implications have been considered within the body of this report and in the drafting of the Appendix 1.

6. Report

- 6.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require local authorities to make a scheme of allowances for their members at the start of each municipal year. There is nothing to prevent full Council from amending the Scheme later in the year should it wish to do so, but a Scheme can only be revoked with effect from the beginning of each year.
- 6.2 The regulations stipulate that before a Council can agree or amend its Members' Allowances Scheme, it must consider recommendations made to it by an Independent Remuneration Panel (IRP), whose members cannot be members of the same authority. London Councils (formerly the Association of London Government) acts as the IRP for the London Boroughs. The most recent London Councils IRP report was published in 2010 (attached at Appendix 2). The Council has previously taken these recommendations into account, and the report of the IRP has been considered in the preparation of the Scheme which is subject of this report.
- 6.3 Appendix 1 to this report shows the recommended changes to the Scheme.
 Table A details the Scheme and allowances applicable for the period 1 April to
 20 May 2012 and Table B details the Scheme and allowances applicable for the

period 21 May 2012 to 31 March 2013. Changes to the Scheme are shown in italics and underlined.

6.4 The current statutory Standards Committee will be abolished with effect from the implementation of the new regime, likely to be from 1 July 2012. This is subject to Regulations to implement the attendant sections of the Localism Act 2011. Changes to the Council's code of conduct and standards regime are the subject of a further report on this agenda. It is proposed to offer the same remuneration to the Chair of the new politically proportionate Standards Committee as the current Independent Chair of the Standards Committee, from such time as any new Committee is to take effect.

7. Local Government (Access to Information) Act 1985

Background papers

The following papers have been used in the preparation of this report and can be inspected at River Park House, 225 High Road Wood Green, London, N22 8HQ by contacting Clifford Hart on 020 8489 2920:

8. Equalities and Community Cohesion Comments

The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:

- tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
- advance equality of opportunity between people who share those protected characteristics and people who do not;
- foster good relations between people who those characteristics and people who do not.

Policy and Equalities Team were consulted in the preparation of this report and that the proposals outlined in the report carry no apparent implications for any aspect of the duty outlined above. This page is intentionally left blank

APPENDIX 1

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Part 6 Members' Allowances Scheme

1. SCHEME FOR THE PAYMENT OF MEMBERS' ALLOWANCES

1.01 Made in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and in force for the municipal year 2011/12 2012/13 (i.e. 1 April 2011 2012 to 31 March 2012 2013).

2. BASIC ALLOWANCE

- 2.01 Each Councillor will be entitled to receive the sum of £10,500 by way of Basic Allowance.
- 2.02 If a Councillor does not serve as such for the whole 12-month period or becomes disqualified, he/she will only be entitled to receive prorata payment for the period(s) during which he/she actually was a serving Councillor. This principle applies to service on Council bodies by independent Standards Committee members (see paragraphs 7.02 and 7.03 below) and education representatives on scrutiny bodies.

3. INCLUDED EXPENSES

3.01 Travel Expenses.

The Basic Allowance includes all travel within the M25. Councillors are not entitled to any form of concession or special permit as Councillors for parking in the Borough.

3.02 Telephones and I.T.

The Basic Allowance includes Councillors' telephone call charges, both mobile and landline, for which Councillors are billed individually. The Council meets the rental for apparatus, including broadband, and all datacharges.

4. MAYORAL ALLOWANCES

- 4.01 The additional allowances for the Mayor and Deputy Mayor are:
 - (a) The Mayor is entitled to an additional allowance of £15,750.
 - (b) The Deputy Mayor is entitled to an additional allowance of £3,936.

5. SPECIAL RESPONSIBILITY ALLOWANCES

5.01 <u>For the period 1 April 2012 to 20 May 2012</u>, Haringey Council will allocate Special Responsibility Allowances in four bands, to Councillors who take on certain additional roles, <u>in accordance with Table A below.</u> If a Councillor does not serve as such for the whole period or becomes disqualified, he/she will only be entitled to receive pro-rata payment for the period(s) during which he/she actually was a serving Councillor.

Table A

Band	Position	Special Allowance	Total Allowance
Band 4	Leader	£31,497	£41,997
Band 3	 7 or fewer x Cabinet Members Opposition Leader Chair of Overview and Scrutiny Committee 	£23,622	£34,122
Band 2	 Chair of Corporate Committee Chief Whip Chair of Regulatory Committee Chair of Alexandra Palace and Park Board Opposition Deputy Leader Opposition Chief Whip 6 x Area Committee Chairs serving on Overview and Scrutiny Committee 	£15,750	£26,250
Band 1	Councillors on Overview and Scrutiny Committee other than Area Committee Chairs	£7,875	£18,375

5.02 For the period 21 May 2012 to 31 March 2013, Haringey Council will allocate Special Responsibility Allowances in six bands, to Councillors who take on certain additional roles, in accordance with Table B below. If a Councillor does not serve as such for the whole period or becomes disqualified, he/she will only be entitled to receive prorata payment for the period(s) during which he/she actually was a serving Councillor.

Table B

Band	Position	Special Allowance	Total Allowance
Band 4	Leader	£31,497	£41,997
Band 3 <u>3B</u>	 7 or fewer x Cabinet Members Opposition Leader Chair of Overview and Scrutiny Committee 	£23,622	£34,122
Band 3A	Chair of Overview and Scrutiny Committee	£21,479	£31,979
Band 2 2B	 Chair of Corporate Committee Chief Whip Chair of Regulatory Committee Chair of Alexandra Palace Alexandra Palace Opposition Deputy Leader Opposition Chief Whip Area Committee Chairs serving on Overview and Scrutiny Committee 	£15,750	£26,250
Band 2A	4 x Councillors serving on Overview and Scrutiny Committee	<u>£14,317</u>	£24,817
Band 1	Councillors on Overview and Scrutiny Committee other than 7 x Area Committee Chairs	£7,875	£18,375

6. MULTIPLE RESPONSIBILITIES

6.01 Where a Councillor holds more than one post of special responsibility, he/she may only receive one Special Responsibility Allowance. Where a Councillor holds more than one post of special responsibility and the posts have Special Responsibility Allowances of different monetary values, the Councillor would receive the higher one. For the purposes of this paragraph, the Mayor and Deputy Mayor count as posts of special responsibility.

7. CO-OPTEES' ALLOWANCES AND CHAIR OF STANDARDS COMMITTEE

7.01 Each independent Standards Committee member and each education representative on scrutiny bodies is entitled to an allowance of £616.50 excepting the Chair of the Standards Committee who is

entitled to an allowance of £1,263. This incorporates all other allowances, with the exception of babysitting and dependants allowance. No allowances are payable to others who are not elected Councillors

- 7.01 <u>Each education representative on scrutiny bodies is entitled to an allowance of £616.50. No allowances are payable to others who are not elected Councillors.</u>
- 7.02 Until such date of the repeal of Part III Local Government Act 2000 by the implementation of section 26 of and Schedule 4 to the Localism Act 2011, each independent Standards Committee member is entitled to an allowance of £616.50 excepting the Chair of the Standards Committee who is entitled to an allowance of £1,263. This incorporates all other allowances, with the exception of babysitting and dependants allowance.
- 7.03 From the date of implementation of section 26 of and Schedule 4 to the Localism Act 2011, and the establishment of a non-statutory Standards Committee, the elected member who will act as Chair of the Standards Committee will be entitled to remuneration of £1,263, being equal to the remuneration payable to the former independent Chair of the Standards Committee.

8. BABYSITTING AND DEPENDANTS ALLOWANCE

- 8.01 Councillors and non-elected members can claim this allowance based on the following:
 - (a) That reimbursement be made at a maximum rate of £7.85 per hour. The period of payment should include the time of the meeting, together with reasonable travelling time of the member, plus any necessary travelling expenses of the carer to and from their home.
 - (b) Children over the age of 16 must not be claimed for, unless suffering from an illness or disability making constant care essential.

9. TRAVELLING AND SUBSISTENCE ALLOWANCE

Councillors can claim this allowance for attending approved meetings, training and conferences etc. only to the extent that it involves travel outside the M25. Claims must be based on the following:

(a) The mileage rate for travel by private car is 34.6 pence per mile. An extra 3 pence per mile is payable for each passenger for whom

a travelling allowance would otherwise be payable. The cost of tolls, ferries and parking charges can be claimed.

(b) The mileage rate for travel by solo motor cycle is:

Not exceeding	150 cc	8.5 pence per mile
Over	150 cc but not over 500 cc	:12.3 pence per mile
Over	500 cc	16.5 pence per mile

- (c) On public transport only the ordinary or cheaper fare can be claimed where more than one class is available.
- (d) The cost of a taxi, including a reasonable tip, can be claimed only in case of urgency or where public transport is not practicable or reasonably available.
- (e) The maximum rates for subsistence allowance on approved duties are as follows:

For an absence of more than 4 hours before 11.00	£4.92
For an absence of more than 4 hours including lunchtime between 12.00 and 14.00	£6.77
For an absence of more than 4 hours including the period 15.00 to 18.00	£2.67
For an absence of more than 4 hours ending after 19.00	£8.38

10. CLAIMS AND PAYMENTS

- 10.01 Where a Councillor is also a Councillor of another authority, that Councillor may not receive allowances from more than one authority in respect of the same duties.
- 10.02 The Basic Allowance and Special Responsibility Allowances will be paid in equal monthly instalments.
- 10.03 The Co-optees' Allowance must be claimed by, and will be paid at, the end of the municipal year, subject to paragraphs 2.02 above and 10.04 10.05 below.
- 10.04 All claims for Travelling and Subsistence Allowance and Babysitting and Dependants Allowance must be made within two months of the relevant meeting or the costs being incurred by the Councillor or non-elected member, subject to paragraph 10.04 10.05 below.
- 10.05 If any Allowance under paragraphs 10.02 or 10.03 or 10.04 is not claimed within the prescribed time limit, the Head of Local

- Democracy & Members' Services shall have a discretion to make the payment nonetheless.
- 10.06 Any Councillor or non-elected member may elect to forego his/her entitlement to all or part of any allowance by giving written notice at any time to the Head of Local Democracy & Members' Services.

11. WITHHOLDING AND REPAYMENT OF ALLOWANCES

- 11.01 <u>Until such date of the repeal of Part III Local Government Act 2000</u> by the implementation of section 26 of and Schedule 4 to the <u>Localism Act 2011</u>, the Standards Committee or any of its Sub-Committees is authorised to withdraw the payment of the allowances set out below in whole or in part, as appropriate, in the event of a Councillor being suspended or partially suspended. The allowances covered by this provision are the following:
 - (a) Basic Allowance;
 - (b) Special Responsibility Allowance;
 - (c) Travelling and Subsistence Allowances; and
 - (d) Co-optees' Allowance.
- 11.02 Where the Standards Committee/Sub-Committee withdraws any of the above allowances in whole or in part and it transpires that the Councillor has already been paid in whole or in part for the relevant period of suspension or partial suspension, then the Standards Committee/Sub-Committee may require that the Councillor repay the relevant amount to the Council.

12. MEMBERSHIP OF LOCAL GOVERNMENT PENSION SCHEME

12.01 All eligible Councillors are allowed to join the Local Government Pension scheme in respect of the Basic and Special Responsibility Allowances paid to them as part of this scheme of allowances.

APPENDIX 2

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The Remuneration of Councillors in London 2010

Report of the Independent Panel



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Report of the independent panel

Introduction

The Local Authorities (Members' Allowances) (England) Regulations 2003 authorises the establishment by the Association of London Government (now London Councils) of an Independent Remuneration Panel to make recommendations in respect of the members' allowances payable by London boroughs. Such a panel was established and reported in 2001, 2003 and 2006. It has been re-constituted and now comprises Sir Rodney Brooke CBE (Chair), Professor Drew Stevenson and Anne Watts CBE.

The regulations require a review of the scheme every four years as a minimum. The current panel has therefore completed a review of remuneration for councillors in London. We present our findings and recommendations here.

As a preparation for our work, we issued a questionnaire to all the London boroughs, exploring views about the operation of the current scheme and the ways in which members engage with their communities. We are grateful for the feedback, which confirms that the existing London scheme of members' allowances is still fit for purpose, with some adjustments to take into account changed circumstances. We make recommendations accordingly.

Public expectations

The feedback also confirms national research which demonstrates that the demands made of councillors continue to increase, as does the time commitment expected from them. There is more partnership working. Elected members must find different ways of engaging with communities they represent. Emails have greatly increased not only the accessibility of councillors, but also the pressures upon them. A more demanding electorate expects immediate responses from its councillors. Unsurprisingly, political parties report that it is increasingly difficult to find able people who are available and willing to serve as councillors.

As the government-appointed Councillors Commission observed in 2007, following the report of Sir Michael Lyons: "There is a strong view that councillors generally are poorly rewarded for the work that they do". The commission took the view (which we share) that: "Allowances should be set at a level that enables people to undertake the role of councillor while not acting as an incentive to do so. Allowances are not shown by polls to be something which influences councillors to take on the role though they are instrumental in making it possible for some people to do so. If it is important that there are no financial incentives to being a councillor, it is equally important that there should not be a financial disincentive." Members' allowances are important in enabling a wider body of people to serve as councillors.

We are emphatic that the quality of local democracy depends on the ability of councils to attract able people to serve as councillors. High performing councils have high performing members. While financial reward is not and should not be the main motivation for service as a councillor, the time demands made on councillors require the payment of reasonable remuneration if able or capable or talented people are enabled to serve as councillors. Having that in mind, we very much hope that London Councils will again endorse our recommendations.

The current political and financial climate

However, we are acutely conscious of the present strains on public funds. Though the work of councillors constantly expands, we recognise that this is not the time to recommend an increase in allowances. Other than continuing provision for annual adjustments in accordance with the annual local government pay settlement, we therefore make no recommendations for increasing the levels of allowance recommended in our previous reports. As the Councillors Commission pointed out, the recommendations of the London panel have led to substantial convergence of members' allowances across

London (the Councillors Commission recommended a similar system for the country as a whole.) Following our recommendations, there is now considerable congruity in the basic allowance made by London boroughs. But most London authorities have not adopted our recommendations in their totality. While acknowledging the current financial stringency, we hope that circumstances will permit further convergence. We continue to believe that the allowances we recommend are entirely appropriate and commensurate with the substantial responsibilities borne by those who serve local government across the capital.

The problems or vagaries (some are issues within the system itself) of parliamentary expenses have caused anger and concern among the public, together with scepticism of the integrity of their elected representatives. However, we should like to put on record that the expenses code contained in our recommendations does not permit any of the problems which have bedevilled parliament. The relatively rare problems of members' expenses encountered in local government are not due to problems within the system.

We are conscious that there is a disappointing lack of public understanding of the role of councillors, of their work and of their fundamental part in the governance of a democratic society. We believe that some of the responsibility for this failure rests with the councils and councillors themselves. The government white paper Communities in Control (2008) recognises councils' position as the hub of local democracy and encourages a range of actions, including better information for residents, engaging young people and giving practical support to councillors as part of the new duty to promote democracy. London Councils' Be a Councillor campaign, which has now been adopted nationally, has helped attract a broader range of candidates for the London elections in May 2010.

Transparency and accountability

The electorate should be clear what it can expect from its councillors. There should be clarity about their role. Not all councils have adopted a job description for councillors (as proposed in our 2006 report and repeated at appendix B of this report) and we again urge all councils to do so. As we recommended in 2006,

such a job description should be used as the basis for reporting by members on their activities on behalf of their electorate. Electors could then see from the reports of the councillors themselves the services which their councillors have provided to them and the efforts made on their behalf. Our 2006 report included examples of such reports, now widely used and, indeed, mandatory in a number of authorities.

A number of authorities have set up appraisal systems for councillors. We commend this initiative and believe that it should be widely adopted.

Most councillors are diligent and conscientious. However the only statutory requirement on a councillor is to attend a meeting every six months. Where members are unable, without reasonable cause, adequately to discharge their duties as a councillor, we recommend that they should not claim the basic allowance. In most cases the political parties will be able to take action in respect of councillors who are substantially failing in their duties. We believe that councillors should be regularly appraised against the job description we recommend. The electorate should recognise failure to perform if councillors do not make a public report of their activities as we recommend. But we believe that the current legislative requirement which requires a councillor to attend only one meeting every six months should be tightened, ideally by general legislation or, failing that, by the next London Government Bill.

New executive arrangements

Under the Local Government and Public Health Act 2007, the 'strong leader' system is to be introduced. Under the terms of the act, in local authorities that have not opted for the elected mayor, a councillor is elected as leader for a four-year term following the whole council elections (though the council is able to remove the incumbent). The leader appoints the cabinet and deputy leader and decides how executive functions are discharged. We have considered whether the introduction of the new system warrants an increase in band four, the band allocated to the role of leader, comparing the role with that of elected mayor. However we believe that there is a clear distinction between

the role of strong leader and that of the elected mayor. The latter is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount. We do not believe that the new role warrants an increase in the allowance we recommend under band four, but we will keep the issue under review as the role develops.

Our comments on the points raised

The consultation raised a number of queries which we address below before making our recommendations. We also set out our new recommendations to be set alongside those in the previous reports of the panel.

The use of the panel's scheme

Although a number of councils said that they did not systematically apply the panel's recommendations, it seemed clear they did employ the recommended bands, in most cases within the range recommended, but in some cases modifying the amounts recommended. This seems entirely reasonable given the variation in size and complexity of issues facing different boroughs. There has been an overall convergence of allowances and a substantial convergence on the basic allowance, although the upper limit has not risen in real terms over the past two years.

Payments for directly elected mayors

It was suggested that a local authority directly elected mayor should receive the equivalent of a minister of state's salary (£144,520). However the Mayor of London receives the equivalent sum (£143,911) and (particularly in the present climate) it is difficult to argue that a local authority directly elected mayor should receive the same as the Mayor of London. We have not felt able to accept the proposal.

Special Responsibility Allowances (SRAs) with different levels of commitment

It has been suggested that different portfolios may have different weights of responsibility justifying different allowances. We believe that the range of recommended allowances within bands one, two and three allow recognition of the different weights of portfolios where this is appropriate. The statutory government guidance recommends that not more than 50 per cent of councillors should receive a special responsibility allowance. In practice this limit is regularly exceeded. Since it was promulgated in 2003, councils have acquired additional functions. New roles have been prescribed for councillors. Councils may wish to structure their organisations in different ways. Councils with a smaller number of members may exceed the limit for logistical reasons. They may wish to exceed the limit in order to provide development posts for newer councillors. While we support the concept that that an SRA should only reflect special responsibilities, we do not believe that the limit should be applied rigidly.

Sickness, maternity and paternity leave

This issue has been raised again with us. We adhere to the recommendation in our 2006 report, namely that councils should make arrangements in their allowances schemes to allow the continuance of special responsibility allowances in the case of sickness, maternity and paternity leave in the same terms that the council's employees enjoy such benefits (that is to say, they follow the same policies).

Membership of a committee or sub-committee which meets with exceptional frequency/membership of an adoption panel

We are clear that the basic allowance is intended to cover the usual duties of councillors, including normal participation in committees and panels. But in order to clarify the recommendation, we recommend that the categories of special responsibility allowance payable under band one include membership of committees, sub-committees and adoption panels where membership requires attendance with exceptional frequency or for exceptionally long periods. It is for the authority to judge whether such duties impose sufficient additional demands on a member as to warrant the payment of a special responsibility allowance.

The Local Authorities (Members' Allowances) (England) Regulations 2003 include among the roles which might warrant a special responsibility allowance: "Acting as a member of

a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods"; and "Acting as a member of an adoption panel". One authority has asked us to consider such memberships as meriting a special responsibility allowance, since they can impose on participating councillors time demands substantially greater than the time demands made of other councillors.

In respect of quasi-judicial work, recommendation 18 in our 2006 report proposed that where there is a sufficiently heavy workload of quasi-judicial hearings there should be a payment based on the allowances recommended for co-optees as a special quasi-judicial allowance to all members of that panel. We continue to believe that this is an appropriate measure.

Resettlement payments for councillors

In our 2006 report we said that we would recommend that some full-time members should receive resettlement payments if they lost their seats at an election. The Councillors Commission accepted the recommendation. So did the government in its response to the report of the Councillors Commission:

"Those who become an elected mayor, leader or executive member have a greater time commitment than ordinary councillors. These roles can become full-time positions and form a significant part of their income. We therefore recognise the short-term financial problems they might face if they lose their executive position after an election. This financial uncertainty may discourage talented people from taking on these roles. As such we will seek to introduce legislation which would enable authorities to follow recommendations of their independent panel, and introduce schemes for payments on loss of office after an election." 1

Though the legislation was introduced, it was subsequently withdrawn. We continue to hope that government will re-visit the issue. We believe that it is important in enabling councillors to forsake their careers in order to assume a leading role on their council.

Payments to members of the standards committee

One council considered there to be a strong case to extend the current panel recommendations on the payment of allowances beyond the chair of standards committee, to all independent members of the committee. They argue that:

- The role of independent members of the standards committee is more extensive than that of co-opted members on other committees. This is both because of the quasi-judicial nature of their new work under the local complaints process, as well as the likelihood of a number of additional meetings they need to attend.
- Because of the above, independent members also need to attend additional training and keep more abreast of advice and developments.
- A flat rate allowance should be considered for all independent members of the standards committee, to replace the currently recommended rate of £240 (updated in line with local government pay increases) per meeting for the chair only.
- A higher allowance for the chair and vice chair should be considered because of the new roles of chairs of the standards (assessment), standards (review) and standards (hearings) sub-committees).

We entirely agree that there should be an annual flat rate both for chair and members of the standards committee. The 2006 panel report related the proposed allowances to the number of anticipated meetings because of the widely varying jurisdiction and practice of standards committees. The intention was and is that there should be an estimate of the number of meetings anticipated, which should be used as a multiplier of the co-optees' allowances proposed (now £256 for the chair and £127 for other members), giving an annual co-optees' allowance. We believe that the co-optees' allowance for the chair of the standards committee of £256 per meeting recommended in the 2006 report (as updated as above) continues to be reasonable. For other members the panel's 2006 report recommended a rate which is now £127 per meeting.

We appreciate that the jurisdiction of standards committees has been substantially increased since 2006 and that this will have had an effect on the number of meetings. However, there continues to be a substantial difference between authorities in the regularity of standards committee meetings and, on balance, we believe that the present formula continues to be appropriate. Bearing in mind the procedural requirements now imposed on standards committees in considering individual complaints, we are not convinced that there is a general case for an allowance for vice chair greater than the £127 per meeting recommended for the 'ordinary' member.

Tax

The issue of tax has also been raised with us. Specifically there is a request that HM Revenue & Customs (HMRC) should increase the allowance claimable for using home as an office and stop the taxation of child care allowances. The Councillors Commission also recommended that, where a council pays for travelling and subsistence within council boundaries as a lump sum or as an identifiable sum factored into the basic allowance (as is the recommendation of this panel), then the payment should be free from tax and national insurance liability up to a nationally set minimum. Where specific claims for travel are authorised, then the Councillors Commission also recommended that councillors should be able to claim mileage rates up to officer casual user rate with no tax liability.

We entirely concur with these suggestions. We are aware that in different tax areas there are substantial differences in the treatment of councillors' allowances. National consistency based on an understanding of the role of councillors would be enormously helpful. The treatment by HMRC of MPs' expenses is a useful precedent. Experience has not made us optimistic that rationalisation and a sensible approach can be achieved, but it is a matter which could be helpfully pursued at national level by the Local Government Association or at London level by London Councils.

Recommendations

- 1. We believe that the scheme of allowances that the panel recommended in 2001, updated in line with local government pay awards, is still appropriate. At appendix A we set out the five bands of responsibility with updated figures for the basic allowance and for the five bands.
- 2. We continue to believe that the roles identified in the 2006 report as attaching to the bands are still, in general terms, appropriate. Consultation has suggested other roles, but most are covered by the 2006 recommendations. We have added to the role descriptions in band one 'community leaders' and 'leaders of a specific major project'. We appreciate that such responsibilities can provide development opportunities for the leaders of the future and are analogous to other responsibilities within band one. We also recommend the inclusion of 'acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods' and 'acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods'.
- 3. With changes in local government structure and organisation, we accept that some cabinet roles may be more demanding than others. Although it may be sensible for many councils to remunerate cabinet members at the same level, we believe that there is sufficient width in band three to permit councils to recognise different levels of responsibility within the cabinet where this is appropriate.
- 4. In return for the levels of remuneration which we propose, it is important that councillors account publicly for their activities. We believe that:
 - a. role descriptions should be developed for councillors for all their areas of work;
 - b. the role descriptions should be placed on council websites;
 - c. members should report publicly on their activity through a variety of channels as illustrated in the main report; and
 - d. councils should consider the introduction of an appraisal system for members.
- 5. Councillors who, without reasonable cause, fail to discharge their duties should not claim the basic allowance. We believe that the legislation requiring only an attendance at a council meeting every six months should be tightened.
- 6. We endorse the recommendations of the 2006 report in relation to the chair and members of the standards committee.
- 7. We reiterate our view that only one SRA should be paid to a councillor in respect of duties with the same authority.

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- 8. Although councillors are not employees, we believe that it is reasonable that their special responsibility allowances should not cease in case of sickness, maternity and paternity leave in the same way that employees enjoy such entitlements. We continue to recommend that councils should be able to make arrangements in their schemes in appropriate circumstances to enable this to happen.
- 9. We continue to recommend that the allowances we recommend should be updated annually in accordance with the headline figure in the annual local government pay settlement. We appreciate that Regulation 10(1) of the Local Authorities (Members' Allowances) (England) Regulations 2003 appears to require re-adoption of the scheme at the start of each municipal year. However Regulation 10(4) provides that the scheme will not be deemed amended by virtue only of adjustment of the scheme through indexation. If there is no other change a re-adoption can be achieved by a simple resolution.
- 10. While we continue to believe that intra-borough travel should be part of the basic allowance, we recognise that there are circumstances where it may be appropriate for a scheme to provide payment for the cost of transport e.g. journeys home after late meetings and for people with disabilities. In the case of dispute, we believe that the standards committee could adjudicate.
- 11. We strongly believe that there is need for rationalisation in the tax treatment of expenses borne by councillors and recommend that the Local Government Association be asked to pursue that at the national level, or failing that, London Councils attempt to achieve rationalisation on behalf of London.
- 12. We have consistently recommended that eligible councillors should be eligible for admission to the local government pension scheme and we continue to urge that councils should give their members this opportunity.

Sir Rodney Brooke CBE DL Professor Drew Stevenson OBE Anne Watts CBE

London April 2010

Appendix A

Basic allowance £10,597

Special responsibilities – beyond the basic allowance

The case for special allowances

The reasons for payment of additional special responsibility allowances should be clearly set out in local allowances schemes. Special allowances should come into play only in positions where there are significant differences in the time requirements and levels of responsibility from those generally expected of a councillor.

Calculation of special allowances

The proposed amounts for each band are a percentage of the figure suggested for a council leader depending upon levels of responsibility of the roles undertaken and are explained below. We believe that the SRA, which the previous panel recommended for the leader of a London council (updated), continues to be appropriate.

Categories of special allowances

The regulations specify the following categories of responsibility for which special responsibility allowances may be paid:

- Members of the executive where the authority is operating executive arrangements
- Acting as leader or deputy leader of a political group within the authority
- Presiding at meetings of a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee
- Representing the authority at meetings of, or arranged by, any other body
- Membership of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods
- Acting as spokesperson of a political group on a committee or sub-committee of the authority

- Membership of an adoption panel
- Membership of a licensing or regulatory committee
- Such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him by any one of the activities mentioned above, whether or not that activity is specified in the scheme.

Local discretion

It is for the councils locally to decide how to allocate their councillors between the different bands, having regard to our recommendations and how to set the specific remuneration within the band. They must have regard to our recommendations. We believe these should have the merits of being easy to apply, easy to adapt, easy to explain and understand, and easy to administer.

BAND ONE

The posts we envisage falling within band one include:

Vice chair of a service, regulatory or scrutiny committee

Chair of sub-committee

Leader of second or smaller opposition group

Service spokesperson for first opposition group

Group secretary (or equivalent) of majority group

First opposition group whip (in respect of council business)

Vice chair of council business

Chairs, vice chairs, area committees and forums or community leaders

Cabinet assistant

Leadership of a strategic major topic

Acting as a member of a committee or sub-committee which meets with exceptional frequency or for exceptionally long periods

Acting as a member of an adoption panel where membership requires attendance with exceptional frequency or for exceptionally long periods

Leadership of a specific major project.

Remuneration

We propose that band one special responsibility allowances should be on a sliding scale of between 20 – 30 per cent of the remuneration package for a council leader.

This would be made up as follows:

Basic allowance: £10,597
Band one allowance: £2,368 to £8,852
Total: 12,965 to £19,449

BAND TWO

The types of office we contemplate being within band two are:

Lead member in scrutiny arrangements, such as chair of a scrutiny panel

Representative on key outside body

Chair of major regulatory committee e.g. planning

Chair of council business (civic mayor)

Leader of principal opposition group

Majority party chief whip (in respect of council business).

Remuneration

We propose that band two allowances should be on a sliding scare between 40-60 per cent, pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance £10,597
Band two allowances: £15,333 to £28,298
Total: £25,930 to £38,895

BAND THREE

We see this band as appropriate to the following posts:

Cabinet member

Chair of the main overview or scrutiny committee

Deputy leader of the council

Remuneration:

We propose that band three allowances should be between 70 – 80 per cent pro rata of the remuneration package for a council leader.

This is made up as follows:

Basic allowance: £10,597
Band three allowance: £34,780 to £41,262
Total: £45,377 to £51,859

BAND FOUR

Leader of cabinet, including a strong leader.

This is a full-time job, involving a high level of responsibility and now includes the exercise of executive responsibilities. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service. We propose that the remuneration package for a council leader under band four of our scheme should be £64,824.

This is made up as follows:

Basic allowance: £10, 597
Band four allowance: £54,227
Total: £64,824

BAND FIVE

Directly elected mayor

A directly elected mayor is a full-time job with a high level of responsibility and exercises executive responsibilities over a fixed electoral cycle. It is right that it should be remunerated on a basis which compares with similar positions in the public sector, while still retaining a reflection of the voluntary character of public service.

However we believe this post remains different to that of the strong leader with cabinet model. The directly elected mayor is directly elected by the electorate as a whole. The strong leader holds office at the pleasure of the council and can be removed by the council. We believe that the distinction is paramount and this should be reflected in the salary level.

We propose that a band five directly elected mayor should receive a remuneration package of 25 per cent higher than that recommended for a council leader and that it should be a salary set at £81,029.

Appendix B

On behalf of the community – a job profile for councillors

Purposes:

- 1. To participate constructively in the good governance of the area.
- 2. To contribute actively to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
- To represent effectively the interests of the ward for which the councillor was elected, and deal with constituents' enquiries and representations.
- To champion the causes which best relate to the interests and sustainability of the community and campaign for the improvement of the quality of life of the community in terms of equity, economy and environment.
- 5. To represent the council on an outside body, such as a charitable trust or neighbourhood association.

Key Tasks:

- To fulfil the statutory and local determined requirements of an elected member of a local authority and the authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full council (for example, setting budgets, overall priorities, strategy).
- 2. To participate effectively as a member of any committee or panel to which the councillor is appointed, including related responsibilities for the services falling within the committee's (or panel's) terms of reference, human resource issues, staff appointments, fees and charges, and liaison with other public bodies to promote better understanding and partnership working.
- 3. To participate in the activities of an outside body to which the councillor is appointed,

- providing two-way communication between the organisations. Also, for the same purpose, to develop and maintain a working knowledge of the authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
- 4. To participate in the scrutiny or performance review of the services of the authority, including where the authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the authority.
- 5. To participate, as appointed, in the area and in service-based consultative processes with the community and with other organisations.
- 6. To represent the authority to the community, and the community to the authority, through the various forums available.
- 7. To develop and maintain a working knowledge of the authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the authority.
- To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact upon the community's well-being and identity.
- To contribute constructively to open government and democratic renewal through active encouragement of the community to participate generally in the government of the area.
- 10. To participate in the activities of any political group of which the councillor is a member.
- 11. To undertake necessary training and development programmes as agreed by the authority.
- 12. To be accountable for his/her actions and to report regularly on them in accessible and transparent ways.

The independent panel members



Sir Rodney Brooke has a long career in local government, including as chief executive of West Yorkshire County Council, Westminster City Council and the Association of Metropolitan Authorities. He was knighted in 2007 for his contribution to public service.

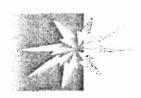


Anne Watts CBE has an extensive career in equality and diversity that spans the private, voluntary and public sectors with organisations including the Open University, the Commission for Equality and Human Rights and Business in the Community. She has chaired the NHS appointments commission for the past three years.



Professor Drew Stevenson OBE is professor of regeneration at the University of East London and has been involved in London local government at a senior level for more than 20 years, including as chief executive of Newham and as policy advisor to the Mayor of London.

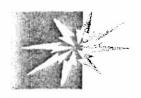
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Haringey (1986)

Report for:	Council 21 May 2012	Item Number:	
	·		
Title:	The Ethical Framework		
Report Bernie Ryan Authorised by: Head of Legal Services and Monitoring Officer Remi Ryan			
Lead Officer:	Graham White Principal Project Lawyer		
Ward(s) affected: Report for Key/Non Key Decisions:		Key/Non Key Decisions:	
N/A		N/A	

- 1. Describe the issue under consideration
- 1.1 The Localism Act 2011 has abolished the ethical framework which was brought in by the Local Government Act 2000 and replaced it with new powers and duties which leave an element of discretion for local authorities to decide how far to go in order to fulfil their duty to promote and maintain high standards of conduct. Although Regulations are awaited it is anticipated that the new arrangements will be brought into effect from 1 July 2012, when the current Members' Code of Conduct and the statutory Standards Committee will cease to exist. The Standards Board for England was abolished on 31 March 2012.
- 1.2 Under the new ethical framework the Council is under a duty to approve a code of conduct for members together with arrangements for dealing with allegations that a member has failed to comply with the code. However there is no prescribed code and each authority must develop and introduce its own code. In order for a code and the attendant arrangements to be approved by Full Council before 1 July 2012 it is necessary to submit recommendations to this meeting. This report proposes a code and arrangements set out at Appendices 1 and 2 for implementation when the new ethical framework is brought into effect.

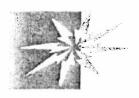


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- 1.3 Whilst the current Standards Committee will be abolished when the new regime is implemented, it will continue until at least 30 June and thereafter the establishment of a new Standards Committee will be at the Council's discretion. The membership of any new committee would be subject to the usual proportionality provisions and there would be no requirement to co-opt independent members though that remains possible at the Council's discretion. If a new Committee is to be established, its terms of reference and membership need to be approved by the Council. This report also proposes the establishment of a Standards Committee with terms of reference and membership as set out at Appendix 3.
- 1.4 Subject to Full Council's agreement to the proposals in this report, various constitutional changes will be required to give effect to the new regime, including the replacement of the current Members' Code of Conduct. These changes are set out at Appendix 4.
- 2. Cabinet Member introduction

N/A

- 3. Recommendations
- 3.1 It is recommended that with effect from the date upon which the new ethical framework comes into effect as prescribed by Regulations;
- (i) The Members' Code of Conduct attached at Appendix 1, be approved;
- (ii) The Monitoring Officer be authorised to make any necessary amendments to the code in order to comply with Regulations;
- (iii) The Arrangements for dealing with allegations that a member has failed to comply with the code, attached at Appendix 2, be approved;
- (iv) A Standards Committee, an Assessment Sub-Committee and a Hearing Sub-Committee be established upon the terms of reference set out at Appendix 3;
- (v) The amendments to the Constitution consequential to the changes to the ethical framework, as set out at Appendix 4, be approved.
- 4. Other options considered
- 4.1 The Localism Act 2011 makes it a duty upon local authorities to approve a code of conduct and attendant arrangements to deal with allegations of breach of the code. Whilst there is some discretion as to the content of those documents there is no alternative course of action to the approval of a code of conduct and arrangements for dealing with allegations of failure to comply with the code.

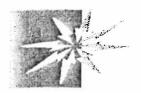


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- 4.2 The establishment of a Standards Committee is at the Council's discretion. The alternative option is not to establish such a committee and to place the duty to promote and maintain high standards of conduct elsewhere.
- 5. Background information

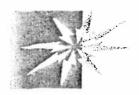
Code of Conduct

- 5.1 The Localism Act requires a code to be consistent with the Seven Principles of Public Life (The Nolan Principles) and to contain provisions regarding the disclosure and registration of disclosable pecuniary interests, a new category of interests not yet defined. Beyond that it is left to each authority to determine what is necessary to promote and maintain high standards of conduct amongst members.
- 5.2 At its meeting on 20 December 2011 the Standards Committee considered the principles driving the new ethical framework and felt that a code of conduct as close as possible to the current code should be the initial code with a more fundamental review conducted over time if necessary. The Governance Review Delivery Group at its meeting on 24 January 2012 agreed that the current Standards Committee should be consulted and provide recommendations on the proposals. The Monitoring Officer submitted a draft code and draft arrangements to the Standards Committee on 22 March 2012 both of which broadly found satisfaction though with a number of amendments and simplifications suggested for the Monitoring Officer to consider. Revised documents were submitted to the members of the Governance Review Delivery Group on 30 April with a deadline for response by 8 May. No further comments were received.
- 5.3 Attached at Appendix 1 is a draft code based on the current code together with the statutory requirements. Efforts have been made to simplify the procedures somewhat, for example, so that minor personal interests once registered in the register of members' interests need not be disclosed at subsequent meetings.
- 5.4 The code sets out the seven Nolan Principles, a reduction of four from those in the current code. The code applies only when a member is acting in the capacity of a member and has no effect in relation to conduct at any other time. The current general obligations which identify conduct which could amount to a breach are repeated as they amplify the conduct required to meet the Nolan Principles.
- 5.5 The Act only requires the disclosure of disclosable pecuniary interests and leaves it to authorities to include provision it considers appropriate in respect of other interests. At present disclosable pecuniary interests have not been defined and Regulations are awaited. However the Act does provide that such interests are ones which are a member's own or the interests of the member's spouse or partner where the member is aware of those interest. This is wider than at present as registration of spouse's and partner's interests in the register of members'



interests will be required and it will be a criminal offence under the Act not to so register.

- 5.6 The draft code maintains the current provisions regarding personal and prejudicial interests and makes specific provision with regard to disclosable pecuniary interests to the extent required by the Act. Further provision may be required when the Regulations are published. Whatever the eventual definition for disclosable pecuniary interests it is considered that members will have wider interests which ought to be disclosed in the interests of transparency and in promoting and maintaining high standards of conduct. The present regime is understood and it is felt that to maintain that arrangement will be much simpler than introducing something entirely new in addition to all the new statutory provisions.
- 5.7 A member will have a statutory duty to register disclosable pecuniary interests within 28 days of becoming a member or when a member becomes aware of such interest and the Act makes it a criminal offence not to do so. The code extends the obligation to register to all interests, though criminal sanctions only extend to disclosable pecuniary interests.
- 5.8 Once interests are registered the Act does not oblige members to disclose the interests at meetings, but it is considered that disclosable pecuniary interests and prejudicial interests should be disclosed at all meetings. However it is not thought necessary for personal interests to be disclosed on every relevant occasion if those interests are registered, though members may disclose them if they wish.
- 5.9 The Act provides that where a member has a disclosable pecuniary interest he/she may not participate or vote at the meeting and must leave the room. It is a criminal offence not to do so. The provision is extended in the code to prejudicial interests (though there is no criminal sanction). The current limited scope for a member with a prejudicial interest to participate at a meeting to make representations or answer questions etc is retained.
- 5.10 It is no longer a legal requirement to undertake to adhere to the Code before a person can act as a member, but it is considered that members should be required to give a written undertaking to that effect as it emphasises to members the importance of the obligations which they undertake to meet.
- 5.11 The proposed code may need to be amended once Regulations are published and will need to be kept under review.
 - Arrangements for dealing with allegations that a member has failed to comply with the code
- 5.12 Attached at Appendix 2 are the proposed arrangements for dealing with allegations that a member has failed to comply with the code. This is a somewhat streamlined version of the current statutory arrangements, retaining the Monitoring

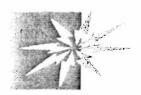


Officer as the lead officer and the Standards Committee and its sub-committees as the bodies which determine allegations of failure to comply. It is intended to keep these arrangements under review in the light of practical experience of operating them.

- 5.13 Before decisions are made there is a requirement to consult and have regard to the views of the Council's Independent Person, a statutory appointment created by the Localism Act. A recruitment process compliant with the Act will be undertaken shortly so that the Full Council meeting in July can appoint an Independent Person.
- The workload of the Independent Person cannot be anticipated at this stage as it will depend upon the number of allegations made and the seriousness of such allegations. Whilst it is not expected that the workload will be constant it could be quite concentrated over short periods of time. In any event the Council should recognise the contribution of the Independent Person making themselves available as and when required and it is proposed that the post holder be afforded remuneration of £1000 per annum. It is also proposed to appoint one or two deputies to the Independent Person who may be called upon in the event of the Independent Person being unavailable or conflicted. A deputy will only be called upon occasionally but for making themselves available in these circumstances it is proposed that a deputy be afforded a modest retainer payment of £250 per annum.

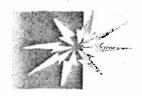
Standards Committee

- 5.15 Whilst the Localism Act abolishes the current Standards Committee with effect from the implementation of the new arrangements, the Council must decide whether to establish a new Committee charged with most of the functions currently undertaken save that it will be not have any statutory duties. A new committee would be subject to the normal proportionality provisions and the present restriction for only one executive member on the committee will cease. There is no statutory requirement to appoint independent members though the Council could co-opt some or all of the current independent members if it wished to retain their experience. They would be non-voting members who would not be subject to any allowance under the Members' Allowances Scheme. Co-opted members cannot also be considered for appointment as an Independent Person. It is considered that the Standards Committee should be given the ability to appoint co-opted members, enabling it to decide whether or not it wishes to avail itself of the power. Power to appoint up to six co-opted members is provided for in the proposed terms of reference attached at Appendix 3.
- 5.16 The primary purpose of a newly formed Standards Committee would be to provide a focused lead on the promotion and maintenance of high standards of conduct whereby the Council will fulfil its statutory duty. One of the key roles will be the assessment and determination of allegations of failure to comply with the code of conduct and to assist in this it is proposed that sub-committees be appointed for the purposes of assessment of allegations and for the hearing and determination of



allegations which are investigated. This is built into the arrangements attached at Appendix 2. If the Council decides not to establish a new Standards Committee, the duties set out in the proposed terms of reference will need to be delegated elsewhere.

- 5.17 The establishment of a new code of conduct, a new Standards Committee with different membership and varied terms of reference and sub-committees and the new non-statutory regime in general necessitate various changes to the constitution, as attached at Appendix 4.
- As the implementation date for the new ethical framework has not yet been announced, the Council will need to appoint a statutory Standards Committee on the existing terms of reference comprising 7 members and 6 independent members, one of whom must be appointed as Chair, to operate until the new ethical framework is brought into force. It should also appoint the new non-statutory Standards Committee on the basis of proportional representation to be established when the statutory committee is abolished.
 - 6. Comments of the Chief Finance Officer and financial implications
 - 6.1 The only direct financial implications are those arising from the changes to the remuneration payable to independent members of the current Standards Committee and that payable under the newly proposed Standards Committee. The existing fully year cost is £4962; that for the newly proposed Standards Committee is £2763 which represents a full year saving of £2199.
 - 7. Head of Legal Services and legal implications
 - 7.1 As this is a report from the Head of Legal Services and Monitoring Officer, the legal considerations and implications are dealt with in the body of the report and in the drafting of the Appendices. All legal aspects have been taken into account in the compilation of this report.
 - 8. Equalities and Community Cohesion Comments
 - 8.1The Council has a public sector equality duty under S149 of the Equality Act 2010 to have due regard to need to:
 - tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act. These include the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex (formerly gender) and sexual orientation;
 - advance equality of opportunity between people who share those protected characteristics and people who do not;
 - foster good relations between people who those characteristics and people who do not.



- 8.2 Policy and Equalities Team have been consulted in the preparation of this report and they comment that the proposals outlined in this report carry no apparent implications for the any aspect of duty outlined above.
- 9. Head of Procurement Comments
- 9.1 N/A
- 10.Use of Appendices
- Appendix 1: Members' Code of Conduct
- Appendix 2: Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct.
- Appendix 3: Terms of reference of new Standards Committee and its Sub-Committees.
- Appendix 4: Consequential amendments to the Constitution.
- 11.Local Government (Access to Information) Act 1985
- 11.1 There are no background documents to this report

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Appendix 1

MEMBERS' CODE OF CONDUCT

Part 1: GENERAL PROVISIONS

1. Introduction

- 1.1 This Code of Conduct, adopted pursuant to Section 27(2) of the Localism Act 2011, contributes towards the discharge of the Council's statutory duty under Section 27(1) to promote and maintain high standards of conduct by elected and co-opted members of Haringey Council. It is consistent with the principles of public life which are prescribed in Section 28(1) of the Localism Act 2011 and which are included in the Code at paragraphs 2.1 2.7 below.
- 1.2 Members are required to give a written undertaking to the Council that when acting in their capacity as a member, they will observe the Code of Conduct. This is attached at Appendix A.
- 1.3 The Council's Monitoring Officer must establish and maintain a register of interests of the members of the Council under Section 29 of the Localism Act 2011. It is a legal requirement that members must register all their disclosable pecuniary interests within 28 days of becoming a member. Other interests as specified in the Code must be notified to the Monitoring Officer in the manner described in the Code. The Members' Register of Interests will be available for inspection by the public at all reasonable hours and will be published on the Council's website.
- 1.4 The Localism Act 2011 has created a number of criminal offences for failure to comply with statutory requirements relating to disclosable pecuniary interests. A full list of the offences is attached at Appendix B.

2. The General Principles

2.1 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2.2 Integrity

Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.3 Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

2.4 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

2.5 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

2.6 Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.7 Leadership

Members should promote and support these principles by Leadership, and by example, and should act in a way that secures or preserves public confidence.

3. Application of the Code

- 3.1 This Code applies to you as a member of Haringey Council.
- 3.2 In your capacity as a member you should at all times adhere to the general principles prescribed in the Localism Act 2011 and set out at paragraphs 2.1 2.7 above.
- 3.3 It is your responsibility to comply with the provisions of this Code.
- 3.4 In this Code

"meeting" means any meeting of

- (a) the Council; or
- (b) the executive of the Council; or
- (c) any of the Council's or its executive's committees, subcommittees, joint committees, joint sub-committees, or area committees;

"member" means an elected member and a co-opted member

- 3.5 You must comply with this Code whenever you are acting in your capacity as a member
- 3.6 This Code regards you as acting in your capacity as a member when you

- (a) conduct the business of your authority (which in this Code includes the business of the office to which you are elected or appointed); or
- (b) act as a representative of your authority,
- 3.7 This Code does not have effect in relation to your conduct other than where you are acting in your capacity as a member.
- 3.8 Where you act as a representative of your authority
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. General Obligations

- 4.1 You must treat others with respect.
- 4.2 You must not
 - (a) do anything which may cause your authority to breach any of its equality duties;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with this Members' Code of Conduct; or

- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4.3 You must not
 - (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
 - (i) you have the consent of a person authorised to give it;

- (ii) you are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute
- 4.5 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- 4.6 You must when using or authorising the use by others of the resources of your authority
 - (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes);
 - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 4.7 When reaching decisions on any matter you must have regard to any relevant advice provided to you by
 - (a) the Council's Chief Finance Officer; or
 - (b) the Council's Monitoring Officer,
 - where that officer is acting pursuant to his/her statutory duties.
- 4.8 You must give reasons for all decisions you make in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2: MEMBERS INTERESTS

5. Disclosable Pecuniary Interests

- 5.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in Regulations made by the Secretary of State and either:
 - (a) it is an interest of yours, or
 - (b) it is an interest of
 - (i) your spouse or civil partner
 - (ii) a person with whom you are living as husband and wife or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

6. Personal Interests

- 6.1 You have a personal interest in any business of your authority where either
 - (a) it relates to or is likely to affect
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the your authority;
 - (ii) any body
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial

interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
- 6.2 For the purposes of Paragraph 6.1(b), 'a relevant person' is
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in Paragraph 6.1(a)(i) and (ii) above of which such persons are members or in a position of general control or management.

7. Prejudicial Interests

7.1 Subject to Paragraph 7.2 below, where you have a personal interest in any business of your authority and the interest is one which a member of the public with knowledge of the relevant facts would reasonably

regard as so significant that it is likely to prejudice your judgment in the public interest, that interest is a prejudicial interest.

- 7.2 You do not have a prejudicial interest in any business of your authority where that business
 - (a) does not affect your financial position or the financial position of a person or body described in Paragraph 6 above;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in Paragraph 6 above; or
 - (c) relates to the functions of your authority in respect of
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members;
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992

PART 3: REGISTRATION OF MEMBERS' INTERESTS

8. Registration of Members' Interests

8.1 You must, within 28 days of becoming a member notify the Monitoring Officer of any disclosable pecuniary interest, prejudicial interest or personal interest which you have and the Monitoring Officer shall, subject to Paragraph 9 (Sensitive Interests) below, enter the interest(s) notified in the Council's Register of Members' Interests maintained under Section 29 of the Localism Act 2012

8.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under Paragraph 8.1 above, register details of that new interest or change by providing written notification to the Monitoring Officer who shall, subject to Paragraph 9 (Sensitive Interests) enter the interests notified in the Council's Register of Members' Interests.

9. Sensitive Interests

- 9.1 Where you have an interest (whether or not a disclosable pecuniary interest) and the nature of it is such that you and the Monitoring Officer consider that disclosure of the details of the interest could lead to you or a person connected with you being subject to violence and intimidation if the interest is entered in the Members' Register of Interests then copies of the register available for inspection and any published version of the register must not include details of the interest but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011
- 9.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 9.1 above is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

<u>PART 4: DISCLOSURE OF MEMBERS' INTERESTS AND EFFECT</u> UPON PARTICIPATION AT MEETINGS

10 Disclosure of Interests

- 10.1 Subject to paragraphs 10.4 to 10.8 below, where you have a disclosable pecuniary interest or a prejudicial interest in any business of your authority and you are present at a meeting at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered in the Members' Register of Interests or for which you have made a pending notification.
- 10.2 Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial interest and which is registered in the Members' Register of Interests and you are present at a meeting at which the business is considered, you are under no obligation to make a disclosure to the meeting but you may do so if you wish.
- 10.3 Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial interest and which is not registered in the Members' Register of Interests and you are present at a meeting at which the business is considered you

- must disclose to that meeting the existence and nature of that interest.
- 10.4 Paragraphs 10.1 10.3 above only apply where you are aware or ought reasonably to be aware of the existence of the interest.
- 10.5 If you have a disclosable pecuniary interest which is not registered in the Members' Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure
- 10.6 Where you have an interest in any business of the Council which would be disclosable by virtue of Paragraph 10.1 but by virtue of Paragraph 9 (Sensitive Interests) details of the interest are not registered in the Council's published Register of Members' Interests, at a meeting at which you are present you must disclose the fact that you have a disclosable interest in the matter concerned but details of that interest need not be disclosed
- 10.7 Where you have an interest in any business of your authority which is not a disclosable pecuniary interest or a prejudicial interest and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest.
- 10.8 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

11. Effect of Disclosable Pecuniary Interest or Prejudicial Interest on participation

- 11.1 Subject to Paragraph 11.3, if
 - (a) you are present at a meeting and
 - (b) you have a disclosable pecuniary interest of which you are aware or a prejudicial interest in any matter to be considered, or being considered, at the meeting,
 - (c) **You may not** participate, or participate further, in any discussion of the matter at the meeting, or
 - (d) participate in any vote, or further vote, taken on the matter at the meeting, and

- (e)**You must** withdraw from the room or chamber where the meeting considering the business is being held: unless you have obtained a dispensation from your authority's Standards Committee.
- (f) **You may not** exercise executive functions in relation to that business, or
- (g) seek improperly to influence a decision about that business.
- 11.2 If a function of the Council may be discharged by a member acting alone and you have a disclosable pecuniary interest of which you are aware or a prejudicial interest of which you are aware in any matter to be dealt with or being dealt with in the course of discharging that function:
 - (a) if the interest is not registered in the Members' Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date upon which you first became aware of having the interest in relation to the matter; and
 - (b) you must not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself).
- 11.3 Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a subcommittee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Appendix A

Written Undertaking

I,, being a member/coopted member (delete as appropriate) of the London Borough of Haringey Council, undertake to observe the code as to the conduct which is expected of Members/co-opted members (delete as appropriate) of the London Borough of Haringey Council.
SignedDate
This undertaking was made and signed before me
SignedDate
Proper Officer

Appendix B

14 Offences under the Localism Act 2011

14.1 If a member

- (a) fails to notify the Monitoring Officer of any disclosable pecuniary interest before the end of 28 days beginning with the day on which he/she becomes a member [Section 30(1) Localism Act 2011], or
- (b) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is not entered in the Council's Members' Interests Register [Section 31(2) Localism Act 2011], or
- (c) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is a sensitive interest which requires disclosure of the interest itself though not the detail [Section 31(2) Localism Act 2011], or
- (d) fails to notify the Monitoring Officer before the end of 28 days beginning with the date of disclosure any disclosable pecuniary interest which is not entered in the Council's Register of Members' Interests [Section 31(3) Localism Act 2011], or
- (e) fails to notify the Monitoring Officer before the end of 28 days beginning with the date when he/she became aware that he/she had a disclosable pecuniary interest in any matter to be dealt with or being dealt with by the member in the course of discharging a Council function [Section 31(7) Localism Act], or
- (f) provides information that is false or misleading in relation to any matter covered by paragraphs (a) (e) knowing that the information is false or misleading or is reckless as to whether the information is true and not misleading. [Section 34(2) Localism Act 2011], or
- (g) has a disclosable pecuniary interest in a matter and participates or participates further in any discussion of the matter at a meeting, or participates in any vote or further vote taken on the matter at a meeting except where he/she has been granted a dispensation relieving him/her of either or both of the restrictions. [Section 31(4) Localism Act 2011], or
- (h) takes any steps or any further steps in relation to a matter where he/she is discharging a Council function, having become aware that he/she has a disclosable pecuniary interest in the matter. {section 31(8) Localism Act 2011],

he/she is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000).

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Arrangements for dealing with allegations that a member or co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct

1. Introduction

- 1.1 These arrangements set out how an allegation may be made that an elected member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct and how the Council will deal with such allegations.
- 1.2 Under Section 28 of the Localism Act 2011 the Council must have arrangements in place whereby allegations can be investigated and decisions upon them can be made. In addition the arrangements must provide for the Council to appoint at least one Independent Person whose views must be sought and taken into account by the Council before it makes a decision and who may be consulted by the Council at other stages in the process or by the member or co-opted member against whom an allegation has been made. These arrangements fulfil the Council's statutory obligations.
- 1.3 In these Arrangements a number of terms are used which have the following meanings:

Member An elected Councillor

Co-opted Member A person who is not an elected

member of the Council but has been appointed to a committee or sub-

committee of the Council.

Monitoring Officer A officer of the Council designated

under section 5 of the Local Government and Housing Act 1989 to undertake the statutory duties prescribed which include ensuring that the Council and its members and officers act lawfully at all times. Under Section 29 of the Localism Act 2011 the Monitoring Officer must establish and maintain a register of interests of members and co-opted members.

Investigating Officer An appropriate person appointed by

the Monitoring Officer to conduct an

investigation into an allegation.

Independent Person

A person appointed by the Council pursuant to Section 28 of the Localism Act 2011, whose views are sought and taken into account before decisions upon allegations against members are taken and who may be consulted by a member who is the subject of allegations or the Council, generally.

Standards Committee

A committee of members responsible for promoting and maintaining high standards of member conduct within the Council.

Assessment Sub-Committee A Sub-Committee of Standards Committee established to decide whether allegations against members are worthy of being investigated.

Hearing Sub-Committee

A Sub-Committee of Standards Committee established to conduct hearings which Standards Committee may require into allegations against members and to determine such allegations following a hearing.

2. The Members' Code of Conduct

2.1 The Council has adopted a Members' Code of Conduct which is available for inspection on the Council's website and on request from the Monitoring Officer.

3. The Independent Person

- 3.1 Pursuant to Section 28 of the Localism Act 2011, the Council shall appoint an Independent Person. The person appointed shall have responded to a public advertisement for the vacancy and submitted an application for the post. The appointment of the successful applicant shall be approved by a majority of the members of the Council.
- 3.2 The views of the Independent Person shall be sought and taken into account by the Standards Committee/Hearing Sub-Committee before it makes its decision on an allegation which it has decided to investigate.

- 3.3 The views of the Independent Person may be sought:
 - (i) by the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee or by the Monitoring Officer/Investigating Officer in relation to an allegation in circumstances not within paragraph 3.2, above.
 - (ii) by a member or co-opted member of the Council if that person's behaviour is the subject of an allegation.

4. Making an allegation

4.1 An allegation that a member or a co-opted member of Haringey Council has failed to comply with the Members' Code of Conduct should be made to:

Bernie Ryan Monitoring Officer Haringey Council 7th Floor Alexandra House 10 Station Road London N22 7TR

Tel: 0208 489 3974

or email:

bernie.ryan@haringey.gov.uk

- 4.2 It is important that a person making an allegation provides his/her name and a contact address or email address, so that the Council can acknowledge receipt of the allegation and keep the person informed of its progress. The person must indicate if he/she wants to keep his/her name and address confidential and the Monitoring Officer will consider any such requests.
- 4.3 The Council does not normally investigate anonymous allegations unless there is a clear public interest in doing so.
- 4.4 The Monitoring Officer will acknowledge receipt of an allegation within five clear working days of receiving it and will keep the person making the allegation informed of progress.

5. Assessment of an allegation

5.1 The Monitoring Officer will review every allegation received and may consult the Independent Person before taking a decision as to

- whether or not it merits reference to the Assessment Sub-Committee of the Standards Committee.
- 5.2 If the Monitoring Officer requires additional information in order to reach a decision, he/she may revert to the person making the allegation for such information and may request information from the member against whom the complaint is directed. If the person making the allegation fails to provide the additional information requested the allegation may be dismissed by the Monitoring Officer pursuant to paragraph 5.3 (c), below.
- 5.3 The Monitoring Officer may determine that an allegation does not merit any further action, where:
 - (a) The allegation does not demonstrate a breach of the Members' Code of Conduct; for example it relates to a member's private life to which the Code does not apply or it is about dissatisfaction with a Council decision, or
 - (b) It is about someone who is no longer a member or a co-opted member of the Council, or
 - (c) There is insufficient evidence upon which to investigate and/or the person making the allegation has failed to co-operate with the Monitoring Officer to specify the allegation sufficiently.
 - (d) The same or a similar allegation has been investigated and determined, or
 - (e) It is an anonymous allegation which does not include sufficient documentary evidence to indicate a significant breach of the Member's Code of Conduct, or
 - (f) The Monitoring Officer facilitates an informal resolution without the need for a formal investigation. This may involve the member accepting that his/her conduct was unacceptable and offering an apology or other remedial action by the Council. If the Monitoring Officer considers an offer of informal resolution is reasonable but the person making the allegation is not willing to accept it, the allegation will be referred to the Standards Committee for determination.
- 5.4 Except as provided for in Paragraph 5.3 above, the Monitoring Officer shall refer all allegations to the Assessment Sub-Committee for consideration.
- 5.5 The Assessment Sub-Committee shall determine whether the allegation:
 - (a) merits no further investigation and is dismissed, or

- (b) merits further investigation.
- 5.6 The Assessment Sub-Committee may determine that an allegation merits no further investigation for whatever reasons it thinks fit, but it may have regard to the criteria set out in Paragraph 5.3 above and to the following additional criteria:
 - (a) The allegation is not considered sufficiently serious to warrant investigation, or
 - (b) The allegation appears to be motivated by malice or is 'tit-fortat', or
 - (c) The allegation appears to be politically motivated, or
 - (d) The matter about which the allegation is made took place more than three months prior to receipt of the allegation unless there are exceptional circumstances or it is otherwise appropriate to investigate.
- 5.7 Where the Assessment Sub-Committee considers that an allegation merits further investigation, the Monitoring Officer shall undertake such investigation and report to the Standards Committee.
- 5.8 The decision as to whether or not an allegation be investigated will normally be taken within thirty clear working days from receipt. The Monitoring Officer will inform the person making the allegation of that decision and if the allegation is to be investigated, an indication of the timescale for the investigation and the likely meeting of the Standards Committee to which the report will be submitted. The Monitoring Officer will keep the person informed If the initial timetable changes substantially,

6. The Investigation

- 6.1 The Monitoring Officer may conduct the investigation personally or may appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another authority or an external investigator.
- 6.2 The Monitoring Officer/Investigating Officer will decide if he/she needs to meet or speak to the person making the allegation to understand the nature of the allegation and so that the person can explain his/her understanding of events and identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview.

- 6.3 The Monitoring Officer/Investigating Officer will normally write to the member against whom the complaint is made and provide him/her with a copy of the complaint and ask the member to provide his/her explanation of events and to identify what documents he/she considers the Monitoring Officer/Investigating Officer needs to see and who he/she considers the Monitoring Officer/Investigating Officer needs to interview. Where it is appropriate to keep confidential the identity of the person making the allegation the Monitoring Officer/Investigating Officer will delete the person's name and address from the papers given to the member. Where disclosure of details of the allegation to the member might prejudice the investigation, the Monitoring Officer/Investigating Officer may delay notifying the member until the investigation has progressed sufficiently.
- 6.4 Having considered all relevant documentation identified and having interviewed all relevant witnesses, at the end of the investigation the Monitoring Officer/Investigating Officer will produce a draft report and may where appropriate send copies of that draft report, in confidence, to the person making the allegation and to the member concerned, to give both an opportunity to identify any matter in that report with which there is disagreement or which is considered to require more consideration.
- 6.5 Where an Investigating Officer has been appointed, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, the Investigating Officer will send his/her final report (the Investigation Report) to the Monitoring Officer for the latter's consideration prior to onward transmission to the Standards Committee. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider the report or may appoint a new Investigating Officer.
- 6.6 Where the Monitoring Officer has undertaken the investigation personally, having received and taken account of any comments which the person making the allegation and/or the member have made on the draft report, and where appropriate having sought to achieve an informal resolution pursuant to paragraph 8.1 below, the Monitoring Officer shall submit the Investigation Report to the Standards Committee.
- 7. Where the Monitoring Officer/Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct.
- 7.1 When the Standards Committee receives an Investigation Report which recommends that there is no evidence of failure to comply with the Members' Code of Conduct, the Committee may:

- (a) accept the recommendation, resolve that no further action is required and dismiss the allegation, or
- (b) remit the report to the Monitoring Officer for further consideration, or
- (c) remit the complaint to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation.

8. Where the Monitoring Officer/Investigating Officer concludes that there is evidence of failure to comply with the Code of Conduct.

- 8.1 Where an Investigation Report concludes that there is evidence of failure to comply with the Code of Conduct the Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult the Independent Person and the person making the allegation and seek to agree what the person considers to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee which will note the outcome but take no further action.
- 8.2 If the Monitoring Officer considers that an informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will submit the Investigation Report to the Standards Committee. The Committee may:
 - (a) note the recommendation and remit the allegation to the Hearing Sub-Committee to conduct a hearing for the consideration of the allegation and the Investigation Report and to determine the allegation, or
 - (b) remit the report to the Monitoring Officer for further action including, where the Committee considers it appropriate, to pursue an alternative informal resolution. If the further action does not achieve a resolution, the Monitoring Officer may refer the allegation and the Investigation Report to the Hearing Sub-Committee.

9. The Hearing

9.1 Wherever possible hearings conducted by the Hearing Sub-Committee shall take place within three calendar months of the referral to the Hearing Sub-Committee.

- 9.2 At the hearing, the Monitoring Officer/Investigating Officer will present the Investigation Report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Monitoring Officer/Investigating Officer may request the person making the allegation to attend and give evidence to the Standards Committee.
- 9.3 The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Members' Code of Conduct.
- 9.4 Full details of the process to be undertaken at the hearing are contained in the Hearing Procedure note comprising Appendix A to these arrangements.
- 9.5 The Hearing Sub-Committee, having sought and taken into account the views of the Independent Person may conclude:
 - (a) that the member did not fail to comply with the Members' Code of Conduct, and dismiss the complaint, or
 - (b) that the member did fail to comply with the Members' Code of Conduct.
- 9.6 In the event of a finding under Paragraph 9.4 (b) above, the Chair will inform the member of this finding and the Hearing Sub-Committee will then consider what action, if any, it should take as a result of the member's failure to comply with the Members' Code of Conduct. In doing this, the Hearing Sub-Committee will give the member an opportunity to make representations to the Sub-Committee as to whether any action should be taken and what form any action should take and will seek and take into account the views of the Independent Person. It will then decide what action, if any, to take in respect of the matter.

10. Action which may be taken where a member has failed to comply with the Code of Conduct

- 10.1 Having determined that a member has failed to comply with the Members' Code of Conduct, the Hearing Sub-Committee may:
 - (a) Publish its findings in respect of the member's conduct;
 - (b) Report its findings to Council for information;
 - (c) Issue the member with a formal censure or be reprimanded a report of which may be submitted to

Council

- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to arrange training for the member;
- (g) Recommend to Council or Cabinet (as appropriate) that the member be removed from outside appointments to which he/she has been appointed or nominated by the Council/Cabinet
- (h) Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (i) Exclude the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Cabinet, Committee and Sub-Committee meetings.
- (j) Any other appropriate sanction which may be available to the Sub-Committee.
- 10.2 The Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.
- 10.3 At the end of the hearing, the Chair shall state the decision of the Hearing Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any action which the Sub-Committee has resolved to take.
- 10.4 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice after consultation with the Chair of the Hearing Sub-Committee, and send a copy to the person making the allegation, to the member concerned, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

11 Appeals

- 11.1 There is no right of appeal for either the person making the allegation or for the member against whom the allegation is made, against a decision of the Monitoring Officer or of the Standards Committee/Assessment Sub-Committee/Hearing Sub-Committee
- 11.2 If a person making the allegation considers that the Council has failed to deal with an allegation properly, he/she may make a complaint to the Local Government Ombudsman.

Appendix A

Hearing Procedure

The model procedure which follows comprises good and equitable practice and should be followed closely wherever possible. There may be occasions when circumstances require variations and subject to the maintenance of the principles of natural justice these may be effected at the discretion of the Hearing Sub-Committee and advised to the parties

- 1. The Chair shall facilitate introductions and explain the procedure for the hearing.
- 2. The Monitoring Officer/Investigating Officer shall be invited to present his/her Investigation Report including any documentary evidence or other material and to call witnesses as required. This report and documentary and witness evidence must be based on the allegation made to the Council; no new or additional matters will be allowed.
- 3. The Member against whom the allegation has been made or his/her representative may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer. This is the Member's opportunity to ask questions arising from the Investigation Report and the direct evidence and not to make a statement.
- 5. Members of the Sub-Committee may question the Monitoring Officer/Investigating Officer upon the content of the Investigation Report and any witnesses called by the Monitoring Officer/Investigating Officer
- 6. The Member against whom the allegation has been made or his/her representative may present his/her case and call witnesses as required.
- 7. The Monitoring Officer/Investigating Officer may question the Member and any witnesses
- 8. Members of the Sub-Committee may question the Member and any witnesses.
- 9. The Monitoring Officer/Investigating Officer may sum up the investigation into the allegation and make a closing speech.
- 10. The Member or his/her representative may sum up his/her case and make a closing speech.
- 11. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon the allegation. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of the Independent Person.
- 12. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision in the following terms:-

- (a) The Sub-Committee has determined that the Member has failed to comply with the Code of Conduct, or
- (b) The Sub-Committee has determined that the Member has not failed to comply with the Code of Conduct and the allegation is dismissed.

The Sub-Committee will give reasons for its decision.

- 13. If the Sub-Committee has determined that the Member has failed to comply with the Code of Conduct it shall consider any representations from the Member as to whether any action should be taken and what form any action should take.
- 14. The Chair shall invite the parties to withdraw to enable the Sub-Committee to deliberate upon what action if any should be taken. Prior to reaching a determination the Sub-Committee shall seek and take into account the views of the Independent Person.
- 15. In addition to any action upon the current matter, the Sub-Committee shall consider whether in consequence it should make recommendations to the Council with a view to promoting high standards of conduct amongst Members.
- 15. The parties shall be invited to return and the Chair shall announce the Sub-Committee's decision
- 16. A full written decision shall be issued to the Complainant and the Member within ten clear working days following the hearing and shall be published.

Terms of Reference

Standards Committee

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and coopted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommend
- (h) Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.
- (i) Responding to national reviews and consultations on standards related issues;
- (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (k) Advising the Council on the appointment of independent Persons and taking steps to select them.

[Article 9.02 of the Council's Constitution provides that the Standards Committee will be composed of councillors appointed on the basis of political balance. In addition the Standards Committee may appoint up to six non-voting co-opted members.]

Assessment Sub-Committees

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) Merits no further action and is dismissed, or
- (b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

Hearing Sub-Committees

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) To determine whether or not the member or co-opted member did / did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.

The quorum of the Hearing Sub-Committee is three.

[Articles 9.04 and 9.07 of the Council's Constitution provide that the two sub-committees will be composed of councillors appointed on the basis of political balance.]

PART TWO - ARTICLES OF THE CONSTITUTION

(NB. Extract only of relevant Articles of the Constitution)

Article 7 - The Leader and the Cabinet

7.02 The Leader will hold office until:

- (a) He/she resigns from the office; or
- (b) He/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (b) He/she is disqualified from being a councillor by order of a court;
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council under Article 7.06; or
- (e) The Annual Meeting following the Council Elections after his/her election as Leader.

7.04 Form and Composition

The Cabinet will consist of the Cabinet Leader together with between 2 and 9 other councillors ("Cabinet Members") appointed to the Cabinet by the Leader <u>but may not include the Mayor or Deputy Mayor</u>

7.05 Other Cabinet Members

- (i) The Leader will determine the number of Cabinet Members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet Member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet Member must hold the specific statutory portfolio responsibility for Children's Services and a separate portfolio responsibility for Adult Services.
- (iii) One Cabinet Member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.
- (iv) Individual Cabinet Members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.
- (v) Cabinet Members shall hold office until one of the events (a) to (e) (d) below:

PART TWO - ARTICLES OF THE CONSTITUTION

- (a) They resign from office; or
- (b) They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension): or
- (b) They are disqualified from being councillors by order of a court;
- (c) They are no longer councillors; or
- (d) They are removed from office, either individually or collectively, by the Leader; or
- (e) The Annual Meeting following the Council Elections after their appointment.

7.09 Responsibility for Functions

- (i) The Leader may discharge all the Council's "executive" functions or may arrange for the discharge of any of theose functions by:
- (a) The Cabinet;
- (b) A Cabinet Member;
- (c) A Committee of the Cabinet;
- (d) An Area Committee; or
- (e) An officer
 - (ii) The Leader will maintain a list in this Constitution or the appendices to it setting out which individual Cabinet Members, Committees of the Cabinet or officers are responsible for the exercise of particular Cabinet functions.

Article 9 - The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee <u>to promote</u> <u>and maintain high standards of conduct by Members and Co-opted</u> <u>Members of the Council</u>.

9.02 Composition

The Standards Committee will be composed of Councillors <u>appointed</u> on the basis of political balance. In addition, the Standards <u>Committee</u> may appoint up to six non-voting co-opted members. who may not include the Leader or Mayor or more than one Cabinet Member and the independent members none of whom are Councillors or officers of the Council or any other body having a Standards Committee. At least one quarter of the membership of the Committee must be independent members.

- (a) Membership. The Standards Committee is composed of Councillors and independent members
- (b) Independent members. Independent members will be entitled to vote at meetings;
- (c) Chairing the Committee.
- (i) The Committee selects its own Chair from among the Independent Members.
- (ii) The Chair of the Standards Committee will have a casting vote in the event of a vote being tied.
- (d) Quorum. The quorum <u>of the Standards Committee</u> is three. including a Chair from among the independent members and at least one Councillor.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct:
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and coopted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and coopted members;
- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;

- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (h) Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.
- (1) (i) Responding to national reviews and consultations on standards related issues;
- (m) (j) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (n) (k) Advising the Council on the appointment of independent persons members and taking steps to select them.

9.04 Assessment Sub-Committee

The Standards Committee will establish an Assessment Sub-Committee to assess allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct, as referred by the Monitoring Officer.

9.05 Composition

<u>The Assessment Sub-Committee will be composed of Councillors</u> appointed on the basis of political balance.

9.06 Role and Function

The Assessment Sub-Committee will have the following roles and functions:

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

- (a) merits no further investigation and is dismissed, or
- (b) merits further investigation.

9.07 Hearing Sub-Committee

The Standards Committee will establish a Hearing Sub-Committee to conduct hearings into allegations that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine such allegations.

9.08 Composition

The Hearing Sub-Committee will be composed of Councillors appointed on the basis of political balance.

9.09 Role and Function

<u>The Hearing Sub-Committee will have the following roles and functions:</u>

- (a) <u>To conduct hearings into allegations referred for investigation by</u> the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) <u>To determine whether or not the member or co-opted member</u> did/did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) <u>In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.</u>

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PART THREE – RESPONSIBILITY FOR FUNCTIONS Section C – Terms of Reference: Full Council & Non Executive Bodies

(NB. Extract only of relevant Sections Part 3 C of the Constitution)

SECTION 2 - COMMITTEES

3. Standards Committee

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and coopted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and coopted members;
- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (i) Hearing complaints against Councillors and co-opted members

PART THREE – RESPONSIBILITY FOR FUNCTIONS Section C – Terms of Reference: Full Council & Non Executive Bodies

made to the Council or referred back from the Standard Board for England;

- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (h) Assessing, hearing and determining allegations of failure to comply with the Members' Code of Conduct by Councillors and co-opted Members.
- (1) (i) Responding to national reviews and consultations on standards related issues;
- (m) (j)Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (n) (k) Advising the Council on the appointment of independent persons members and taking steps to select them.

SECTION 3 - SUB-COMMITTEES AND PANELS

3. Under Standards Committee

The following rules will apply to all three types of Sub-Committee-listed below. The quorum is three including an independent member-as Chair, with a casting vote if necessary, and at least one Councillor. So far as practicable, and having regard to relevant Regulations and Guidance, every Sub-Committee will include two Councillors, each from a different party group.

3.1 Assessment Sub-Committees

Between three and five members of the Committee.

To make initial assessments of written allegations to the Committee of failure to comply with the Code of Conduct. The Sub-Committees will follow procedures agreed by the Committee.

To consider all allegations referred to the Sub-Committee by the Monitoring Officer that a member or co-opted member has failed to comply with the Members' Code of Conduct and to determine whether the allegation:

PART THREE – RESPONSIBILITY FOR FUNCTIONS Section C – Terms of Reference: Full Council & Non Executive Bodies

- (a) Merits no further action and is dismissed, or
- (b) Merits further investigation.

The quorum of the Assessment Sub-Committee is three.

3.2 Review Sub-Committees

Between three and five members of the Committee. Not to include any member of the Assessment Sub-Committee for the same allegation.

To review, when requested, any decision of an Assessment Sub-Committee to take no action on an allegation. The Sub-Committees will follow procedures agreed by the Committee.

3.3 Hearing Sub-Committees

Five members of the Committee.

To hear complaints against Councillors and co-opted members made to the Council or referred back from the Standards Board for England. The Sub-Committees will follow procedures agreed by the Committee.

- (a) To conduct hearings into allegations referred for investigation by the Assessment Sub-Committee that a member or co-opted member has failed to comply with the Members' Code of Conduct.
- (b) <u>To determine whether or not the member or co-opted member</u> did / did not fail to comply with the Members' Code of Conduct.
- (c) Where the Sub-Committee has determined that a member has failed to comply with the Members' Code of Conduct to take such action as it may lawfully take.
- (d) <u>In consequence of the hearing and determination of any allegation to make recommendations to the Council with a view to promoting high standards of conduct amongst members.</u>

The quorum of the Hearing Sub-Committee is three.

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PART FOUR - RULES OF PROCEDURE Section A - Council Procedure Rules

(NB. Extract only of relevant Council Procedure Rules of the Constitution)

24. DECLARATIONS OF INTEREST OF MEMBERS

- 24.1 If a member of the Council has a <u>disclosable pecuniary interest or a prejudicial</u> personal-interest as referred to in Part 2 of the Council's <u>Members'</u> Code of Conduct for Members in any matter under consideration, then the member shall declare his or her interest at the start of the meeting or as soon as the interest becomes apparent. If the interest is considered prejudicial the <u>The</u> member <u>may not participate or participate further in any discussion of the matter or participate in any vote or further vote taken on the matter at the meeting and <u>must should</u> withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.</u>
- 24.2 If a member of the Council has a personal interest which is not a disclosable pecuniary interest nor a prejudicial interest and which is registered in the Members' Register of Interests, the member is under no obligation to make a disclosure at the meeting but may do so if he/she wishes.

30. VOTES OF NO CONFIDENCE

- 30.1 A vote of no confidence relating to any office holder may only be moved if notice of it clearly set out as such appears on the agenda of the relevant meeting of the Council
- 30.2 In accordance with Article 7.06 in Part 2 of this Constitution, the Leader shall cease to hold office if a vote of no confidence is carried at a meeting of the full council by a majority of the members of the whole council then present. In that event Articles 7.06 and 7.07 make provision for the discharge of the Leader's functions.
- 30.3 A Chair of a Committee, Sub-Committee or other body shall cease to hold office if a vote of no confidence is carried at a meeting of the full Council by a majority of the members of the whole Council then present. The Vice Chair will assume the role of Chair until such time as the appointment of a replacement as Chair, or the re-appointment of the member concerned, by full Council.
- 30.4 For the avoidance of doubt, Rule 30.3 31.3 applies to all other bodies exercising non-executive functions including the Alexandra Palace and Park Board. Rule 30.3 31.3 shall not apply to the Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny/Review Panel but Article 6.05 shall apply. Rule 31.3 shall not apply to the Chair of the Standards Committee but Article 9.02(c) shall apply.

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PART FOUR – RULES OF PROCEDURE Section B – Committee Procedure Rules

(NB. Extract only of relevant Committee Procedure Rules of the Constitution)

- 8. In the light of such a report under paragraph 7 above, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.
- 9. Whenever variations in voting membership of a committee or subcommittee occur in accordance with the wishes of a political group to whom the seat has been allocated, then the proper officer shall make or terminate the appointment accordingly except where a member has been removed or suspended from the body concerned.
- 11. These rules in respect of committees shall apply to the Standards Committee and Licensing Sub-Committee, to the extent indicated in paragraph 6 above, with the exception of the rules on political balance <u>in</u> relation to the Licensing Sub-Committee.

MEETINGS OF COMMITTEES, SUB-COMMITTEES, ETC.

- 12. The meetings of Committees and Sub-Committees shall be organised in accordance with a timetable approved each year by the Council and/or the Cabinet. The Chair may call a special meeting and may agree to the cancellation of a meeting on being satisfied that there is insufficient business to warrant it. Dates of meetings may be changed to a date decided by the Chair if it is in the interests of the Council's affairs or in the public interest to do so.
- 13. Other bodies may be timetabled or shall meet as and when required on dates to be decided by the Chair following consultation with the leading Opposition member.
- 14. The Chair of a Committee or sub-committee may call a special meeting if a requisition for a special meeting, signed by at least two, or one quarter of the total number of the voting members of a committee or sub-committee, whichever is greater, has been presented to the Head of Local Democracy & Member Services.
- 15. If the Chair has refused to call a meeting or, without him/her so refusing, no special meeting has been called within seven days of the presentation of the requisition, then any two, or one quarter of the number of the voting members of the committee or sub-committee, whichever is greater, may forthwith call a special meeting of the committee or sub-committee.
- 16. Where any Members decide to call a special meeting of a committee or sub-committee, they shall signify to the Chief Executive that they have done so, the business to be transacted and the date and time for which the meeting is called. The Chief Executive shall thereupon ensure that the agenda is published and sent as at Standing Order No. 51 below.
- 17. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.

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Part Five, Section A Members' Code of Conduct

PART 1: GENERAL PROVISIONS

1. Introduction

- 1.1 This Code of Conduct, adopted pursuant to Section 27(2) of the

 Localism Act 2011, contributes towards the discharge of the
 Council's statutory duty under Section 27(1) to promote and
 maintain high standards of conduct by elected and co-opted members
 of Haringey Council. It is consistent with the principles of public life
 which are prescribed in Section 28(1) of the Localism Act 2011 and
 which are included in the Code at paragraphs 2.1 2.7 below.
- 1.2 <u>Members are required to give a written undertaking to the Council that when acting in their capacity as a member, they will observe the Code of Conduct. This is attached at Appendix A.</u>
- 1.3 The Council's Monitoring Officer must establish and maintain a register of interests of the members of the Council under Section 29 of the Localism Act 2011. It is a legal requirement that members must register all their disclosable pecuniary interests within 28 days of becoming a member. Other interests as specified in the Code must be notified to the Monitoring Officer in the manner described in the Code. The Members' Register of Interests will be available for inspection by the public at all reasonable hours and will be published on the Council's website.
- 1.4 The Localism Act 2011 has created a number of criminal offences for failure to comply with statutory requirements relating to disclosable pecuniary interests. A full list of the offences is attached at Appendix B.

2. The General Principles

2.1 Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

2.2 Integrity

Members should not place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

2.3 **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

2.4 Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

2.5 Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

2.6 Honesty

Members should not place themselves in situations where their honesty may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

2.7 Leadership

Members should promote and support these principles by Leadership, and by example, and should act in a way that secures or preserves public confidence.

3. Application of the Code

- 3.1 This Code applies to you as a member of Haringey Council.
- 3.2 In your capacity as a member you should at all times adhere to the general principles prescribed in the Localism Act 2011 and set out at paragraphs 2.1 2.7 above.
- 3.3 It is your responsibility to comply with the provisions of this Code.

3.4 In this Code

"meeting" means any meeting of

- (a) the Council; or
- (b) the executive of the Council; or
- (c) any of the Council's or its executive's committees, subcommittees, joint committees, joint sub-committees, or area committees;

"member" means an elected member and a co-opted member

- 3.5 You must comply with this Code whenever you are acting in your capacity as a member
- 3.6 This Code regards you as acting in your capacity as a member when you
 - (a) conduct the business of your authority (which in this Code includes the business of the office to which you are elected or appointed); or
 - (b) act as a representative of your authority,
- 3.7 This Code does not have effect in relation to your conduct other than where you are acting in your capacity as a member.
- 3.8 Where you act as a representative of your authority
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- 4. General Obligations
- 4.1 You must treat others with respect.
- 4.2 You must not
 - (a) do anything which may cause your authority to breach any of its equality duties;
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

<u>in relation to an allegation that a member (including yourself) has</u> failed to comply with this Members' Code of Conduct; or

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4.3 You must not

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- 4.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your authority into disrepute
- 4.5 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.
- 4.6 You must when using or authorising the use by others of the resources of your authority
 - (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes);
 - (c) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- 4.7 When reaching decisions on any matter you must have regard to any relevant advice provided to you by
 - (a) the Council's Chief Finance Officer; or
 - (b) the Council's Monitoring Officer,
 - where that officer is acting pursuant to his/her statutory duties.
- 4.8 You must give reasons for all decisions you make in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2: MEMBERS INTERESTS

5. Disclosable Pecuniary Interests

- 5.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in Regulations made by the Secretary of State and either:
 - (a) it is an interest of yours, or
 - (b) it is an interest of
 - (i) your spouse or civil partner
 - (ii) a person with whom you are living as husband and wife or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

6. Personal Interests

- 6.1 You have a personal interest in any business of your authority where either
 - (a) it relates to or is likely to affect
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the your authority;

PART FIVE - CODES AND PROTOCOLS Section A– Member Code of Conduct

(ii) any body

- (aa) exercising functions of a public nature;
- (bb) directed to charitable purposes: or
- (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- 6.2 For the purposes of Paragraph 6.1(b), 'a relevant person' is
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in Paragraph 6.1(a)(i) and (ii) above of which such persons are members or in a position of general control or management.

7. Prejudicial Interests

- 7.1 Subject to Paragraph 7.2 below, where you have a personal interest in any business of your authority and the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest, that interest is a prejudicial interest.
- 7.2 You do not have a prejudicial interest in any business of your authority where that business
 - (a) does not affect your financial position or the financial position of a person or body described in Paragraph 6 above;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in Paragraph 6 above; or

- (c) relates to the functions of your authority in respect of
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members;
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992

PART 3: REGISTRATION OF MEMBERS' INTERESTS

8. Registration of Members' Interests

- 8.1 You must, within 28 days of becoming a member notify the

 Monitoring Officer of any disclosable pecuniary interest, prejudicial interest or personal interest which you have and the Monitoring Officer shall, subject to Paragraph 9 (Sensitive Interests) below, enter the interest(s) notified in the Council's Register of Members' Interests maintained under Section 29 of the Localism Act 2012
- 8.2 You must, within 28 days of becoming aware of any new interest or change to any interest registered under Paragraph 8.1 above, register details of that new interest or change by providing written notification to the Monitoring Officer who shall, subject to Paragraph 9 (Sensitive Interests) enter the interests notified in the Council's Register of Members' Interests.

9. Sensitive Interests

9.1 Where you have an interest (whether or not a disclosable pecuniary interest) and the nature of it is such that you and the Monitoring

Officer consider that disclosure of the details of the interest could lead to you or a person connected with you being subject to violence and intimidation if the interest is entered in the Members' Register of Interests then copies of the register available for inspection and any published version of the register must not include details of the interest but may state that you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011

9.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under Paragraph 9.1 above is no longer sensitive information, notify the Monitoring Officer asking that the information be included in the Council's Register of Members' Interests.

PART 4: DISCLOSURE OF MEMBERS' INTERESTS AND EFFECT UPON PARTICIPATION AT MEETINGS

10. Disclosure of Interests

- 10.1 Subject to paragraphs 10.4 to 10.8 below, where you have a disclosable pecuniary interest or a prejudicial interest in any business of your authority and you are present at a meeting at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered in the Members' Register of Interests or for which you have made a pending notification.
- Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial interest and which is registered in the Members' Register of Interests and you are present at a meeting at which the business is considered, you are under no obligation to make a disclosure to the meeting but you may do so if you wish.
- 10.3 Where you have a personal interest in any business of your authority which is not a disclosable pecuniary interest nor a prejudicial

- interest and which is not registered in the Members' Register of Interests and you are present at a meeting at which the business is considered you must disclose to that meeting the existence and nature of that interest.
- 10.4 Paragraphs 10.1 10.3 above only apply where you are aware or ought reasonably to be aware of the existence of the interest.
- 10.5 If you have a disclosable pecuniary interest which is not registered in the Members' Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure
- 10.6 Where you have an interest in any business of the Council which would be disclosable by virtue of Paragraph 10.1 but by virtue of Paragraph 9 (Sensitive Interests) details of the interest are not registered in the Council's published Register of Members' Interests, at a meeting at which you are present you must disclose the fact that you have a disclosable interest in the matter concerned but details of that interest need not be disclosed
- 10.7 Where you have an interest in any business of your authority which is not a disclosable pecuniary interest or a prejudicial interest and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest.
- 10.8 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.
- 11. Effect of Disclosable Pecuniary Interest or Prejudicial Interest on participation
- 11.1 Subject to Paragraph 11.3, if
 - (a) you are present at a meeting and
 - (b) you have a disclosable pecuniary interest of which you are aware or a prejudicial interest in any matter to be considered, or being considered, at the meeting,

- (c) You may not participate, or participate further, in any discussion of the matter at the meeting, or
- (d) participate in any vote, or further vote, taken on the matter at the meeting, and
- (e) You must withdraw from the room or chamber where the meeting considering the business is being held: unless you have obtained a dispensation from your authority's Standards Committee.
- (f) You may not exercise executive functions in relation to that business, or
- (g) seek improperly to influence a decision about that business.
- 11.2 If a function of the Council may be discharged by a member acting alone and you have a disclosable pecuniary interest of which you are aware or a prejudicial interest of which you are aware in any matter to be dealt with or being dealt with in the course of discharging that function:
 - (a) if the interest is not registered in the Members' Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date upon which you first became aware of having the interest in relation to the matter; and
 - (b) you must not take any steps or any further steps in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by yourself).
- 11.3 Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a subcommittee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

Appendix A

WRITTEN UNDERTAKING

I,, being a member/co-opted member (delete as appropriate) of the London Borough of Haringey Council, undertake to observe the code as to the conduct which is expected of Members/co-opted members (delete as appropriate) of the London Borough of Haringey Council.
SignedDate
This undertaking was made and signed before me
SignedDate
<u>Proper Officer</u>

Appendix B

OFFENCES UNDER THE LOCALISM ACT 2011

If a member:

- (a) fails to notify the Monitoring Officer of any disclosable pecuniary interest before the end of 28 days beginning with the day on which he/she becomes a member [Section 30(1) Localism Act 2011], or
- (b) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is not entered in the Council's Members' Interests Register [Section 31(2) Localism Act 2011], or
- (c) fails to disclose to a meeting at which he/she is present a disclosable pecuniary interest in any matter to be considered or being considered which is a sensitive interest which requires disclosure of the interest itself though not the detail [Section 31(2) Localism Act 2011], or
- (d) fails to notify the Monitoring Officer before the end of 28 days beginning with the date of disclosure any disclosable pecuniary interest which is not entered in the Council's Register of Members' Interests [Section 31(3) Localism Act 2011], or
- (e) fails to notify the Monitoring Officer before the end of 28 days beginning with the date when he/she became aware that he/she had a disclosable pecuniary interest in any matter to be dealt with or being dealt with by the member in the course of discharging a Council function [Section 31(7) Localism Act], or
- (f) provides information that is false or misleading in relation to any matter covered by paragraphs (a) (e) knowing that the information is false or misleading or is reckless as to whether the information is true and not misleading. [Section 34(2) Localism Act 2011], or
- (g) has a disclosable pecuniary interest in a matter and participates or participates further in any discussion of the matter at a meeting, or participates in any vote or further vote taken on the matter at a meeting except where he/she has been granted a dispensation relieving him/her of either or both of the restrictions. [Section 31(4) Localism Act 2011], or

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

(h) takes any steps or any further steps in relation to a matter where he/she is discharging a Council function, having become aware that he/she has a disclosable pecuniary interest in the matter. [section 31(8) Localism Act 2011],

<u>he/she is guilty of an offence and liable on summary conviction to a</u> fine not exceeding level 5 on the standard scale (£5,000).

THE GENERAL PRINCIPLES

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

Respect for Others

7. Members 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. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by Leadership, and by example, and should act in a way that secures or preserves public confidence.

EXPLANATORY NOTE

Listed above are the general principles, as specified by the Secretary of State, which are to govern the conduct of Members and co-opted members of relevant authorities in England and police authorities in Wales, in accordance with section 49(1) of the Local Government Act 2000. The general principles are expected to govern only the official conduct of Members and co-opted members, apart from the second and eighth, which have effect on all occasions.

Members are required to give the authority a written undertaking that in performing their functions they will observe the Code of Conduct adopted by the London Borough of Haringey as set out below. This is based on the general principles above but contains more detailed mandatory requirements. A person who becomes a Member or co-opted Member of the Council may not act in that office until he/she has given the authority this written undertaking.

The monitoring officer of the authority must establish and maintain a register of interests of the Members and co-opted members of the authority under section 81 of the Local Government Act 2000. Members and co-opted members must register all their financial and other interests as specified in the Code and do so before participating in any business of the authority related to those interests. The register of interests will be available for inspection by the public at all reasonable hours.

SCHEDULE THE MODEL CODE OF CONDUCT

Part 1 General provisions

Introduction and interpretation

- 4 (1) This Code applies to you as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—
 - "meeting" means any meeting of—
 (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;

"member" includes a co-opted member and an appointed member.

Scope

- 2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

- (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).
- (5) Where you act as a representative of your authority—
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3. -(1) You must treat others with respect.
- (2) You must not—
 - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. You must not—

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

6. You-

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- 7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your authority's chief finance officer; or
 - (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part 2

Interests

Personal interests

- **8.** —(1) You have a personal interest in any business of your authority where either—
 - (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body-
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;

- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

- (2) In sub-paragraph (1)(b), a relevant person is—
 - (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

- **9.**—(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), 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 ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

- **10.** —(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of—
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

- **11.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
 - (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

- **12.** –(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
 - (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 - unless you have obtained a dispensation from your authority's standards committee;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

- 13. -(1) Subject to paragraph 14, you must, within 28 days of-
 - (a) this Code being adopted by or applied to your authority; or

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

- 14. —(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.
- (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation

PART FIVE – CODES AND PROTOCOLS Section A– Member Code of Conduct

Written Undertaking

member (delete as appro Haringey Council, undert conduct which is expecte	, being a member/co-opted opriate) of the London Borough of ake to observe the code as to the ed of Members/co-opted members of the London Borough of Haringey
Signed	Date
This undertaking was made	de and signed before me
Signed	.Date

Proper officer of the authority

DECLARATION OF ACCEPTANCE OF OFFICE

I [(1)] having been elected to the office of [(2)] of the London Borough of Haringey declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.
I undertake to observe the code as to the conduct that is expected of members of the London Borough of Haringey
Signed Date
This declaration was made and signed before me,
Signed Date
Proper officer of the council.
(1) Insert the name of the person making the declaration.
(2) Insert "member" or "Mayor" as appropriate.

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PART FIVE - CODES AND PROTOCOLS
Section B- Protocol for Member Officer Relations

(NB. Extract only of relevant parts of Member Officer Protocol)

Formal complaints about Members

9.14. These may be made to the employee's Service Head. Within five working days, they will give an indication of how the matter will be dealt with and roughly how long it might take. Any complaint by a Chief Officer should be referred to the Chief Executive.

9.15. Normally they will:

- (a) inform and involve the Monitoring Officer, and
- (b) advise the Leader of the party group of the complaint.

The Monitoring Officer may reject a complaint made under paragraph 9.16 (a) or (b) below on the grounds that it is vexatious, plainly ill-founded or substantially the same as a complaint previously determined under the procedures below. There is no right of appeal against the Monitoring Officer's ruling but this is without prejudice to any statutory rights to pursue the matter which the complainant may have. The Monitoring Officer has *limited* no power to reject a complaint made under the <u>Arrangements for dealing with allegations</u> that a member has failed to comply with the Members' Code of Conduct (the 'Arrangements') which must otherwise be considered by a Standards Assessment Sub-Committee.

- 9.16 Complaints will be handled under one of the following procedures:
 - (a) Through a process of mediation if this is appropriate and both parties to the complaint agree; or
 - (b) Through an internal investigation by the Service Head or their appointee. The Service Head will consult the Head of Human Resources and the Monitoring Officer about the arrangements for the investigation and may appoint an appropriate person from within or outside the complainant's Service/Directorate to investigate. Whenever practicable an investigation will be completed within 6 months but there may be circumstances where this is not possible. This procedure is distinct from the statutory procedures under the Arrangements; Members' Code of Conduct;
 - (c) Through a formal complaint under the <u>Arrangements</u> Members' Code of Conduct which is appropriate for more serious cases, or if the officer concerned requests it, provided that the facts fall within the scope of the Code.

Only one of the three procedures will be pursued at any time but a complainant has the right to discontinue under one procedure and to start the complaint afresh under another procedure. The advice of the Service Head and the Monitoring Officer on the options available

PART FIVE - CODES AND PROTOCOLS
Section B- Protocol for Member Officer Relations

in terms of procedures will be given to the complainant when the complaint is first made and before any change to a different procedure.

- 9.17 An officer making a complaint can ask the Monitoring Officer to advise whether the matter might amount to a potential breach of the Members' Code of Conduct. At all times, a complainant has the right to make a formal complaint that a Member has acted in breach of the Code of Conduct and any such complaint will be referred to <a href="mailto:the Monitoring Officer who has limited power to determine that it does not merit any further action or to refer it to an Assessment Sub-Committee of the Standards Committee for a decision as to whether it should be investigated under the Arrangements. Code. But not all complaints will fall within the scope of the Code and complainants will be advised wherever possible to refer less serious complaints to mediation or internal investigation.
- 9.18 Some issues are matters of party discipline. Such breaches of this protocol will normally be dealt with by the party itself. More serious breaches falling under the Members' Code of Conduct, and where the Monitoring Officer advises that this is appropriate, will be referred to the Standards Assessment Sub-Committee by the party Leader and/or by the complainant.
- 9.19 Complaints under paragraphs 9.16 (a) and (b) will be kept confidential to the parties to the complaint, the investigator, persons interviewed in the course of the investigation, the party Leader and the Monitoring Officer. Complaints under 9.16 (c) follow the statutory procedure.
- 9.20 The outcome of complaints handled under paragraphs 9.16 (a) and (b) will be reported regularly by the Monitoring Officer to the Standards Committee for monitoring and for the Committee to consider issuing guidance on ethical governance to the Council in the light of cases.

Report of the Governance Review Delivery Group Council 21 May 2012

Chair: Councillor Claire Kober

1. Introduction

1.1 This report outlines the proposed detailed text changes to the Council's Constitution, for implementing the recommendations of the Governance Review Delivery Group as part of their evaluation of the arrangements that came into effect in May 2011.

2. Background

- 2.1 At the Council meeting in January 2011 in regard to the Governance Review carried out by Shared Intelligence, the Council resolved to establish an informal Delivery Group of members with a view to making recommendations for adoption by full Council and implementation as from Annual Council in May 2011.
- 2.1 At the Council meeting in May 2011 the recommendations of the Delivery Group were approved, and it was resolved that the Delivery Group would monitor the implementation of the Governance Review throughout 2011/12.
- 2.2 Since May 2011, the informal Delivery Group has been convened on three occasions. It has met on 24 January 2012, 3 April 2012 and 2 May 2012.
- 2.3 As part of their evaluation of the new arrangements over 2011/12, the Delivery Group carried out a consultation to receive the feedback from residents, members, stakeholders and officers.
- 2.4 The Delivery Group has considered how the arrangements for 2011/12 have been implemented, and made recommendations for a number of changes. The Group has recommended text amendments to the Council's Constitution, as well as to the set of protocols which were developed to implement the changes in May 2011.
- 2.5 This report outlines the Delivery Group's proposals for amending the Council's Constitution, which are provided in full in Appendix 1 of this report, for implementation as from May 2012.

3. Constitutional Amendments

The following amendments to the Council Constitution are proposed.

Part 1 – Summary and Explanation

3.1 The revised Part 1 removes a reference to the Area Assemblies, and the Haringey Strategic Partnership which no longer exists. Reference to the Standards Board for England is also removed, as this has been abolished by legislation.

Part 2 – Articles of the Constitution

- 3.2 Article 3 is amended at 3.01 to remove reference to the Standards Board for England which has been abolished.
- 3.3 Article 4 is amended at 4.01 to reflect the updated policy and strategy framework of the Council, and at 4.03 to include the budget-setting full Council meeting.
- 3.4 Article 6 is updated at 6.01 to reflect an update to the Local Government Act 2000, and at 6.03 to take into account the establishment of Scrutiny Review Panels in place of the current Task and Finish Scrutiny Reviews.
- 3.5 Article 7 is updated to remove the provisions during the 2010 Council election year.
- 3.6 Article 10 is updated to reflect that there is no longer a requirement for Area Committee Chairs to sit on the Overview and Scrutiny Committee.
- 3.7 Article 12 is amended at 12.01 to reflect restructures to the Council's Directorates, and at 12.03 to remove reference to the Standards Board for England which has been abolished.

Part 3 Section A – Local Choice Functions

3.8 This section is revised to remove reference to the General Purposes Committee, and to reflect restructures to the Council's Directorates.

Part 3 Section B – Budget and Policy Framework Schedule

3.9 This section is amended to reflect the updated policy and strategy framework of the Council.

<u>Part 3 Section C – Terms of Reference Full Council and Non-Executive</u> Bodies

3.10 The Terms of Reference are amended at Section 2 and Section 3 under the OSC, to reflect the establishment of Scrutiny Review Panels, and that Area Committee Chairs are no longer required to sit on Overview and Scrutiny Committee.

Part 3 Section D - Terms of Reference The Cabinet and Cabinet Bodies

3.11 The Terms of Reference are amended to remove reference to the Cabinet Procurement Committee and the Cabinet Voluntary Sector Committee, following agreement that they should be

decommissioned.

Part 4 Section E - Budget & Policy Framework Procedure Rules

3.12 This section is amended to reflect the establishment of Scrutiny Review Panels.

Part 4 Section G - OSC Procedure Rules

- 3.13 The OSC Procedure Rules are amended to reflect the establishment of Scrutiny Review Panels, in terms of their responsibilities and how their recommendations shall be reported to Cabinet. The Rules are also amended to reflect that there is no longer a requirement for Chairs of Area Committees to sit on OSC.
- 3.14 The responsibilities of the Overview and Scrutiny Committee are updated under paragraph 17 to ensure the link between Area Committees and the scrutiny function is maintained.

Part 4 Section J - Contract Procedure Rules

3.15 The Contract Procedure Rules are updated to reflect the decommissioning of the Cabinet Procurement Committee, and to remove reference to a Constitution Review Working Group reviewing CSOs.

Appendix E Section 8

3.16 The Appendix is revised to increase the threshold of delegated authority for restructures from 20 to 50 posts. This amendment is intended to improve the management of agendas for Corporate Committee.

4. Recommendations

- 4.1 It is recommended that members resolve:
 - I. To approve the detailed text changes to the Constitution, for implementation from May 2012.

5. Appendices

Appendix 1 – Text amendments to the Constitution

- Part 1 Summary and Explanation
- Part 2 Articles of the Constitution
- Part 3 Section A Local Choice Functions
- Part 3 Section B Budget and Policy Framework Schedule
- Part 3 Section C Terms of Reference: Full Council and Non-Executive Bodies
- Part 3 Section D Terms of Reference The Cabinet and Cabinet Bodies
- Part 4 Section E Budget & Policy Framework Procedure Rules

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- Part 4 Section G Overview and Scrutiny Procedure Rules
- Part 4 Section J Contract Procedure Rules
- Appendix E Section 8

Part One Summary and Explanation

The Council's Constitution

The London Borough of Haringey has agreed a new Constitution which 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. The law requires some of these processes, while others are a matter for the Council to choose.

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to clear and transparent decision-making, which is inclusive and provides a focus for community leadership whilst also ensuring effective and efficient use of resources. Article 2 explains the role of members and Article 3 explains the rights of citizens in relation to the Constitution. Articles 4-16 explain how the key parts of the Council operate.

How the Council operates

The Council is composed of 57 councillors elected 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.

Councillors have to agree a code of conduct to ensure high standards in the way they undertake their duties. The Council's Standards Committee advises them on the code of conduct, arranges training and may hold hearings into alleged misconduct. , if requested to do so by the Standards Board for England.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader and the Leader appoints members of the Executive (known in Haringey as the Cabinet). The Council also appoints the various non-executive committees of

PART ONE - SUMMARY AND EXPLANATION

the Council which cover regulatory matters outside the remit of the Cabinet. At Council meetings, members of the Council may:-

- Put forward motions for debate on issues of concern;
- Question the members of the Cabinet on their functions and the Council's services;
- Ask questions of the chairs of other Council committees and Council representatives on joint authorities
- Present petitions to the Council on behalf of local people;
- Debate and decide the budget and major Council policies.

Members of the public are also entitled to ask questions at Council meetings; and to attend and speak as a deputation. They may also take part in debates which are specifically identified for that purpose.

At the Annual Meeting of the Council, the Council shall elect the Mayor and the Mayor appoints the Deputy Mayor.

How decisions are made

Some Council functions, such as decisions on planning applications or licensing matters, are regulatory matters under the overall responsibility of the Council itself. The Council has set up committees to deal with most of these. However, the Cabinet, is the part of the Council which is responsible for most day to day decisions. It is made up of the Leader and between 2 and 9 other Council members appointed by the Leader. decisions are to be discussed or made, these are published in the Cabinet's forward plan insofar as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend, except where personal or confidential matters are being discussed. In practice all decision-making by the Cabinet is similarly open to the public. The Cabinet has to make decisions which are in line with the Council's overall policies and budget which have to be decided by the Council as a whole. If the Cabinet wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

The Cabinet is allowed to delegate decision-making to Cabinet committees, to individual Cabinet members or to officers. The Council or its committees can also delegate decision-making to sub-committees or to officers.

Whenever there is a reference in this Constitution to a decision that may be taken by the Cabinet meeting, a Cabinet Committee or by an individual Cabinet Member, that decision may also be taken by the Leader personally. This also applies to Cabinet or executive functions delegated to officers except in the few instances, for example decisions requiring specific professional expertise, where legally a decision of that kind may only be taken by an officer. These powers of the Leader do not extend to non-executive committees or non-executive functions delegated to officers.

Overview and Scrutiny

The Council appoints the Overview and Scrutiny Committee from among the non-executive (non-Cabinet) councillors to support the work of the Cabinet and the Council as a whole. The Overview and Scrutiny Committee coordinates and manages the work of any scrutiny panels which may be set up. They look into matters of concern and make reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. They also monitor the decisions of the Cabinet and can call in a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Cabinet re-consider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

Area Assemblies Committees

In order to give local people a greater say in Council affairs, the Council has created a structure of area <u>committees</u>. assemblies. They involve councillors for each particular area and may have local people co-opted onto them. The role of area <u>committees</u> assemblies is to consult local people and consider issues of local concern or significance and to advise the Cabinet and the Council on them. They also have the role of drawing up a local community action plan designed to address the particular needs of the area. The Council or the Cabinet may give any area committee specific delegated powers to make decisions on some matters relating specifically to that area. Area committees each cover groups of wards of the Council.

Haringey Strategic Partnership

The Haringey Strategic Partnership (HSP) is the forum in which all public, private and voluntary sector organisations in the borough come together. Through the Haringey Strategic Partnership the Council works with its Partners to achieve the outcomes set out in the Local Area Agreement, to co-ordinate the best use of resources and tackle the difficult issues facing the communities of Haringey.

The HSP priorities are set out in the Haringey Community Strategy. This strategy is the overarching plan to improve the borough.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A member/officer protocol governs the relationships between officers and Members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local citizens' advice bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example, as a parent or carer of a child at school or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:-

- Vote at local elections if they are registered;
- Contact their local councillor about any relevant matters of concern to them;
- Be treated equally and have equal opportunity with other citizens;
- Obtain a copy of the Constitution;
- Attend meetings of the Council and its committees, except where, for example, personal or confidential matters are being discussed;
- Petition to request a referendum on a mayoral form of Cabinet;
- Participate in Council meetings as indicated above;
- Contribute to investigations by the Overview and Scrutiny Committee and scrutiny panels;
- Find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or Officers, and when;
- Attend meetings of the Cabinet, particularly where key decisions are being discussed or decided, except where, for example, personal or confidential matters are being discussed;
- See reports and background papers and any record of decisions made by the Council and the Cabinet;
- Complain to the Council about a problem with a Council service a leaflet and form are available which explain how this can be done;
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should do this only after using the Council's own complaints procedure.
- Complain in writing to the Council's Standards Committee or the Standards Board for England if they have evidence which they think shows that a councillor has not followed the Council's code of conduct;
- At the time of the external audit of the Council's accounts, inspect those accounts and make their views known to the external auditor.

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PART ONE - SUMMARY AND EXPLANATION

The Council's procedures also allow members of the public to present deputations or ask questions at Council or Cabinet meetings.

The Council welcomes participation by its citizens in its work. A statement of the rights of citizens to inspect agendas and reports and attend the meetings (the Access to Information Procedure Rules) is set out in Part 4 of the Constitution and is available on request from the Head of Local Democracy & Member Services.

Part Two Articles

Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the London Borough of Haringey.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

- 1. Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 2. Support the active involvement of citizens in the process of local authority decision-making;
- 3. Help councillors represent their constituents more effectively;
- 4. Enable decisions to be taken efficiently and effectively:
- 5. Create a powerful and effective means of holding decision-makers to public account;
- 6. Ensure that no-one will review or scrutinise a decision in which they were directly involved;
- 7. Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 8. Provide a means of improving the delivery of services to the community.

1.04 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 - Members of the Council

2.01 Composition and eligibility

- (a) Composition. The Council will comprise 57 Members, otherwise called Councillors. Three Members will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State or by the Electoral Commission.
- (b) **Eligibility.** People can hold office as Councillors if they are on the electoral register or if they have lived, worked or occupied property in the Borough for 12 months.

2.02 Election and terms of councillors

Election and terms. The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2002. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
 - (i) Collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
 - (iii) Effectively represent the interests of their ward and of individual constituents;
 - (iv) Respond to constituents' enquiries and representations, fairly and impartially;
 - (v) Participate in the governance of the Council;
 - (vi) Maintain the highest standards of conduct and ethics; and
 - (vii) Be available to represent the Council on other bodies.

(b) Rights and duties

- (i) 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.
- (ii) 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. However, a Committee may disclose information previously treated as "exempt" where such information is within the Committee's terms of reference and such disclosure is reasonable, in the public interest, in good faith and does not breach any other reasonable requirements of the Council. The advice of the Monitoring Officer should be sought prior to any disclosure of such information.
- (iii) For these purposes "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part 4 of this Constitution which define Councillors rights to information in more detail.

2.04 Conduct

Councillors will at all times observe the Member's Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

Article 3 - Citizens of The Council

3.01 Citizens rights

This Article explains the rights of citizens in Haringey. The rights of citizens to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution:

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
 - (i) Attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) Attend meetings of the Cabinet when key decisions are being made except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) Find out from the forward plan what key decisions will be taken by the Cabinet and when and what key decisions will be taken by officers;
 - (iv) See reports and background papers, and any records of decisions made by the Council and the Cabinet; and
 - (v) Inspect the Council's accounts and make their views known to the external auditor.
 - (vi) Be informed in writing whether the Council holds any information as requested under the Freedom of Information Act 2000. If the information is held by the Council, citizens have the right to have that information communicated to them except where such information is the subject of an exemption under the Freedom of Information Act 2000.

(c) Participation.

The Council is committed to helping people contribute to how decisions are made about local services, and will therefore support a wide range of consultations to hear residents' views. The Council also wants to develop more ways of working with local people and communities, particularly hard to reach

groups such as young people and minority ethnic communities. In addition, individual citizens of Haringey have the following rights under this Constitution:

- (i) The right to participate in any public sessions arranged for members of the Cabinet to answer questions from Haringey residents.
- (ii) The right to be asked to contribute to the work of the Overview and Scrutiny Committee and its scrutiny panels and reviews.
- (iii) The right to attend as part of a deputation to the Cabinet and to Council in accordance with the relevant rules.
- (d) **Representations and Complaints**. Citizens wishing to complain may:
 - (i) Make representations to their ward Councillors or to members of the Cabinet;
 - (ii) Make a formal complaint about any Council service to the Council itself under its complaints scheme;
 - (iii) Complain to the Ombudsman after using the Council's own complaints scheme;
 - (iv) Complain to the Standards Board for England <u>Make a</u> <u>formal complaint</u> about a breach of the Councillor's Code of Conduct.

(e) **Petitions**

People on the electoral roll for the Council's area may sign a petition to request a referendum for an elected Mayor form of Constitution. Citizens may also present petitions on other matters to the Cabinet, to Council or their ward member.

3.02 Citizens responsibilities

There are a number of ways that Haringey citizens can contribute to a flourishing democratic local authority and civic culture, which this Constitution is intended to support:

(i) Assisting the Council with the compilation of the electoral register (including meeting their obligations to provide information about themselves and members of their household) and respecting any requirements for proper use of this information;

PART TWO - ARTICLES OF THE CONSTITUTION

- (ii) Exercising their right to vote in local, regional, national and European elections;
- (iii) Respecting and valuing the diversity of communities and their views within a densely populated urban area such as Haringey;
- (iv) Behaving in socially and morally responsible ways, towards those in authority and towards each other;
- (v) Meeting their obligations in relation to the Council, such as paying their Council Tax, ensuring their child attends school, etc.
- (vi) Citizens must not be violent, abusing or threatening to Councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Article 4 - The Full Council

4.01 Meanings

(a) **Policy Framework.** These are the plans and strategies that Haringey Council has decided should be reserved to the full Council for approval:

Overarching strategies:

- (i) <u>Sustainable</u> Community Strategy; and
- (ii) Core Strategy, Local Development Framework
- (iii) Such other strategies that the full Council is required to adopt as a matter of law.

Major service plans Key Documents:

- (i) Housing Strategy;
- (ii) Unitary Development Plan;
- (iii) Single Education Plan;
- (iv) Strategy for Children and Young People;
- (v) (ii) Local Transport Plan; Local Implementation Plan
- (vi) Statement of Licensing Policy
- (vii) (iii) Statement of Gambling Policy

(viii) (iv) Youth Justice Plan

(ix) (v) Such other service plans that the full Council is required to adopt as a matter of law.

Plans required from partnerships of which the authority is a member:

- (i) Crime and Disorder Reduction Partnership/Drug Action Team Strategy <u>Community Safety Strategy</u>; and
- (ii) Connexions Business Plan

Such other plans and strategies that Haringey Council decides should be reserved for the full Council for approval and adopted by it.

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits. The determination of the Council Tax Base is delegated to the Chief Finance Officer in consultation with the Cabinet Member for Finance and the Cabinet Advisory Board.

(c) Housing Land Transfer. Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person 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.

4.02 Functions of the full Council

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in the appropriate schedule above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4.01 (c) above;
- (f) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Cabinet 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;
- (g) Appointing the Leader;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;
- (i) Agreeing recommendations arising from Scrutiny Reviews of non-executive functions;
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (m) Adopting and amending the Members' Allowances Scheme;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;

- (o) Confirming the appointment or dismissal of the Head of Paid Service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Cabinet;
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three years;
- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and
- (y) All other matters that, by law, must be reserved to Council.

4.03 Council meetings

There are three four types of Council meetings:

- (a) The Annual meeting;
- (b) The Budget Setting meeting;
- (b) Ordinary meetings;
- (c) Extraordinary meetings.

They will be conducted in accordance with the Standing Orders (Council Procedure Rules) in Part 4 of this Constitution. Council meetings will be chaired by the Mayor if he/she is present. If the Mayor is not present, Council will select another Councillor to take the Chair. The Deputy Mayor does not automatically chair the meeting in the Mayor's absence. The Council may select the Deputy Mayor if it so wishes.

4.04 Responsibility for functions

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PART TWO - ARTICLES OF THE CONSTITUTION

The Council will maintain the information in Part 3 of this Constitution setting out the responsibilities for the Council's functions that are not the responsibility of the Cabinet.

Article 5 - Chairing the Council

5.01 Role and function of the Mayor

The Mayor will have the following roles and functions:

- 1. To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- 2. To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- 3. To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not members of the Cabinet or hold committee chairs are able to hold the Cabinet and committee chairs to account;
- 4. To promote public involvement in the Council's activities;
- 5. To be the conscience of the Council; and
- 6. To attend such civic and ceremonial functions as the Council and he/she determines appropriate.

5.02 First Citizen.

The Mayor shall take precedence i.e. shall be the first citizen of the London Borough of Haringey.

Article 6 - Overview and Scrutiny

6.01 Terms of reference

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by section 21 section 9F of the Local Government Act 2000, the Health & Social Care Act 2001 and the NHS Reform & Health Professionals Act 2002.

6.02. General role

Within its terms of reference, the Overview and Scrutiny Committee may:

- (a) Exercise an overview of the forward plan;
- (b) Review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) Make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) Make reports or recommendations on matters affecting the area or its inhabitants;
- (e) Exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (f) Receive the reports and recommendations of its commissioned Scrutiny Review Panels; and
- (g) In accordance with statutory regulations to review and scrutinise matters relating to the health service within the Authority's area and to make reports and recommendations thereon to local NHS bodies.

6.03 Specific functions

(a) Scrutiny Review Panels.

The Overview and Scrutiny Committee shall appoint task oriented, time limited Scrutiny Review Panels in order to discharge the Overview and Scrutiny role <u>for designated public services</u> and will co-ordinate their respective roles.

(b) Policy development and review.

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

(i) Assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

- (ii) Conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) Question members of the Cabinet and chief officers about their views on issues and proposals affecting the area; and
- (v) Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(c) Scrutiny.

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish may:

- (i) Review and scrutinise the decisions made by and performance of the Cabinet and council officers both in relation to individual decisions and over time;
- (ii) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) Question members of the Cabinet 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;
- (iv) Make recommendations to the Cabinet or relevant nonexecutive Committee arising from the outcome of the scrutiny process;
- (v) Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- (vi) Question and gather evidence from any person (with their consent).

(d) Finance

Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.

(e) Annual report.

Overview and Scrutiny Committee must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

6.04 Proceedings of Overview and Scrutiny Committee

The Overview and Scrutiny Committee and any Scrutiny Review Panels it may establish will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.05 Votes of No Confidence

The Chair of the Overview and Scrutiny Committee or the Chair of a Scrutiny Review Panel shall cease to hold that office as a Scrutiny member if a vote of no confidence, of which notice appears on the agenda, is carried at the meeting of the relevant body. The responsibilities of that member shall be carried out by the relevant Vice-Chair until such time as a subsequent meeting of that body has been notified of the appointment of a replacement or the reappointment of the member concerned. In the event of all members of the Overview and Scrutiny Committee having been removed from office in this way at any time, Scrutiny functions shall in the interim be carried out by Full Council.

Article 7 - The Leader and the Cabinet

7.01 The Leader

The Leader will be a councillor elected to the position of Leader by the Council. The Leader may exercise any "executive" functions of the local authority even if delegated elsewhere in this Constitution except those functions which by law must be discharged by an officer. Unless the context indicates otherwise, where there is a reference in this Constitution to a decision which may be taken by the Cabinet meeting, by a Cabinet Committee or subordinate body or by an individual Cabinet Member, that decision may be taken by the Leader personally.

7.02 The Leader will hold office until:

- (a) He/she resigns from the office; or
- (b) He/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) He/she is no longer a councillor; or
- (d) He/she is removed from office by resolution of the Council under Article 7.06; or
- (e) The Annual Meeting following the Council Elections after his/her election as Leader.

Council Election Year Provisions in 2010

In 2010 the provisions below will apply in place of (e) above in the period between Election day and the Annual Meeting or the first election of a Leader if that occurs after the Annual Meeting:

- (i) If the Leader in office immediately before the Council

 Elections is re-elected as a councillor within the political group
 having an overall majority of councillors after the Elections,
 then the Leader shall continue in office until the election of a
 Leader by the Council and may exercise any "executive"
 functions under this Constitution, if necessary. The Leader may appoint an Interim Deputy Leader with power to exercise
 "executive" functions if the Leader is unable to act. The
 Leader shall not appoint other Cabinet Members.
- (ii) If the Leader in office immediately before the Council Elections ceases to be a councillor or ceases to be within the political group having an overall majority of councillors after the Elections, then the Leader shall not continue in office and delegated power is granted to the Chief Executive to exercise all "executive" functions of the Council in consultation with the representative of the largest political group of councillors

- (or groups in the event of a parity of councillors) but only in cases of genuine urgency,
- (iii) Decisions made under these Council Election Year Provisions must be reported to the first meeting of the appropriate body after the Annual Meeting which is likely to be the first meeting of the newly constituted Cabinet of the Council.
- (iv) For the avoidance of doubt, the scheme of delegation to officers with respect to both "executive" and "non-executive" functions will remain in force.

7.03 The Cabinet

The Cabinet will carry out all of the local authority's "executive" functions that are not the responsibility of any other part of the local authority, whether by law or under this Constitution, unless the Leader decides to discharge them personally.

7.04 Form and Composition

The Cabinet will consist of the Cabinet Leader together with between 2 and 9 other councillors ("Cabinet Members") appointed to the Cabinet by the Leader.

7.05 Other Cabinet Members

- (i) The Leader will determine the number of Cabinet Members to be appointed which will be between 2 and 9 (in addition to the Leader).
- (ii) Each Cabinet Member will be appointed by the Leader to cover one of the specific portfolio responsibilities (other than those reserved to the Leader) determined by the Leader. The Leader or a Cabinet Member must hold the specific statutory portfolio responsibility for Children's Services and a separate portfolio responsibility for Adult Services.
- (iii) One Cabinet Member will be appointed as Deputy Leader with power to exercise the Leader's functions in the event that the Leader is unable to act or the office is vacant.
- (iv) Individual Cabinet Members may exercise powers delegated by The Leader within their specific portfolio responsibilities as set out in Part 3.
- (v) Cabinet Members shall hold office until one of the events (a) to
 (d) below: but in 2010 the Cabinet Members in office
 immediately before the Elections shall cease to hold office

after the Council Elections whether or not they are re-elected as councillors:

- (a) They resign from office; or
- (b) They are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension): or
- (c) They are no longer councillors; or
- (d) They are removed from office, either individually or collectively, by the Leader; or
- (e) The Annual Meeting following the Council Elections after their appointment.

7.06 Votes of No Confidence

The Leader shall cease to hold office if a vote of no confidence, of which notice appears on the agenda, is carried at a meeting of the full council by a majority of the members of the whole council then present. The responsibilities of the Leader shall then be carried out by the Deputy Leader until such time as the election of a replacement Leader, or the re-election of the previous Leader, by full Council. The election of the new Leader may take place at the meeting when the vote of no confidence was carried or at a subsequent meeting.

7.07 Default Provisions

- (i) In the event that Leader is unable to act or the office of Leader is vacant and, at the same time, the Deputy Leader is unable to act or the office of Deputy Leader is vacant, then the other Cabinet Members shall act collectively in place of the Leader until such time as a new Leader is elected by the full Council.
- (ii) In the event that no Cabinet Members remain in office or able to act then all functions of the Leader and Cabinet Members shall be exercised by the Chief Executive acting so far as is practicable in consultation with the Mayor, or Deputy Mayor if the Mayor is unable to act, until such time as a new Leader is elected by the full Council.

7.08 Proceedings of the Cabinet

Proceedings of the Cabinet and decisions by individual Cabinet Members shall take place in accordance with the Cabinet Procedure Rules set out in Part 4.

7.09 Responsibility for Functions

The Leader will maintain a list in this Constitution or the appendices to it setting out which individual Cabinet Members, Committees of the Cabinet or officers are responsible for the exercise of particular Cabinet functions.

Article 8 - Non-Executive Committees

- **8.01** A number of functions such as planning control, licensing, health and safety regulation, electoral matters, local act powers, employee terms and conditions and pensions matters are not Executive functions for which the Cabinet is responsible. These matters are excluded from the Executive functions by law, regulations or the provisions of this Constitution.
- 8.02 The Council shall appoint a Committee to be called the Regulatory Committee to be responsible for planning control and licensing matters and a Committee to be called the Corporate Committee to be responsible for other non-executive functions as specified under legislation that are not reserved to full Council or delegated to any other Committee, Sub-Committee, Panel or other body described in Part 3 of this Constitution or an appendix to it. The Council's functions as statutory trustee of the Alexandra Palace and Park charitable trust are discharged by the Alexandra Palace and Park Board.
- **8.03** The Council's non-executive functions are currently set out in Statutory Instruments 2000 No. 2853, and 2001 No. 2212 and subsequent amending Regulations.
- **8.04** The Committees described above will be established at the Annual Meeting of the Council.
- **8.05** The Committees described above will establish appropriate subcommittees, whose terms of reference are set out in Part 3 of this Constitution or an appendix to it.
- **8.06** Proceedings of the Committees and their sub committees shall take place in accordance with the Council Committee Procedure Rules in Part 4 of this Constitution.

Article 9 - The Standards Committee

9.01 Standards Committee

The Council meeting will establish a Standards Committee.

9.02 Composition

The Standards Committee will be composed of Councillors who may not include the Leader or Mayor or more than one Cabinet Member and the independent members none of whom are Councillors or officers of the Council or any other body having a Standards Committee. At least one quarter of the membership of the Committee must be independent members.

- (a) **Membership.** The Standards Committee is composed of Councillors and independent members
- (b) **Independent members.** Independent members will be entitled to vote at meetings;
- (c) Chairing the Committee.
 - (i) The Committee selects its own Chair from among the Independent Members.
 - (ii) The Chair of the Standards Committee will have a casting vote in the event of a vote being tied.
- (d) **Quorum.** The quorum is three including a Chair from among the independent members and at least one Councillor.

9.03 Role and Function

The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and coopted members on matters relating to the Members' Code of Conduct and the ethical framework:
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and coopted members;
- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;
- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (l) Responding to national reviews and consultations on standards related issues;
- (m) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (n) Advising the Council on the appointment of independent members and taking steps to select them.

Article 10 - Area Committees

10.01 Area Committees

The Council shall appoint Area Committees in order to ensure improved service delivery and more efficient, transparent and accountable decision making.

10.02 Form, composition and function

- (a) **Composition** There is no requirement for political balance on Area Committees. The membership comprises all the Members from the relevant area .
- (b) Terms of Reference The terms of reference of the Area Committees are set out in Part 3 of this Constitution. Area Committee meetings shall commence with an open forum, intended as an opportunity for informal public consultation on a broad cross-cutting range of local issues. The remainder of the Area Committee meeting will have a more formal decision-making and advisory structure.
- -(c) **Delegations.** The Council and the Cabinet will include details of any delegations to Area Committees in Part 3 of_this Constitution.

10.03 Access to Information

Area Committees will comply with the Access to Information Procedure Rules in Part 4 of this Constitution and with the Committee Procedure Rules in Part 4 except where this would be inconsistent with the Protocol on Area Committees.

10.04 Cabinet Members and the Mayor on Area Committees

A member of the Cabinet <u>or the Mayor</u> may serve on the Area Committee if otherwise eligible to do so as a councillor. A Cabinet Member <u>or the Mayor</u> may not serve as a Chair of an Area Committee. because of the Chair's membership of Overview and Scrutiny Committee.

Article 11 - Joint Arrangements

11.01 Arrangements to promote well being

The Leader, or the Cabinet with the Leader's agreement, in order to promote the economic, social or environmental well-being of its area, 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.

11.02 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions that are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee or board within these other local authorities. The Council may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations. These other arrangements are called "boards" in this Constitution.
- (b) The Council may establish joint arrangements with one or more local authorities and their Executives to exercise functions that are partly Executive and partly Non-Executive ("mixed functions"). Such arrangements may involve the appointment of a joint committee or board with these other local authorities or bodies. Where the Council appoints only one Member to such a joint committee, that Member may be, but need not be, a Cabinet Member. Where the Council appoints more than one Member to such a joint committee, at least one of them shall be a Cabinet Member.
- (c) The Leader, or the Cabinet with the Leader's agreement, may establish joint arrangements with the Executives of one or more local authorities or other organisations to exercise functions that are Executive functions or to advise the Cabinet. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Leader, or the Cabinet with the Leader's agreement, may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.

- (d) Except as set out below, the Leader or the Cabinet may only appoint Cabinet Members to a joint committee or board and those members need not reflect the political composition of the local authority as a whole.
- (e) The Leader, or the Cabinet with the Leader's agreement, may appoint Members to a joint committee or board from outside the Cabinet in the circumstances where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward that is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (f) Details of any existing joint arrangements including any delegations to joint committees will be found at the end of this Article.

11.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee or board are members of the Cabinet in each of the participating authorities then the access to information rules relating to the Executive in the Local Government Act 2000 will apply.
- (c) If the joint committee or board contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting in the case of non-executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.

11.05 Delegation to and from other organisations

- (a) The Council may delegate non-Executive functions to other organisations or boards where legislation allows.
- (b) The Leader, or the Cabinet with the Leader's agreement, may delegate Executive functions to other organisations or boards where legislation allows.
- (c) The decision whether or not to accept such a delegation from another organisation or board shall be reserved to the Council in the case of non-executive or mixed functions and to the Leader, or the Cabinet with the Leader's agreement, in the case of executive functions.
- (d) The Leader, or the Cabinet with the Leader's agreement, may appoint other Cabinet members to act as the Leader's representatives and to exercise executive functions at meetings of the Haringey Strategic Partnership (HSP) and its subordinate bodies. Decisions taken by a Cabinet Member or Members in this way will have immediate effect. For the avoidance of doubt, the same will apply where the Leader sits in person as a member of the HSP or its subordinate bodies.

11.06 Contracting out

The Council for non-executive functions, and the Leader, or the Cabinet with the Leader's agreement, for executive functions, 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 Delegation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

11.07 London Councils Arrangements for Co-ordinating Response to Emergencies

(a) The Council and Cabinet have resolved to delegate their powers under section 138 of the Local Government Act 1972 (power to incur expenditure to avert or alleviate the effects of an emergency or disaster) to an outside Chief Executive appointed to co-ordinate the response of London local authorities to a major incident or a lesser emergency. This "L.A. Gold" will be appointed under arrangements approved by Central Government, London Councils and the London Resilience Team.

- (b) Where an incident, emergency or other event emerges over a period of time (such as a pandemic or extreme weather), and where the Gold Co-ordination Group ("Gold Command") may not have been convened, L.A. Gold will be empowered on behalf of the London local authorities to co-ordinate any local authority response, as necessary, providing advice and guidance as required. In these circumstances L.A. Gold will not have power to incur expenditure or to exercise delegated powers unless authorised under paragraphs (c)(ii), (d)(ii) or (e) below.
- (c) The delegation of powers under section 138 of the Local Government Act 1972 to L.A. Gold will only have effect in the following circumstances:
 - (i) after the convening of Gold Command, normally led by the Police, in response to the declaration of a major incident, or
 - (ii) for other disruptive events such as extreme weather which do not require the convening of Gold Command, after the convening of a London Partnership Meeting, normally led by the London Resilience Team, provided that the agreement of London Councils (under delegated powers) is also secured.
- (d) Subject to paragraph (e) below, L.A. Gold will only have power to incur expenditure once:
 - (i) the Minister of State confirms that H.M. Government will reimburse expenditure reasonably incurred by L.A. Gold in taking immediate action to safeguard life or property or to prevent suffering or severe inconvenience, or
 - (ii) The Council or Councils in whose area the incident occurs confirm that it/they will reimburse expenditure incurred for the purposes in (i) above.
- (e) In the event that L.A. Gold has not been able to receive confirmation from the Council(s) in whose area the incident has occurred that expenditure will be reimbursed, and where it is absolutely essential for L.A. Gold to incur expenditure for the purposes in paragraph (d)(i) above, or to promote community cohesion and a return to normality, it has been agreed that the Council(s) affected will meet that expenditure provide it is kept to minimum levels and does not exceed £1 million in total while confirmation of reimbursement is being sought.

(f) All Council officers are authorised to take any action in accordance with instructions issued by the appointed L.A. Gold under the arrangements described above.

11.08 Outside Bodies

- (a) Introduction
- (i) The Council has nomination rights to a large number of different external bodies (referred to as "organisations"). The practice of making nominations to organisations is a benefit to the Council and the links created contribute to the social wellbeing of the Borough. Some of these arrangements involve the formal delegation of the Council's powers to organisations but this is not true in most cases.
- (ii) These organisations can be categorised as follows:
- (A) "Association bodies" e.g. Local Government Association or Association of London Government joint committees and panels,
- (B) "Statutory bodies" i.e. where Haringey needs to be represented by law, for example, the Alexandra Park & Palace Advisory Committee.
- (C) "Partnership bodies" which usually involve the Council working with other agencies on local issues or projects, for example, the Haringey Strategic Partnership,
- (D) "Trusts and Foundations" which generally have more specific and prescribed objectives, for example, the Tottenham Grammar School Foundation, and
- (E) "Voluntary/Community bodies" which cover a very wide spectrum of organisations serving the community, or community groups, in various ways.
- (F) "School Governing bodies" are independent organisations but the precise relationship to the Council varies according to the type of School.
- (b) Nominations Procedure
- (i) Nominations to all organisations will be made or confirmed at each Annual General Meeting (AGM) of the Council. In the case of Association and "Partnership" bodies, which mainly exercise "executive" functions at present, nominations of Cabinet Members will be made by the Leader, or the Cabinet with the Leader's agreement, and merely recorded in the complete list approved at the AGM.
- (ii) The capacity in which Members are nominated, the duration of the appointment and any other relevant terms and conditions

will be set out in the report to the AGM and recorded in the minutes. Nominations will be stated as being made "at the request of the Council".

- (iii) A full list of existing and newly nominated or appointed Councillors will be presented to the next meeting of full Council after the AGM setting out the name of the organisation, terms of appointment and status or capacity of the Councillor within the organisation.
- (iv) Future nominations to voluntary or community bodies will generally be in a non-voting, "observer" capacity only, in order to avoid the greater potential for conflicts of interest. Nominated Members will not participate in management or decision-making within the organisation. Their role will be to assist in the exchange of information and views between the organisation and the Council.
- (v) Nominations to other organisations will generally be in a full, voting capacity i.e. the Member should participate fully in management and decision making within the organisation, as appropriate, and should vote at its management committee. Exceptions would be made where the organisation so requested or its own constitution or ground rules so required. Nominations to trusts, for example, would have to be in a full, voting (not an "observer") capacity since the purpose of the nomination would be for the Member to have a decision making role.
- (c) Members' Conduct
- (i) The Members' Code of Conduct, as set out in the Council's Constitution, applies to Members' activities as representatives in any capacity on any outside body.
- (ii) In addition, nominated Members will be required to observe the Constitution or rules of the organisation itself, except in so far as there might, unusually, be a conflict with the Council's Members' Code of Conduct. Members should seek advice from the Monitoring Officer if they think that any such conflict could arise.
- (iii) Members may also be under legal duties imposed in respect of their roles in specific types of organisation e.g. as Directors of Limited Companies or as Charity Trustees. Further Guidance will be available to Members outside the text of this Constitution.

Article 12 – Officers

12.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council will engage persons for the following directorates, who will be designated chief officers:

DIRECTORATE	SERVICES
	Planning
URBAN	Enforcement
ENVIRONMENT	Safer Communities
<u>PLACE</u>	Streetscene
<u>&SUSTAINABILITY</u>	Regeneration
	<u>Recreation</u>
	<u>Libraries, Museums</u>
	<u>Property</u>
	Housing-
	Neighbourhood Regeneration Delivery (SRB)
	Capital Programme
CHILDREN & YOUNG PEOPLE	Children & families
	School standards & inclusion
	Service delivery & performance
	Business support & development
	Adults
ADULTS & <u>HOUSING</u>	Older People
COMMUNITY SERVICES	<u>Housing</u>
	Recreation
	Libraries, Museums
	Adult Learning
	Improvement & performance
POLICY,	Partnerships
PERFORMANCE,	Strategy & Policy development
PARTNERSHIPS,	Knowledge management
COMMUNICATIONS	Communications, consultation & reputation
ASSISTANT CHIEF	Community engagement
EXECUTIVE	Safer Communities Equalities
	Emergency Planning
	<u>Organisational Development</u>
	<u>Personnel</u>
	Learning & Development
	Local Democracy & Member Services
	Benefits & Local Taxation

DIRECTORATE	SERVICES
CORPORATE RESOURCES	Corporate Finance Corporate Procurement Audit & Risk Management Property IT Legal Customer Services
PEOPLE & ORGANISATIONAL DEVELOPMENT	Organisational Development Personnel Learning & Development Local democracy & Member Services Health, safety

(c) Head of Paid Service, Monitoring Officer and Chief Financial Officer.

The Council will designate the following posts:

Head of Paid Service Monitoring Officer Chief Financial Officer

Such posts will have functions described in Article 12.02 - 12.04 below.

(d) Structure. The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out in Appendix D to this Constitution.

12.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

- (a) Maintaining the Constitution. The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an Executive function if he or she considers that any omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (c) Contributing to corporate management. The Monitoring Officer will contribute to the corporate management of the Council
- (d) Supporting the Standards Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. The Monitoring Officer will be responsible for making periodic statutory returns of information to the Standards Board for England.
- (e) **Receiving reports.** The Monitoring Officer will receive and act on reports made by <u>the Standards Committee.</u> ethical standards officers and decisions of the case tribunals.
- (f) Conducting investigations. The Monitoring Officer, or investigators appointed by him/her in consultation with the Chair of the Standards Committee, will conduct investigations into matters referred by ethical standards officers or by the Standards Committee or one of its sub-committees and make reports on recommendations in respect of them to the Standards Committee.
- (g) Proper officer for access to information. The Head of Local Democracy & Member Services shall ensure that Cabinet and other Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible. The Monitoring Officer will advise and assist to ensure the proper performance of these functions.
- (h) Advising whether Cabinet decisions are within the budget and policy framework. The Monitoring Officer and the Chief Financial Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

- (i) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors. The monitoring officer will report on new and amended legislation to Council so that Members can consider the effects on services and the possible need to amend the scheme of delegations.
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the chief finance officer or the head of paid service.

12.04 Functions of the Chief Financial Officer

- (a) Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council or to the Cabinet in relation to an Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss of deficiency or if the Council is about to enter an item of account unlawfully.
- (b) Administration of financial affairs. The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) Contributing to corporate management. The Chief Financial Officer will contribute to the corporate management of the Council, in particular thorough the provision of professional financial advice.
- (d) **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to provide sufficient resources to the Monitoring Officer and the Chief Financial Officer

The Council will provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 13 - Decision Making

13.01 Responsibility for decision making

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 decision or decisions relating to particular areas of functions. This record is set out in Part 3 of this Constitution or an Appendix to it.

13.02 Principles of decision making

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) due consultation and the taking of professional advice from officers;
- (c) respect for human rights in particular, giving consideration to such issues at an early stage in the process;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

Furthermore, the Council will explain what options were considered and give reasons for the decision.

13.03 Types of decision

- (a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4 will be made by the full Council and not delegated.
- (b) Key decisions.

A key decision is a Cabinet decision which is likely:

- (i) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

PART TWO - ARTICLES OF THE CONSTITUTION

A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4, the Access to Information Procedure Rules set out in Part 4 and the Protocol for Key Decisions set out in Part 5.

13.04 Decision making by the Full Council

Subject to Article 4 the Council meeting will follow Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.05. Decision making by the Cabinet

Subject to Article 7 the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision making by the Overview and Scrutiny Committee

Subject to Article 6, the Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision making be the other Committees and Sub-Committees established by the Council

Subject to Article 8, other Council Committees and Sub-Committees will follow those parts of the Standing Orders set out in Part 4 of this Constitution as apply to them.

13.08 Decision making by Chief Officers

Subject to Article 12, Chief Officers shall follow the scheme of delegation, as set out in Part 3 of this Constitution and any Appendix to it, when considering any matter.

13.09 Decision making by Council bodies acting as tribunals

The Council, a councillor 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.

Article 14 - Finance, Contracts and Legal Matters

14.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

14.02 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

14.03 Legal proceedings

The Head of Legal Services is authorised to institute, defend 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 the Head of Legal Services considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract shall comply with the Council's Contract Standing Orders as outlined in Part 4 of this Constitution.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal Services. 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 in the opinion of the Head of Legal Services should be sealed or where required by the Contract Procedure Rules in Part 4 of this Constitution. The affixing of the Common Seal will be attested by the Head of Legal Services or some other person authorised by him/her either in relation to a specific document or to particular categories of documents.

Article 15 - Review and Revision of the Constitution

15.01 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.02 Protocol for monitoring and review of Constitution by monitoring officer

A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the monitoring officer may:

- (a) Observe meetings of different parts of the member and officer structure;
- (b) Undertake an audit trail of a sample of decisions;
- (c) Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- (d) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.03 Changes to the Constitution

- (a) Approval. Changes to the Constitution, including the Scheme of Members' Allowances, will only be approved by the full Council after recommendation of the proposal by an informal Member group convened by the Leader and following advice from the Monitoring Officer save that authority is delegated to the Monitoring Officer to make any changes required as a result of legislative change or decisions of the Council or Cabinet to further enable him / her to maintain it up to date.
- (b) Change from a Leader and Cabinet form of Executive to alternative arrangements, or vice versa. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals. If the proposals were to change the Executive Arrangements to a form with an elected Mayor, then a local referendum would be required.

Article 16 - Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any Rule will not be moved without notice unless at least one half of the whole number of councillors 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 set out in Article 1.

16.02 Interpretation

The ruling of the Mayor (or other person presiding in the Mayor's absence) as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

- (a) The Constitution is available on the Council's website. The Chief Executive will give on request a printed copy of this Constitution to a Member of the authority.
- (b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee. The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Part Three, Section A Local Choice Functions

Local Choice Functions

By law some local authority functions cannot be the responsibility of the Council's Cabinet and these are called the "Non-Executive" functions. Other functions, particularly the preparation and approval of certain plans and strategies, are partly "Executive" and partly "Non-Executive". Those functions not otherwise specified fall within the responsibility of the Cabinet.

In addition, there are a few "Local Choice" functions set out in Regulations where the local authority is free to chose in its constitution whether the function is, basically, "Executive" or "Non-Executive". The Cabinet may delegate or allocate any of its functions to an individual Cabinet Member, a Committee of the Cabinet or an officer and the Council may delegate any of the "Non-Executive" functions to a Committee, Sub-Committee or an officer. The list below shows where these "Local Choice" functions are allocated in this Constitution and the body or person expected to exercise the delegated decision-making powers. In the event that a Member body or an officer post has its name changed, the allocation/delegation in the list below will continue in force provided that there is no material change to the terms of reference of the body or the responsibilities of the post

Function	Whether Executive or Non- Executive	Where allocated or delegated
1. Any Function under a Local Act (except a function specified or referred to in Reg. 2 or Schedule 1)	Non-Executive	General Purposes Corporate Committee except for functions under the Alexandra Park & Palace Acts & Order 1900-1985 which are delegated to the Alexandra Park & Palace Board and the General Manager AP&P
2. The determination of an appeal against any decision made by or on behalf of the authority		General Purposes <u>Corporate</u> Committee (for the avoidance of doubt this does not include internal reviews of homelessness decisions)
3. The appointment of review boards under subsection 34(4) of the Social Security Act 1998 (determination of claims and	Non-Executive	The Full Council

PART THREE – RESPONSIBILITY FOR FUNCTIONS Section A – Local Choice Functions

Function	Whether Executive or Non-	Where allocated or
	Executive	delegated
reviews re: Housing Benefit and Council Tax Benefit)		
4. The making of arrangements for appeals against exclusion of pupils	Executive	Head of Local Democracy & Member Services
5. Making arrangements for admission appeals	Executive	Head of Local Democracy & Member Services
6. Making arrangements for appeals by governing bodies	Executive	Head of Local Democracy & Member Services
7. Any function relating to contaminated land	Executive	Cabinet Member for the relevant portfolio within his/her delegated powers, otherwise to the Cabinet Meeting
8. Discharge of any function relating to the control of pollution or the management of air quality	Executive	Assistant Director Planning & Regeneration Single Frontline in the Directorate of Place & Sustainability Urban Environment
9. Service of an abatement notice in respect of a statutory nuisance	Executive	Assistant Director Planning & Regeneration Single Frontline in the Directorate of Place & Sustainability Urban Environment
10. Passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (resolution to require Council consent to operating loudspeakers in streets)	Non-Executive	General Purposes Corporate Committee
11. Inspection of the Council's area to detect any statutory nuisance	Executive	Assistant Director Planning & Regeneration Single Frontline in the Directorate of Place & Sustainability Urban Environment
12. Investigating any complaint as to the existence of a statutory nuisance	Executive	Assistant Director Planning & Regeneration Single Frontline in the Directorate of Place & Sustainability Urban Environment
13. Obtaining information as to interests in land under section 330 Town and Country Planning Act 1990	Executive	Head of Legal Services
14. Obtaining particulars of persons interested in land under section 16 of the Local Government (Misc. Prov.) Act 1976	Executive	Head of Legal Services
15. Making agreements for the execution of highway works under section 278 of the Highways Act 1980	Non-Executive	Assistant Director, <u>Single</u> Frontline Services and Head of <u>Traffic Management</u> Sustainable Transport except where referred to the Planning Sub-Committee in connection with the

PART THREE – RESPONSIBILITY FOR FUNCTIONS Section A – Local Choice Functions

Function	Whether Executive or Non- Executive	Where allocated or delegated
		determination of a planning application
16. The appointment (and revocation of such appointment) of any individual (a) to any office other than his normal employment by the Council (b) to any body other than (i) the Council or (ii) a joint committee of two or more authorities or (c) to any committee or subcommittee of such a body	Executive	The Full Council in the case of Member appointments (but Cabinet may make HSP appointments). The Chief Executive makes officer appointments.
17. Making agreements with other local authorities for placing staff at the disposal of other local authorities	Executive	Chief Executive
18. Functions under sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007 relating to local area agreements	Executive	The Cabinet Meeting except that the duty to publish information about the LAA is delegated to the Assistant Chief Executive, Policy, Performance, Partnerships and Communications

Part Three, Section B Budget & Policy Framework Schedule

The Budget and Policy Framework Schedule

The Council has reserved the power to approve policies, plans and strategies that are specified in the Council's Policy Framework as well as consider any matter of delegated business remitted to it for decision by the Cabinet, a non-executive Committee or Chief Officer.

The Council's Policy Framework means (i) the plans and strategies required to be approved at full Council under The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) or (ii) those plans and strategies that the Council itself has determined shall be reserved to the full Council for approval.

A complete list of all the plans and strategies comprising the Council's Policy Framework is set out below.

- (a) Overarching Strategies:
 - (i) <u>Sustainable</u> Community Strategy; and
 - (ii) Core Strategy, Local Development Framework
 - (iii) Such other strategies that the full Council is required to adopt as a matter of law.
- (b) Major Service Plans: Key Documents:
 - (i) Housing Strategy;
 - (ii) Unitary Development Plan;
 - (iii) Single Education Plan;
 - (iv) Strategy for Children and Young People;
 - (v) (ii) Local Transport Plan; Local Implementation Plan
 - (vi) Statement of Licensing Policy
 - (vii) (iii) Statement of Gambling Policy
 - (viii) (iv) Youth Justice Plan
 - (ix) (v) Such other service plans that the full Council is required to adopt as a matter of law.
- (c) a small number of plans required from partnerships of which the authority is a member:
 - (i) Crime and Disorder Reduction Partnership/Drug Action Team Strategy Community Safety Strategy; and
 - (ii) Connexions Business Plan
- (d) Such other plans and strategies that Haringey Council decides should be reserved for the full Council for approval and adopted by it.

PART THREE – RESPONSIBILITY FOR FUNCTIONS
Section C – Terms of Reference: Full Council & Non Executive Bodies

Part Three, Section C Terms of Reference: Full Council & Non-Executive Bodies

SECTION 1 - THE COUNCIL

THE COUNCIL

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution;
- (b) Approving or adopting the policy framework as set out in Article 4, above;
- (c) Approving the budget and levying Council Tax;
- (d) Determining the borrowing limits for the authority for each financial year and the proportions of borrowing that are to be set at variable rates;
- (e) Approving any application to the Secretary of State in respect of any Housing Land Transfer as set out in Article 4;
- (f) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet 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;
- (g) Appointing the Leader;
- (h) Agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them and delegating functions to them from time to time as may be appropriate;

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PART THREE – RESPONSIBILITY FOR FUNCTIONS Section C – Terms of Reference: Full Council & Non Executive Bodies

- (i) Agreeing recommendations arising from Scrutiny Reviews of nonexecutive functions;
- (j) Deciding on recommendations arising from Scrutiny Reviews not accepted by the Cabinet and referred by the Chair of Overview and Scrutiny Committee;
- (k) Agreeing and/or amending the Scheme of Delegations to Officers with respect to non-executive functions;
- (l) Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- (m) Adopting and amending the Members' Allowances Scheme;
- (n) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;
- (o) Confirming the appointment or dismissal of the head of paid service;
- (p) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills including the adoption of any legislation where the Council has a discretion;
- (q) All local choice functions set out in Part 3 to this Constitution which the Council decides should be undertaken by itself rather than the Cabinet, or any Committee, Sub-Committee or officer;
- (r) Entering into, or confirming existing, joint arrangements with other local authorities unless this only concerns "executive" functions when the decision is for the Cabinet;
- (s) Adopting the Members' Code of Conduct;
- (t) Approving Pilot Schemes for Local Elections;
- (u) Resolving not to issue any casino premises licences in the next three years;
- (v) Adopting Standing Orders for the Council and Standing Orders as to Contracts;

PART THREE – RESPONSIBILITY FOR FUNCTIONS Section C – Terms of Reference: Full Council & Non Executive Bodies

- (w) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (x) All matters that must be reserved to Council under the Financial Regulations including the adoption and amendment of the Treasury Management Strategy Statement and the consideration of annual, mid-year monitoring reports and an out-turn report after the close of the year on treasury management policies and practices; and
- (y) All other matters that, by law, must be reserved to Council.

SECTION 2 - COMMITTEES

The following shall be committees of the Council and they shall have the membership as described in the Appointments of Committees, Sub-Committees, Panels, etc (as approved by the Annual Meeting):

- 1. The Corporate Committee
- 2. Overview and Scrutiny Committee
- 3. Standards Committee
- 4. Alexandra Palace and Park Board
- 5. The Regulatory Committee

The Terms of Reference of each Committee shall be as set out on the following pages:

1. The Corporate Committee

The Corporate Committee has: -

- (a) all the functions listed below in (b) and stated not to be the responsibility of the Council's Executive/Cabinet in Reg. 2 and Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S.I. 2853 (as amended or further amended in any statute or subordinate legislation). References to paragraphs below are to those in the appropriate Schedule of the Regulations.
- (b) the following Schedule 1 functions:

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- (i) Paragraph C Health and Safety at Work; all functions discharged otherwise than in the Council's capacity as employer.
- (ii) Paragraph D Elections; all functions relating to Elections except the approval of pilot schemes for local elections which is reserved to full Council.
- (iii) Paragraph H Pensions; Determining the Council's policies as "Employing Authority" and determining the terms of release of Chief and Deputy Chief Officers aged 55 or over and made redundant or retired early with a claim on the pension scheme. Exercising all the Council's functions as "Administering Authority" and being responsible for the management and monitoring of the Council's Pension Fund and the approval of all relevant policies and statements. This includes:
- (A) Selection, appointment and performance monitoring of investment managers, AVC scheme providers, custodians and other specialist external advisers;
- (B) Formulation of investment, socially responsible investment and governance policies and maintaining a statement of investment principles;
- (C) Monitoring the Pension Fund Budget including Fund expenditure and actuarial valuations; and

Note: Whenever the Corporate Committee considers a report on a Pensions matter, the Chair will make a short announcement at the beginning or at other appropriate stage(s) in the meeting indicating whether the Committee is operating in its capacity as "Employing Authority" or as "Administering Authority". When the Committee is operating in its capacity as "Administering Authority" Members must have regard to their duty as quasi-trustees to act in the best interests of the Pension Fund above all other considerations. When the Committee meets in this capacity its membership shall include as non-voting members one representative of each of these groups: (i) current pensioners, (ii) deferred members of the scheme, and (iii) other admitted bodies.

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- (iv) Paragraph I Miscellaneous; all functions except those retained by full Council in Article 4. The Committee's functions include:
- (A) all functions relating to public rights of way in Part 1 except the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions which are delegated to the Planning Sub-Committee;
- (B) making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972 but the appointment or dismissal of the Chief Finance Officer is to be in accordance with the Officer Employment Procedure Rules in Part 4;
- (C) formulating the Treasury Management Strategy Statement and amendments to it for recommendation to full Council through Overview and Scrutiny_Committee and in consultation with the Cabinet Member for Finance. Receiving quarterly monitoring reports and an out-turn report after the close of the year on treasury management policies and practices;
- (D) approving statements under The Accounts and Audit Regulations 2003 and any amendment or re-enactment of the Regulations and considering the external auditor's report on issues arising from the audit of the accounts or any other concerns relating to accounting policies;
- (E) determining the terms and conditions of service of those staff below Senior Management grades, including procedures for dismissal. The Committee's functions include monitoring the operation and effectiveness of the scheme for the performance appraisal and remuneration of the Council's senior managers and chief officers. The Committee agrees the terms and conditions of employment, the pay structure and the remuneration for these senior posts;
- (F) authorising the making of payments or the provision of other benefits in cases of maladministration;
- (G) making orders designating public places in order to confer power on the police to prevent nuisance by the consumption of alcohol.
- (H) taking decisions relating to changes to the establishment which are not covered by the Officer Scheme of Delegation.

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- (c) the following "Local Choice" functions set out in Schedule 2 of the above Regulations: -
 - (i) any function under a local Act other than a function specified or referred to in Reg. 2 or Schedule 1 or expressly delegated elsewhere in this Constitution;
 - (ii) the determination of an appeal against any decision made by or on behalf of the authority;
 - (iii) passing a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the Council's area (consent to the operation of loudspeakers).
- (d) the Committee has the following Audit functions:
 - (i) providing assurance about the adequacy of the Council's Risk Management Framework and Policy and monitoring the effectiveness of systems for the management of risk across the Council and compliance with them;
 - (ii) Maintaining an overview of the Council's Local Code of Corporate Governance;
 - (iii) Monitoring the effectiveness of Council policies on "Whistleblowing" and Anti-Fraud and Corruption;
 - iv) Considering and recommending for adoption the Council's Annual Governance Statement;
 - (v) Approving the Annual Internal Audit Plan and the Strategic Audit Plan and arrangements for the provision of internal audit services to the Council and considering reports on internal audit activity;
 - (vi) Receiving the Annual Audit Plan and the Annual Audit Letter from the external auditor and making recommendations on the latter. Considering arrangements for the appointment of the external auditor;
 - (vii) Commissioning work from the internal and external auditors and receiving reports from the Head of Audit & Risk Management on any matter; and
 - (viii) Questioning officers and Cabinet Members on matters relevant

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to audit and to financial and non-financial performance and making recommendations on these matters to Cabinet and full Council.

- (ix) The Head of Audit's Annual Report
- (e) the power to make recommendations to the Council on any of its functions set out in Article 4, and the power to establish Sub-Committees to consider and report on any such functions but this does not include recommendations to amend the Council's Constitution nor does it prevent the Council from making decisions on any matter when necessary without a prior recommendation from the Committee.
- (f) there is a Protocol outside this Constitution setting out how the Corporate Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

2. Overview and Scrutiny Committee

The membership of the Overview and Scrutiny Committee shall, as
far as is practicable, comprise Members who are Chairs of Area
Committees and, if necessary, other Members in order to comply
with the political balance rules. As described in the Overview and
Scrutiny Procedure Rules in Part 4 Section G, Education
representatives have a right to vote where the Committee or a
Panel is considering matters that relate to education functions.
rance is considering matters that retails to caucation functions.

The Overview and Scrutiny Committee may:

- (a) exercise an overview of the forward plan;
- (b) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Cabinet's or Council's functions;
- (c) make reports and recommendations to the full Council, the Cabinet or relevant non-Executive Committee in connection with the discharge of any functions;
- (d) make reports or recommendations on matters affecting the

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area or its inhabitants;

- (e) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (f) receive the reports and recommendations of its <u>Scrutiny</u> Review Panels;
- (g) in accordance with statutory regulations to review and scrutinise matters relating to the health service and all NHS funded services within the Authority's area and to make reports and recommendations thereon to local NHS and NHS funded bodies;
- (h) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible partner authorities of their crime and disorder functions;
- (i) make reports or recommendations to the Cabinet or full Council where appropriate with respect to the discharge of the crime and disorder functions by the responsible partner authorities;
- (j) make arrangements which enable any Councillor who is not a Committee Member to refer any crime and disorder matter to the Committee under the Councillor Call for Action procedure; and
- (k) make arrangements which enable any Councillor who is not a Committee Member to refer to the Committee any local government matter which is relevant to the functions of the Committee under the Councillor Call for Action procedure.
- (I) there is a Protocol outside this Constitution setting out how the Overview and Scrutiny Committee is to operate. The Protocol shall be applied in a manner consistent with the Committee Procedure Rules in Part 4 and any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

3. Standards Committee

The Standards Committee will have the following roles and functions:

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- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and representatives of religious organisations and parent governor representatives;
- (b) Assisting the Leader, Councillors, co-opted members and representatives of religious organisations and parent governor representatives to observe the Members' Code of Conduct;
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitoring the operation of the Members' Code of Conduct;
- (e) Advising, training or arranging to train Councillors and coopted members on matters relating to the Members' Code of Conduct and the ethical framework;
- (f) Granting dispensations to the Elected Mayor, Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) Advising the Council on codes and protocols forming the Council's ethical framework and its governance arrangements, monitoring the effectiveness of those arrangements and making reports and recommendations accordingly;
- (h) Carrying out an assessment and review function for all complaints received by the Council against Councillors and coopted members;
- (i) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by the Ethical Standards Officer to the Monitoring Officer;
- (j) Hearing complaints against Councillors and co-opted members made to the Council or referred back from the Standard Board for England;
- (k) Hearing complaints against co-opted members arising from alleged breaches of Codes and Protocols falling outside the jurisdiction of the Standards Board for England;
- (l) Responding to national reviews and consultations on standards

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related issues;

- (m) Granting exemptions for politically restricted posts and giving directions to include a post on the list of restricted posts;
- (n) Advising the Council on the appointment of independent members and taking steps to select them.

4. Alexandra Palace and Park Board

To fulfil the functions, powers and duties of the Council as Trustee of Alexandra Palace and Park under the Alexandra Park and Palace Acts and Order 1900 to 1985 and, without prejudice to the generality of this, these functions include:

- (a) The duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes.
- (b) Acting as the employing body for employees engaged in the working of the Trust at Alexandra Palace, and to be responsible for the setting of staffing policies, conditions of service and terms of employment of those employees.
- (c) In relation to the Trust, being responsible for developing and monitoring the implementation of effective policies and practices to achieve equality of opportunity both for employment and service delivery.

5. The Regulatory Committee

The Regulatory Committee has functions either (1) as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as a non-statutory Committee exercising other non-executive functions relating to Licensing, Town Planning and other regulatory matters generally. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Committee is operating in its capacity as "statutory Licensing Committee" or as a "non-statutory Committee".

Membership

The Regulatory Committee must have between 10 and 15 Members in

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order to comply with the legislation as statutory Licensing Committee.

Protocol

There is a Protocol outside this Constitution setting out how the Regulatory Committee is to operate. The Protocol shall be applied in a manner consistent with Committee Procedure Rules in Part 4 and the relevant Licensing Procedure Rules when the Committee is conducting a formal hearing. Any issue on procedure at the meeting shall be subject to the ruling of the Chair. The Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

- (1) In its capacity as the statutory Licensing Committee the Committee has all the functions referred to it by law under the Licensing Act 2003 and the Gambling Act 2005. These include:
 - (a) To be responsible for monitoring the operation of the Acts licensable activities and gambling in the Borough;
 - (b) To establish the Licensing Sub-Committees and to agree the delegation of functions to the Sub-Committees and to officers;
 - (c) To receive reports on the matters in (a) above_and on the functions delegated to the Licensing Sub-Committees and to officers. To call for a report on any individual case;
 - (d) To determine the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
 - (e) Subject to Regulations, to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
 - (f) In a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Committee who are re-elected as Councillors shall meet as the Committee (subject to there being a quorum of 3

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Members) in order_to exercise any of the functions of the Licensing Sub-Committees, or of the Committee under (f) above, and shall elect a Chair for the meeting.

- (2) In its capacity as the non-statutory Committee exercising other non-executive functions the Committee has the following functions:
 - Exercising the functions which are stated not to be the (a) responsibility of The Executive/Cabinet In Regulation 2 Schedule 1, Paragraph В (Licensing Registration) of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 amended) and in any Statute or subordinate legislation further amending these Regulations. The Committee's functions are to determine all policy issues, procedures and standard terms and conditions relating to the nonexecutive licensing functions but exclude decisions in individual cases which are delegated to the Licensing Sub-Committees:
 - (b) Formulating, reviewing and approving for consultation the Statement of Licensing Policy under the Licensing Act 2003 and recommending it, and any revisions to it, to full Council for adoption;
 - (c) Being consulted informally on the review and determination of the Statement of Gambling Policy, including procedures for Council consultation with external stakeholders, and making recommendations on these matters to the Cabinet;
 - (d) Making informal recommendations to the Cabinet and full Council on local development documents, development plan documents, the local development framework, the statement of community involvement and any other planning policy matter;
 - (e) Reviewing all Council plans and policies on any licensing, planning or regulatory matters, exercising an overview in relation to common themes and making informal recommendations on these matters to Cabinet and full Council;
 - (f) Making informal recommendations to the Cabinet and

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other bodies on service delivery, grant aid, commissioning and procurement matters when these involve or relate to licensing, planning, conservation or regulatory issues.

SECTION 3 - SUB-COMMITTEES AND PANELS

The following bodies shall be created as Sub-Committees of the relevant Committee of the Council under which they are listed. Bodies described as "Panels" are Sub-Committees unless otherwise stated. Sub-Committees shall report to their parent bodies and they shall have the membership as described in the Appointments of Non-Executive Committees, Sub-Committees, Panels, etc as approved by the Annual Meeting

1. Under the Corporate Committee

1.1 Disciplinary Appeals Panel

To confirm, reduce or increase the penalty imposed by previous internal disciplinary hearings.

1.2 Grievance Panel

To determine grievances lodged by employees of the Council in relation to their terms and conditions of service, in accordance with the approved procedures.

1.3 Job Evaluation Appeals Panel

To determine job evaluation appeals lodged by employees of the Council in accordance with the approved procedures.

1.4 Haringey Council and Employees Joint Consultative Sub-Committee

(a) To negotiate on matters relating to the service between the Council and the officers or between officers with a view to the prevention of differences and to their better adjustment when they appear, and to make appropriate recommendations to the Corporate Committee.

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- (b) To secure the largest possible measure of joint action between the Council and the officers for the development and improvement of local government administration, and for the consideration of the conditions of all engaged therein.
- (c) To make provision for members of the Cabinet to meet with Employees' Side representatives for the purpose of negotiation and consultation on matters affecting Soulbury paid officers.

2. Under Overview and Scrutiny Committee

2.1 Scrutiny Review Panels

- (a) To carry out scrutiny processes relevant to particular services/topics as determined by Overview and Scrutiny Committee and within the parameters, protocols and procedures agreed by Overview and Scrutiny Committee for all Scrutiny Review Panels.
- (b) Within these scrutiny processes to request and receive submissions, information and answers to questions from Cabinet Members, officers and other senior employees of the Council, service users, external experts and relevant members of the public.
- (c) To refer the findings/recommendations in the form of a written report, within the agreed time-scale and with the approval of the Overview and Scrutiny Committee, to The Cabinet and/or the Council as appropriate.

3. Under Standards Committee

The following rules will apply to all three types of Sub-Committee listed below. The quorum is three including an independent member as Chair, with a casting vote if necessary, and at least one Councillor. So far as practicable, and having regard to relevant Regulations and Guidance, every Sub-Committee will include two Councillors, each from a different party group.

3.1 Assessment Sub-Committees

Between three and five members of the Committee.

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To make initial assessments of written allegations to the Committee of failure to comply with the Code of Conduct. The Sub-Committees will follow procedures agreed by the Committee.

3.2 Review Sub-Committees

Between three and five members of the Committee. Not to include any member of the Assessment Sub-Committee for the same allegation.

To review, when requested, any decision of an Assessment Sub-Committee to take no action on an allegation. The Sub-Committees will follow procedures agreed by the Committee.

3.3 Hearing Sub-Committees

Five members of the Committee.

To hear complaints against Councillors and co-opted members made to the Council or referred back from the Standards Board for England. The Sub-Committees will follow procedures agreed by the Committee.

4. Under The Regulatory Committee

4.1 Licensing Sub-Committees

Introduction

The Licensing Sub-Committees have functions either (1) as Sub-Committees of the Regulatory Committee in its capacity as the statutory Licensing Committee of the Council under the Licensing Act 2003, which also exercises functions under the Gambling Act 2005, or (2) as Sub-Committees of the Regulatory Committee in its capacity as a non-statutory Committee exercising non-executive licensing and regulatory functions. At the beginning, and at other appropriate stage(s) in each meeting, the Chair will make a short announcement indicating whether the Sub-Committee is operating in its capacity as "statutory Licensing Sub-Committee" or as a "non-statutory Sub-Committee".

Membership

The membership of each Sub-Committee is nominated by the Annual

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Council but formally appointed by the Regulatory Committee each year. In the event that an appointed Member or Members of a Sub-Committee is unable or unwilling to take part in a hearing for any reason a Special Licensing Sub-Committee may be appointed from among the Members of The Regulatory Committee. When operating in its capacity as "statutory Licensing Sub-Committee" there must be a membership and quorum of 3 present at all times.

- (1) General Provisions Relating to the Statutory Licensing Sub-Committees
 - (a) Licensing Sub-Committees have the power to make final decisions on behalf of the Council on matters within their terms of reference and there is no right of appeal to the Regulatory Committee;

Functions under both the Licensing Act 2003 and the Gambling Act 2005

- (b) To determine applications for premises licences where relevant representations have been made;
- (c) To determine applications for provisional statements where relevant representations have been made;
- (d) To determine valid applications for review of premises licences;
- (e) To decide on any other matter where it is necessary or desirable for Members to make that decision;

Functions under the Licensing Act 2003 alone

- (f) To determine applications for variations of premises licences where relevant representations have been made except in the case of minor variations;
- (g) To determine applications to vary designated premises supervisors following police objections;
- (h) To determine applications for transfer of premises licences following police objections;
- (i) To consider police objections made to interim authority notices;

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- (j) To determine applications for club premises certificates where relevant representations have been made;
- (k) To determine applications to vary club premises certificates where relevant representations have been made except in the case of minor variations;
- (l) To determine valid applications for review of club premises certificates;
- (m) To decide whether to give counter notices following police objections to temporary event notices;
- (n) To determine applications for grants of personal licences following police objections;
- (o) To determine applications for renewals of personal licences following police objections;
- (p) To decide on revocation of personal licences where convictions come to light after grant;

Functions under the Gambling Act 2005 alone

- (q) To determine applications for variations of premises licences where relevant representations have been made;
- (r) To determine applications for transfers of premises licences following representations by the Gambling Commission or others;
- (s) To determine applications for the re-instatement of premises licences where relevant representations have been made;
- (t) To decide whether to give counter notices following objections to temporary use notices;
- (u) To determine applications for the grant of club gaming permits and club machine permits where objections have been received;
- (v) To determine proposals to cancel club gaming permits and club machine permits where the holder requests a hearing;

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- (w) When the licence holder requests a hearing, to determine officer proposals: (i) to make an order removing the entitlement of an on-premises alcohol licence holder to have one or two gaming machines, or (ii) to cancel or vary a licensed premises gaming machine permit;
- (x) To determine licensed premises gaming machine permit applications for 5 or more machines and all applications for any number of machines where there is cause for concern about the proper management of the premises;
- (2) General Provisions Relating to the Non-Statutory Licensing Sub-Committees
 - a) The Sub-Committees have all the functions which are stated not to be the responsibility of the Council's Executive/Cabinet in Regulation 2 and paragraph B (Licensing and Registration) of Schedule 1 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 S. I. 2853, as amended, or further amended, in any statute or subordinate legislation. The Sub-Committee's remit includes the licensing of street trading, special treatment premises, sex establishments and dog breeding establishments.
 - (b) The Sub-Committees make decisions in all individual licensing or registration cases where a hearing is required because of an objection to an application or to a proposed revocation or because of an officer recommendation for refusal.
 - (c) The Sub-Committees have the power to make final decisions on behalf of the Council in relation to its functions in (b).
 - (d) Excluded from the Sub-Committees' terms of reference are decisions on all policy issues, procedures and standard terms and conditions which are within the remit of The Regulatory Committee.

4.2 Planning Sub-Committee

(a) The Sub-Committee has all the functions which are set out in
 (b) and (c) below and which are stated not to be the responsibility of the Executive in Regulation 2 and Schedule 1 of The Local Authorities (Functions and Responsibilities)

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- (England) Regulations 2000 (as amended) and in any statute or subordinate legislation further amending those Regulations (references to paragraphs are to those in Schedule 1);
- (b) paragraph A Town Planning (all functions), including determination of applications for planning permission, conservation area consent, listed building consent and advertisements consent, entering into planning agreements and enforcement of planning and listed building controls;
- (c) paragraph I Miscellaneous Functions;
 - (A) the creation, stopping up and diversion of highways, footpaths and bridleways in connection with development control decisions, and
 - (B) the preservation of trees;
- (d) The Sub-Committee may enter into highway works agreements under section 278 of the Highways Act 1980 in connection with the determination of a planning application.

SECTION 4 - ALEXANDRA PALACE AND PARK

Arising from the Council's role as trustee of Alexandra Palace and Park the following additional bodies shall be established. Membership of the additional bodies is as described in the Appointments of Non Executive Committees, Sub-Committees, as approved by the Annual Meeting. The Terms of Reference of the additional bodies shall be as follows:

1. Alexandra Palace and Park Panel

To consider and take decisions upon urgent matters arising between ordinary meetings of the Alexandra Palace and Park Board. The Panel is composed of four Members, selected with reference to political balance.

2. Alexandra Palace and Park Consultative Committee

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Alexandra Palace and Park Consultative Committee 7 Members and up to 30 community representatives.

- (a) To give representatives of appropriate local and national organisations the opportunity of full discussion with Members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.
- (b) To give Members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.
- (c) To promote better understanding between Members of the Alexandra Palace and Park Board, the Palace Management and local organisations.
- (d) To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.
- (e) To promote the best interests of the Alexandra Palace and Park as a conservation area.

3. Alexandra Palace and Park Consultative Forum

Alexandra Palace and Park Consultative Forum 4 Members plus 4 Trade Union representatives

- (a) To be a forum for consultation and negotiation between the Alexandra Palace and Park Board and its employees, on issues in relation to Conditions of Employment.
- (b) To consider issues referred directly by Management or by the Trade Unions in consultation with the Employer's Side Secretary.
- (c) To provide a means whereby the Alexandra Palace and Park Board can consult Union representatives on policies and strategies and provide an arena for discussion of matters of mutual interest.
- (d) To provide a means of effective communication, in

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order to prevent or eliminate friction and misunderstanding.

The Consultative Forum may not consider any matter concerning an individual employee, nor any issues that fall within the scope of other existing procedures, e.g. dismissal appeals, individual grievances and individual salary issues; such matters may only be raised as a matter of principle/policy.

Note:

The Alexandra Palace and Park Board also receives advice from the Alexandra Park and Palace Statutory Advisory Committee, an external body established under the terms of the Alexandra Park and Palace Act 1985. Its functions, as laid down by the Act are as follows: -

The powers and duties of the Advisory Committee shall be to promote the objects of the charity and assist the Trustees In fulfilling the trusts by considering and advising the Trustees on the following matters.-

- (a) the general policy relating to the activities and events arranged or permitted in the Park and Palace;
- (b) the effects of such activities and events upon the local inhabitants and local environment;
- (c) the frequency of activities and events attracting more than 10,000 people at any one time and maximum number to be permitted on such occasions;
- (d) the adequacy of car parking arrangements within the Park and Palace so as to avoid overflow into adjoining residential streets;
- (e) any proposals which require planning permission;
- (f) the establishment and maintenance of the Park as a Metropolitan Park;
- (g) the furtherance of recreation and leisure in the Alexandra Park and Palace.

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SECTION 5 - AREA COMMITTEES

There is a Protocol outside this Constitution setting out how Area Committees are to operate. This Protocol can be amended by the written agreement of the Leaders of the Political Groups on the Council.

The Borough has 7 Area Committees comprising all Ward Councillors from the Wards represented.

The Chair of each Area Committee shall be a Councillor from among the Ward Councillors serving each Area, excluding the Mayor or any Cabinet Member, and these appointments shall be ratified each year at the Annual Council meeting.

The Access to Information Procedure Rules in Part 4 of this Constitution apply to Area Committees. The Committee Procedure Rules in Part 4 apply to Area Committees except where this would be inconsistent with the Protocol mentioned above.

Area Committees are intended to have formal decision-making and advisory roles. Area Committees shall have the following functions:

- (a) Developing and making an Area Committee Plan at the commencement of each municipal year setting out the priorities for the Area over the coming year;
- (b) Developing and encouraging partnerships with local residents' associations, voluntary and community bodies and other stakeholder groups in the Area to consider matters of mutual interest;
- (c) Proposing variations to standard service delivery and to specifications for procurement within the remit of the Directorate of Place and Sustainability in order to reflect local needs and aspirations subject to these variations being consistent with agreed budgets and legally possible;
- (d) To monitor and make proposals for improvements to the physical environment and street scene of neighbourhoods and to consider the impact at a neighbourhood level of strategic

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policies to develop services;

- (e) Being consulted, and making recommendations to the Cabinet, about potential items for inclusion in the Local Implementation Plan, indicating priorities as between schemes which meet the Borough-wide criteria and making recommendations on the detailed design of such schemes;
- (f) Being consulted, and making recommendations to the Borough Commander, about local police priorities for promoting Community Safety;
- (g) Making recommendations to the full Council on the introduction of by-laws to have effect in the Wards covered by the Area Committee. Wherever possible proposed by-laws should be consistent with the model by-laws on that matter issued by central government;
- (h) Being consulted informally about applications under the Licensing Act 2003 and the Gambling Act 2005. Only Ward Councillors (and local residents and businesses) will be "interested parties" with a right to make relevant representations under these Acts but the Area Committee can make its views known informally to Ward Councillors;
- (i) Being consulted and making representations about (i) applications under other non-executive licensing and regulatory legislation, (ii) planning applications, and (iii) proposed changes to parking controls and traffic calming measures;
- (j) Exercising the powers of the Local Planning Authority to adopt, revise and revoke Local Development Orders under section 61A of the Town and Country Planning Act 1990 and overseeing all procedural steps including local consultation;
- (k) Making arrangements to hold a pre-planning application presentation at a normal Area Committee meeting, on schemes that have formally entered the Council's Pre-Planning Application Advice Service;
- (l) Monitoring and making recommendations to develop the system of Area Based Working for service delivery;

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- (m) Undertaking Area Studies about issues of concern to local residents;
- (n) Considering recommendations and concerns raised during the public forum element of the meeting;
- (o) Considering and taking action in any way relating to, or connected with, the above matters and recommending amendments to the Protocol on Area Committees.

Area Committee meetings shall commence with an open public forum, intended to act as a consultative discussion for local people and their Ward Councillors on all issues affecting, or relevant to, the Council and service delivery.

Area Committees and Urgency

Where there is a need for urgent decisions, or representations in response to consultation, to be made between scheduled meetings of an Area Committee the Chair shall be responsible for taking those actions. Action taken by the Area Committee Chair shall be reported for noting to the next meeting of the Area Committee.

SECTION 6 - EMERGENCY PROCEDURES IN ELECTION YEAR

In the year of the ordinary election of Borough Councillors, between the day after the election and the day of the Annual Meeting, the Chief Executive may, so far as is lawful, exercise any of the functions of the Council or its non-executive bodies in cases of urgency in consultation with the Mayor. Decisions made by the Chief Executive in accordance with this paragraph shall be reported to the next meeting of the appropriate body.

SECTION 7 - DEFAULT PROVISIONS

If at any time no Members are appointed to, or able to act on, any non-executive body of the Council, and a decision has to be taken in a case of urgency, then the decision may be taken by the Chief Executive acting so far as is practicable in consultation with the Mayor, or Deputy Mayor if the Mayor is unable to act.

SECTION 8- GROUP MEETINGS

PART THREE – RESPONSIBILITY FOR FUNCTIONS Section C – Terms of Reference: Full Council & Non Executive Bodies

In recognition of the role of Group Meetings in the consideration of Council business and of the fact that the supply of advice, reports, information and other material to Group Meetings is generally conducive to the due process of Council business, the following facilities shall be made available for the conduct of Group Meetings and for any Group Committees which may be established for the consideration of Council business:

- (a) suitable accommodation for meetings;
- (b) assistance with the production and distribution of agenda and minutes;
- (c) where the Majority Group makes arrangements for the discussion of items prior to their submission to a committee or sub-committee or Panel, arrangements shall be made through the Leader of the Council or the appropriate Cabinet Member to ensure that official information, advice and reports are available to the Group Meetings;
- (d) where a Minority Group makes similar arrangements for the consideration of Council business, arrangements shall be made through the Leader of the Minority Group, or the appropriate spokesperson, to make available information from published sources and advice on Council procedures but not official advice as to the policies which that Minority Group should pursue. The Majority Group Leader or the appropriate Cabinet Member shall be made aware of information provided to a Minority Group unless it is of routine or trivial nature.

SECTION 8 - CREATION OF NEW BODIES

Creation of New Non-Executive Bodies

Proposals for the creation of new bodies exercising non-Executive functions to exist for more than three months shall be submitted to the Corporate Committee with details of the proposed membership, terms of reference and comments by the Head of Local Democracy & Member Services on the staffing implications.

Part Three, Section D Terms of Reference: The Cabinet & Cabinet Bodies

SECTION 1 - CABINET FUNCTIONS

1. The Cabinet

- 1.1 The Cabinet shall have the functions as follows:
 - (a) To exercise the powers and duties of the Council, except
 - (i) where the exercise of such powers and duties is reserved to the Council;
 - (ii) to the extent that statutory provisions preclude the Cabinet from discharging any responsibility;
 - (iii) where different constitutional arrangements for particular functions and responsibilities have been made; or
 - (iv) where powers and duties are delegated to a committee or to an officer.
 - (b) With the agreement of the Leader, to enter into new, or confirm existing, joint arrangements with the Cabinets of other local authorities.

2. Individual Cabinet Members

- 2.1 Individual Cabinet Members have powers allocated by the Leader to exercise those functions of the Cabinet which fall within that Cabinet Member's specific portfolio responsibilities.
- 2.2 On the production of each monthly update to the Forward Plan the Leader shall indicate which decisions -
 - (a) may be taken by the Cabinet Meeting, or
 - (b) may be taken by a Cabinet Committee, or
 - (c) may be taken by the Leader personally, or
 - (d) may be taken by an individual Cabinet Member or Members.

If there is any doubt as to which portfolio would cover any proposed decision by a Cabinet Member, the matter shall be referred to the Leader to determine the appropriate portfolio.

PART THREE - RESPONSIBILITY FOR FUNCTIONS SECTION D - TERMS OF REFERENCE: THE CABINET AND CABINET BODIES

- 2.3 At any time before a decision on the Forward Plan has been taken, the Leader may allocate that decision to a different body or person within paragraph 2.2 (a) to (d) above.
- 2.4 The Cabinet meeting, when considering any matter referred to it, and with the Leader's agreement, may delegate any aspect of the matter to an individual Cabinet Member or to an officer for decision but not so as to conflict with any decision already taken by the Cabinet Meeting. At a Cabinet meeting the Leader may reserve any aspect of the matter for his/her own decision at the time or subsequently.
- 2.5 An individual Cabinet Member may refer any decision, within that Member's responsibilities, to a meeting of the Cabinet or to the Leader for determination.
- 2.6 The Leader may take any key decision that has become urgent in accordance with the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making. The Leader may take such a decision alone but will consult with any other Cabinet Member(s) having relevant portfolio responsibilities so far as is practicable.

3. Assistant Cabinet Members

- 3.1 The Council may appoint Assistant Cabinet Members to provide an effective link between the Cabinet and other Councillors and to assist Cabinet Members generally and with specific roles within their portfolio.
- 3.2 The Assistant Cabinet Members:-
 - (a) May not take Cabinet decisions
 - (b) May have specific areas of focus within the relevant portfolio area
 - (c) Will be able to substitute in certain circumstances for the Cabinet Members but not if a decision is to be made as part of the Cabinet arrangements
 - (d) Can attend and participate in the absence of the relevant Cabinet Member at meetings of the Cabinet with the permission of the Leader but cannot vote
 - (e) Cannot participate in a Scrutiny Panel or Review that is examining an area of policy within the relevant Cabinet Member portfolio responsibilities
 - (f) May put questions to Cabinet Members at Council Question time but not in respect of the portfolio to which they have responsibility as an Assistant Cabinet Member
 - (g) Assistant Cabinet Members may not take part in Cabinet decision-making in any way.

PART THREE - RESPONSIBILITY FOR FUNCTIONS
SECTION D - TERMS OF REFERENCE: THE CABINET AND CABINET BODIES

4. Deputy Leader of the Council

- 4.1 The Leader shall appoint a Deputy Leader of the Council from among the Cabinet Members (other than the Leader) and the Deputy Leader may carry out the deputising functions below in addition to having the responsibilities of one of the Cabinet Member portfolios.
- 4.2 The Deputy Leader may at the request of the Leader and in the Leader's absence:
 - (a) deputise for the Leader by chairing meetings of the Cabinet and Leadership meetings
 - (b) act as spokesperson on all matters that are the responsibility of the Cabinet
 - (c) represent the Council with regard to Member level contacts or meetings with Central Government and any regional, national or international organisations.
- 4.3 In the event that the Leader is unable to act or the office of Leader is vacant, the Deputy Leader may exercise all the functions of the Leader under this Constitution.

SECTION 2 - COMMITTEES OF THE CABINET

The Cabinet may delegate any of its functions to a Committee of the Cabinet. Committees of the Cabinet shall report to the Cabinet. The Cabinet may establish decision-making Committees, which may only include Cabinet Members. The Cabinet may establish advisory Committees, the membership of which need not be limited to Cabinet Members. The Cabinet may change them, abolish them, or create further ones, at its own discretion.

Committees established by the Cabinet shall be empowered to perform their functions with immediate effect unless the Cabinet imposes any express restriction when they are established. Unless stated otherwise, all Decision-Making Committees will continue in operation until expressly abolished by the Cabinet and all Advisory or Consultative Committees will continue in operation only until the first meeting of the Cabinet in the next municipal year following their establishment when they must be expressly renewed or they cease to exist.

The establishment, abolition or cessation of Committees and the amendment of their terms of reference will be reported to full Council in due course for noting in the Council's Constitution.

PART THREE - RESPONSIBILITY FOR FUNCTIONS SECTION D - TERMS OF REFERENCE: THE CABINET AND CABINET BODIES

The functions of the Cabinet under this Section shall be exercised with the agreement of the Leader and may be exercised by the Leader personally.

The following Committees are established:

Decision-Making Committees of the Cabinet

1. Cabinet Procurement Committee (Quorum 2)

The terms of reference of the Committee are:

- a) To exercise the functions of the Cabinet in respect of all contracts for procurement for works, goods or services in accordance with the Contract Procedure Rules set out in Part 4 of this Constitution except for those matters expressly delegated to any other body or person.
- b) To undertake particular powers included within (a) as follows:
 - (i) waiver of Contract Procedure Rules where appropriate;
 - (ii) acceptance of tenders/award of contracts where appropriate;
 - (iii) approving variations, extensions and novations of contracts where appropriate;
 - (iv) annual review of Contract Procedure Rules;
 - (v) receive quarterly reports of the Director of Adults, Culture and Community Services and the Director of Children and Young People's Services in relation to 'spot contracts':
 - (vi) agreeing approved lists of contractors.
- c) To oversee the process and receive reports at key milestones in respect of procurement of strategic service areas,
- d) To advise the Cabinet on all matters concerned with procurement generally.

2. Cabinet Voluntary Sector Committee (Quorum 2)

The terms of reference of the Committee are:

- a) To consider officer recommendations for future funding and agree the awarding of grant aid to the voluntary and community sector;
- b) To review funding to organisations where there is a potential breach of conditions of grant aid and/or service level agreement;
- c) To advise the Cabinet on variations to the overall grant aid policy;

PART THREE - RESPONSIBILITY FOR FUNCTIONS SECTION D - TERMS OF REFERENCE: THE CABINET AND CABINET BODIES

d) To advise the Cabinet on all aspects of the Council's relationship with the Voluntary Sector including the management and use of the community buildings portfolio.

SECTION 3 - LEADER'S CONFERENCES

- 1. The Leader of the Council may at any time convene special conferences on particular issues. The terms of reference and membership of such conferences or meetings shall be specified by the Leader when convening such meetings.
- 2. The Leader shall hold meetings with Cabinet Members, Chairs and other Members as she/he may consider appropriate to recommend:
 - (a) action to achieve declared policies and guidelines;
 - (b) the settlement of conflicts between Services;
 - (c) advice and guidance to be given to the Council, its committees, sub-committees or panels upon any matter within the purview of the Council, which will assist those bodies to discharge the Council's functions in accordance with their Terms of Reference.
- 3. The Leader's Conference meeting shall be provided with such advice, guidance and information appertaining to the Council's functions as may be necessary to enable it to give full and proper consideration to matters coming within its Terms of Reference.

SECTION 4 - CREATION OF NEW BODIES

Creation of New Cabinet Bodies

Proposals for the creation of new bodies exercising Cabinet functions to exist for more than three months shall be submitted to the Cabinet and the Leader with details of the proposed membership, terms of reference and comments by the Head of Local Democracy & Members Services on the staffing implications.

PART FOUR – RULES OF PROCEDURE Section E – Budget and Policy Framework Procedure Rules

Part Four, Section E Budget & Policy Framework Procedure Rules

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The framework for Cabinet decisions

1.1 The Council will be responsible for the adoption of the budget and policy framework as set out in Article 4 of this constitution. Once the framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the framework

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

- 2.1 Each year the Chief Officer and relevant Cabinet Members will in their joint report to the Overview and Scrutiny Committee on potential issues for Committees work programmes include any matters which form part of the Budget and Policy Framework, which will require adoption in the coming year.
- 2.2 If the Overview and Scrutiny Committee or an Overview and a Scrutiny Review Panel wishes to include the matter into the work programme the Chief Officer will ensure that the Committee is consulted in good time to enable the Committee's views to be considered by the Cabinet or Cabinet Member prior to firm proposals being submitted to the Council. In the event that the Overview and Scrutiny Committee or Scrutiny Review Panel chooses to consider a report which forms part of the Budget and Policy Framework then its views shall be included in the report submitted to the Cabinet or Cabinet Member who shall take them into account in drawing up firm proposals for submission to the Council. The report to Council will reflect the comments made by Overview and Scrutiny Committee consultees and the Cabinet's response.
- 2.3 Once the Cabinet or relevant Cabinet Member has approved the firm proposals, the Cabinet will recommend the proposals to Full Council for approval or decision at the earliest opportunity.
- 2.4 In reaching a decision, the Council may adopt the Cabinet's/Cabinet Member's proposals, amend them, refer them back to the Cabinet for further consideration, or, substitute its own proposals in their place.
- 2.5 If it accepts the recommendation of the Cabinet/Cabinet Member without amendment, or the Leader of the Council on behalf of the Cabinet or the Cabinet Member supports the amended

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recommendation the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting. The decision will be publicised.

- 2.6 An in-principle decision will automatically become effective on the expiry of 5 working days from the date of the Council's decision, unless the Leader informs the proper officer in writing within the period of 5 working days that he/she objects to the decision becoming effective and provides reasons why. If the Leader informs the proper officer that he/she has no objection it shall become effective upon receipt of such notice.
- 2.7 In that case, the proper officer will call a Council meeting to take place within a further 10 working days. The Council will be required to reconsider its decision and the Leader's written submission. The Council may:
 - (i) approve the Cabinet's/Cabinet Member's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet/Cabinet Member's by a simple majority.
- 2.8 The decision shall then be made public and shall be implemented immediately;
- 2.9 The decision of the Council is final. The Leader may not ask for this or any decision to the same effect to be reconsidered for a further 6 months

3. Decisions outside the budget or policy framework

- 3.1 Subject to the provisions of paragraph 5 (urgent decisions outside the budget or policy framework), the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions 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 the Council, then that decision may only be taken by the Council, subject to 3.2 and 3.3 below.
- 3.2 If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the monitoring officer and the Chief Financial Officer as to whether the decision they want to make would be contrary to or not wholly in

PART FOUR – RULES OF PROCEDURE Section E – Budget and Policy Framework Procedure Rules

accordance with the budget. If the advice of either of these 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 the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 shall apply.

3.3 Council may either:

- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (b) amend the budget framework or policy concerned to encompass the decision or proposal of the decision taker responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (c) where the 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 decision taker to reconsider the matter in accordance with the advice of either the Monitoring Officer/ Chief Financial Officer and refer it back to the Cabinet. The decision taker must reconsider within 7 working days of the Council meeting. Whatever decision the Cabinet takes at that meeting is final, bearing in mind that a decision taken outside the policy or budget framework will be unlawful.

4. Urgent Decisions

- 4.1 Where the Director or other Senior Manager is of the opinion that a relevant decision should be made urgently in order to prevent or reduce the risk of damage to persons or property or to the interests of the Authority, and that the urgency of the matter is such that it is not practicable to complete the Cabinet decision-making process set out above or to comply with the Access to Information Procedure Rules, the decision may be deemed "urgent":
 - (a) In order for a decision to be deemed urgent, the "General Exception" or "Special Urgency" procedures set in the Access to Information Procedure Rules must be followed.
 - (b) the Director shall use their best endeavours, as far as the urgency of the matter permits, to consult those persons whom

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- he/she would have been required to consult had the full Cabinet decision-making process been followed; and
- the decision-making body shall have the power to take that relevant decision, notwithstanding that the full procedure has not been followed;
- d) These urgency procedures should only be used in cases of genuine urgency and should not be abused, for example, in attempting to put right failures in forward planning.

5. Urgent decisions outside the budget or policy framework

- 5.1 The Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions 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 Full Council if the decision is a matter of urgency. 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 interest and it is not practical to convene a quorate meeting of the full Council within the Access to Information Procedure Rules.
- 5.2 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.
- 5.3 In order for a decision to be deemed urgent, the Chair of the Overview and Scrutiny Committee must agree that the decision is both reasonable in all circumstances and that it should be treated as a matter of urgency. In the absence or unavailability of the Chair the consent of the Deputy-Chair of the Overview and Scrutiny Committee is required. In the absence of both, the consent of the Mayor shall be required.
- 5.4 The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 5.5 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 5.6 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.

6. Calculation of Budget Requirement

PART FOUR – RULES OF PROCEDURE Section E – Budget and Policy Framework Procedure Rules

- Subject to paragraph 6.5 where, before 8 February in any financial year, the Cabinet submits to Council for its consideration in relation to the following financial year:
 - 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 (the calculation of budget requirements);
 - b) estimates of the amounts to be used for purposes of such a calculation; or
 - c) estimates of such a calculation.
- 6.2 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6.1, it must inform the Leader of any objections that it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.
- 6.3 Where the Council gives instructions in accordance with paragraph 6.2, it must specify a period of at least 5 working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:
 - a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 6.4 When the period specified by the Council, referred to in paragraph 6.3 has expired, the Council must, when making calculations (whether originally or by way of substitute), in accordance with the sections referred to in paragraph 6.1a), take into account:
 - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (b) the Cabinet's reasons for those amendments;
 - (c) any disagreement that the Cabinet has with any of the Council's objectives; and

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- (d) the Cabinet's reasons for that disagreement, that the Leader submitted to the Council, or informed the Council of, within the period specified.
- 6.5 Paragraphs 6.1 to 6.4 (inclusive) shall not apply in relation to calculations or substitute calculations that an authority is required to make in accordance with section 52I or 52T of the Local Government Finance Act 1992.

7. Virement

7.1 "Virement" is the ability to meet increased expenditure or reduced income under one expenditure vote from savings in another expenditure vote or from increased income. The Council's rules on virement are set out in the Financial Regulations set out in the Constitution.

8. In-year changes to policy framework

8.1 Subject to the provisions of section 5 (urgent decisions outside the budget and policy framework) the responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions except where the Council has agreed this at the time of agreeing the budget or relevant policy or strategy.

Part Four, Section G Overview and Scrutiny Procedure Rules

OVERVIEW AND SCRUTINY PROCEDURE RULES

- 1. The arrangements for Overview and Scrutiny
- 1.1 The Council will have one Overview and Scrutiny Committee, which will have responsibility for all overview and scrutiny functions on behalf of the Council.
- 1.2 The terms of reference of the Overview and Scrutiny Committee will be:
 - (i) The performance of all overview and scrutiny functions on behalf of the Council.
 - (ii) The commission and appointment of such Scrutiny Review Panels as it considers appropriate, with membership that reflects the political balance of the Council.
 - (iii) To decide and amend <u>determine</u> the terms of reference of all Scrutiny Reviews Panels.
 - (iv) To receive reports from local National Health Service bodies on the state of health services and public health in the borough area.
 - (v) To monitor the effectiveness of the Council's Forward Plan.
 - (vi) To receive all appropriate performance management and budget monitoring information.
 - (vii) To approve a programme of future overview and scrutiny work so as to ensure that the Overview and Scrutiny Committee's and Scrutiny Review Panels' time is effectively and efficiently utilised;
 - (viii) To consider all requests for call-in and decide whether to call-in a decision, how it should be considered and whether to refer the decision to the Cabinet or to Council.

- (ix) To monitor the effectiveness of the Call-in procedure.
- (x) To review and scrutinise action taken by partner authorities in discharge of crime and disorder functions and to make reports and recommendations to Cabinet and Council on these.
- (xi) To make arrangements which enable any Councillor who is not a Committee Member to refer any local government matter, or any crime and disorder matter, to the Committee under the Councillor Call for Action Procedure.
- (xii) To ensure that referrals from Overview and Scrutiny Committee to the Cabinet either by way of report or call-in are managed efficiently, and
- (xiii) To ensure community and voluntary sector organisations, users of services and others are appropriately involved in giving evidence to <u>the Overview and Scrutiny Committee or</u> relevant Scrutiny Review Panels.
- 1.3 The Overview and Scrutiny Committee may $\underbrace{\text{commission } establish}_{\text{commission}}$ a number of

Scrutiny Review Panels:

- (i) Scrutiny Reviews Panels are task orientated, timelimited advisory bodies appointed to examine designated Council services. Scrutiny Review Panels will refer their findings/ recommendations in the form of a written report, with the approval of the Overview and Scrutiny Committee, to the Cabinet and/or the Council as appropriate. a specific issue in depth and reporting to the Overview and Scrutiny Committee.
- (ii) <u>Scrutiny Review</u> Panels will analyse submissions, request and analyse any additional information, and question the Cabinet Member(s), relevant Council officers, <u>local stakeholders</u>, <u>and where relevant</u> officers and/or board members of local NHS bodies or NHS funded bodies.
- (iii) Subject to the approval of the Overview and Scrutiny Committee, Scrutiny Review Panels will be able to appoint external advisors and/or to commission specific pieces of research if this is deemed necessary.
- (iv) Scrutiny Review Panels should make every effort to work by consensus; however, in exceptional circumstances Members may submit minority reports.

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- (v) The culmination of a Scrutiny Review Panel's work is the submitting of a report to the Overview and Scrutiny Committee, including key findings, conclusions and recommendations. Exceptionally, where progress has become protracted or stimulating debate would be helpful, an interim report may be submitted, with the consent of the Chair of the Overview and Scrutiny Committee.
- (vi) (v)Prior to publication, draft reports will be sent to the relevant Chief Officers or where relevant officers of the National Health Service for checking for inaccuracies and the presence of exempt and/or confidential information; Scrutiny Review Panel members will revisit any conclusions drawn from disputed information;
- (vii) (vi) Following endorsement <u>approval</u> by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting <u>together with an officer report where appropriate. The Cabinet will consider the reports and formally agree their decisions.</u> The Cabinet will note the report and request a responding report from the Chief Executive or Chief Officer and Cabinet Member responsible. The response is to be available within 6 weeks of the request and will include a detailed tabulated implementation action plan.
- (viii) (vii) Following endorsement <u>approval</u> by the Overview and Scrutiny Committee, reports on NHS, non-executive or regulatory matters will be copied to the Cabinet for information.
- (viii) On receiving the responding report, the Cabinet will consider both reports and formally agree their decisions, and the implementation action plan at the next available Cabinet meeting.
- (x) (viii) In the event that the Cabinet does not accept one or more of the recommendations in the final report from the Overview and Scrutiny Committee, the Chair of the Overview and Scrutiny Committee has the right to require that the matter in dispute shall be reported to the next available meeting of full Council for determination. At the Cabinet meeting to receive the final report and recommendations, the Chair of the Overview and Scrutiny Committee or the Chair of the Scrutiny Review Panel may attend and speak.

- (xi) Implementation action plans will also be presented to the Overview and Scrutiny Committee who will be invited to monitor its implementation.
- (xii) (ix) After an appropriate period, post implementation, Overview and Scrutiny Committee will carry out a follow up review to determine if the recommendations had the intended outcomes and to measure any improvements.
- 1.4 When Scrutiny Review Panels report on non-executive or regulatory functions the above rules <u>apply</u>, <u>except the references to The Cabinet shall be taken as reference to the relevant non-executive body</u>. are adapted as follows:
 - (i) Paragraphs 1.3 (i) to (vi) apply.
 - (ii) Paragraph 1.3 (vii) applies as if references to the "Cabinet/Cabinet meeting" were replaced by references to "meeting of the non-executive body responsible" and its "Chair" as appropriate.
 - (iii) Paragraph 1.3 (viii) applies as appropriate.
 - (iv) Paragraph 1.3 (ix) will be replaced by this provision "On receiving the responding report, the non-executive body responsible, at its next available meeting, will consider both reports, its proposed response and the implementation action plan and will make recommendations on these to full Council. At the next available meeting full Council will formally agree the response and the implementation action plan."
 - (v) Paragraph 1.3 (x) does not apply.
 - (vi) Paragraphs 1.3 (xi) and (xii) apply.
- 1.5 The Overview and Scrutiny Committee shall undertake scrutiny of the Council's budget through a Budget Scrutiny <u>process</u> Review Panel. The procedure by which this <u>Panel should</u> operates is detailed in the Protocol covering the Overview and Scrutiny Committee.
- 1.6 All Overview and Scrutiny meetings shall take place in public (except where exempt or confidential matters are considered).
- 1.7 The Overview and Scrutiny function should not be seen as an alternative to established disciplinary, audit or complaints mechanisms and should not interfere with or pre-empt their work.
- 2. Membership of the Overview and Scrutiny Committee <u>and</u> Scrutiny Review Panels and Budget Scrutiny Review Panel

- 2.1 All Councillors (except members of the Cabinet) may be members of the Overview and Scrutiny Committee <u>and the</u> Scrutiny Review Panels and the Budget Scrutiny Review Panel. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.
- 2.2 The membership of the Overview and Scrutiny Committee <u>and Scrutiny Review Panels</u> shall, as far as is practicable, comprise Members who are Chairs of Area Committees and, if necessary, other Members in order to comply with the political balance rules. Councillors' membership of the Scrutiny Review Panels and Budget Scrutiny Review Panel will also be, as far as practicable, <u>be</u> in proportion to the representation of different political groups on the Council.

3. Co-optees

- 3.1 Each <u>Scrutiny Review Panel and review</u> shall be entitled to appoint up to three people as non-voting co-optees in consultation with the <u>Overview and Scrutiny Committee</u>.
- 3.2 Statutory voting non-Councillor members of Overview and Scrutiny Committee will be paid an allowance in accordance with the Members' Allowances Scheme in Part 6 of this Constitution.

4. Education representatives

- 4.1 The Overview and Scrutiny Committee and each <u>the</u> Scrutiny Review Panel <u>whose</u> where the review's terms of reference relate wholly or in part to any education functions that are the responsibility of the Cabinet, shall include in its membership the following representatives:
 - (i) At least one Church of England diocesan representative (voting).
 - (ii) At least one Roman Catholic diocesan representative (voting).
 - (iii) 3 parent governor representatives (voting).

These voting representatives will be entitled to vote where the Overview and Scrutiny Committee or a <u>the</u> Scrutiny Review Panel is considering matters that relate to relevant education functions. If the Overview and Scrutiny Committee <u>or Scrutiny Review Panel</u> is dealing with other matters, these representatives shall not vote on those matters though they may stay in the meeting and speak at the

discretion of the Chair. The Overview and Scrutiny Committee <u>and Scrutiny Review Panel</u> will attempt to organise its meetings so that relevant education matters are grouped together.

- 5. Meetings of the Overview and Scrutiny Committee <u>and</u> Scrutiny Review Panels and Budget Scrutiny Review Panel
- 5.1 In addition to ordinary meetings of the Overview and Scrutiny Committee, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called in consultation with the Chief Executive by the Chair of the Overview and Scrutiny Committee after consultation with the Chief Executive, by any two members of the Committee or by the proper officer if he/she considers it necessary or appropriate.
- 5.2 Meetings of Scrutiny Review Panels may be called by the Chair of the Scrutiny Review Panel, by any two members of the Panel or by the proper officer if he/she considers it necessary or appropriate. In addition to ordinary meetings of the Scrutiny Review Panels, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny Review Panel meeting may be called by the Chair of the Panel after consultation with the Chief Executive, by any two members of the Committee or by the proper officer if he/she considers it necessary or appropriate.
- 5.3 Meetings of the Budget Scrutiny Review Panel shall take place as outlined in the protocol covering the Overview and Scrutiny Committee.
- 5.4 The ordinary meeting place for the Overview and Scrutiny Committee, the Scrutiny Review Panels and the Budget Scrutiny Review Panel shall be Haringey Civic Centre, High Road, Wood Green, London, N22 8LE but they may arrange to meet elsewhere whenever they see fit.

6. Quorum

The quorum for the Overview Scrutiny Committee <u>and</u> for each Scrutiny Review Panel and for the Budget Review Scrutiny Panel shall be at least one quarter of its membership and not less than 2 voting members.

- 7. Chair of the Overview and Scrutiny Committee <u>and</u> Scrutiny Review Panels and Budget Scrutiny Review Panel
- 7.1 The Chair of the Overview and Scrutiny Committee will be appointed by the Council.

- 7.2 The Chair of the Overview and Scrutiny Committee shall resign with immediate effect if a vote of no confidence is passed by the Overview and Scrutiny Committee.
- 7.3 Chairs of Scrutiny Review Panels will be drawn from among the Councillors sitting on the Overview and Scrutiny Committee. Subject to this requirement, the Overview and Scrutiny Committee may appoint any person as it considers appropriate as Chair having regard to the objective of cross-party chairing in proportion to the political balance of the Council. The Scrutiny Review Panels shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.
- 7.4 The Chair of the Budget Scrutiny Review Panel <u>process</u> will be drawn from among the opposition party Councillors sitting on the Overview and Scrutiny Committee. The <u>Budget Scrutiny Review Panel Overview and Scrutiny Committee</u> shall not be able to change the appointed Chair unless there is a vote of no confidence as outlined in Article 6.5 in this Constitution.

8. Work programme

Overview and Scrutiny Committee will determine the future scrutiny work programme and will commission task and finish <u>establish</u> Scrutiny Review Panels to assist it to perform its functions. The Committee will appoint a Chair for each <u>Scrutiny</u> Review <u>Panel</u>.

9. Agenda items for the Overview and Scrutiny Committee

- 9.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.
- 9.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Cabinet 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 Cabinet within an agreed timescale.

10. Policy review and development

10.1 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 the Budget and Policy Framework Procedure Rules in Part 4 of this constitution.

10.1 10.2 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 and its Scrutiny Review Panels may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference. The Scrutiny Review Panels must do so via the Overview and Scrutiny Committee.

11. Reports from the Overview and Scrutiny Committee

Following endorsement by the Overview and Scrutiny Committee, final reports and recommendations will be presented to the next available Cabinet meeting. The procedure to be followed is set out in paragraphs 1.3 or 1.4 above.

12. Making sure that overview and scrutiny reports are considered by the Cabinet

- 12.1 The agenda for Cabinet meetings (including any meetings of single members) shall include an item entitled 'Issues arising from Scrutiny'. Reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda unless either they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda or the Cabinet gives reasons why they cannot be included and states when they will be considered.
- 12.2 Where the Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where decision making power has been delegated to an individual Cabinet member, a Committee of the Cabinet or an Officer, or under Joint Arrangements, then the Overview and Scrutiny Committee will also submit a copy of their report to that individual for consideration, and a copy to the proper officer. If the member, committee, or officer with delegated decision making power does not accept the recommendations of the Overview and Scrutiny Committee, then the body/he/she must then refer the matter to the next appropriate meeting of the Cabinet for debate before making a decision.

13. Rights and powers of Overview and Scrutiny Committee members

13.1 Rights to documents

- (i) In addition to their rights as Councillors, members of the Overview and Scrutiny Committee and Scrutiny Review Panels have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (ii) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee and Scrutiny

Review Panels as appropriate depending on the particular matter under consideration.

13.2 Powers to conduct enquiries

The Overview and Scrutiny Committee and Scrutiny Review Panels may hold enquiries into past performance and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in these processes. 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, within available resources. 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. (and Scrutiny Review Panels require the support of the Overview and Scrutiny Committee to do so).

13.3 Power to require Members and officers to give account

- (i) The Overview and Scrutiny Committee and Scrutiny Review Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions (Scrutiny Review Panels will keep to issues that fall within their terms of reference). As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any senior officer (at second or third tier), and chief officers of the local National Health Service 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 (or NHS policy, where appropriate); and
 - (c) their performance.

It is the duty of those persons to attend if so required. At the discretion of their chief officer, council officers below third tier may attend, usually accompanied by a senior manager. At the discretion of the relevant Chief Executive, other NHS officers may also attend overview and scrutiny meetings.

(ii) Where any member or officer is required to attend the Overview and Scrutiny Committee or Scrutiny Review Panel under this provision, the Chair of that body will inform the member or proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are

required to be produced for the Overview and Scrutiny Committee or Scrutiny Review Panel. Where the account to be given to Overview and Scrutiny Committee or Scrutiny Review Panel will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

(iii) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee or Scrutiny Review Panel shall in consultation with the member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request.

14. Attendance by others

The Overview and Scrutiny Committee or Scrutiny Review Panel may invite people other than those people referred to in paragraph 13 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 may invite such people to attend. Attendance is optional.

15. Call-in

The call in procedure is dealt with separately in this Part of the Constitution, immediately following the Overview and Scrutiny Procedure Rules.

16. Councillor Call for Action (CCfA)

The Council has adopted a Protocol for handling requests by non-Committee Members that the Committee should consider any local government matter which is a matter of significant community concern. This procedure should only be a last resort once the other usual methods for resolving local concerns have failed. Certain matters such as individual complaints and planning or licensing decisions are excluded.

Requests for a CCfA referral should be made to the Head of Local Democracy & Member Services who will check with the Monitoring Officer that the request falls within the Protocol. The Councillor making the referral will be able to attend the relevant meeting of the Committee to explain the matter. Among other actions, the Committee may: (i) make recommendations to the Cabinet, Directors or partner agencies, (ii) ask officers for a further report, (iii) ask for further evidence from the Councillor making the referral, or (iv) decide to take no further action on the referral.

The Protocol is not included within this Constitution but will be subject to regular review by the Committee.

- 17. Procedure at Overview and Scrutiny Committee meetings and meetings of the Scrutiny Review Panels.
 - (a) The Overview and Scrutiny Committee shall consider the following business as appropriate:
 - (i) apologies for absence;
 - (ii) urgent business;
 - (iii) declarations of interest;
 - (iv) minutes of the last meeting;
 - (v) deputations and petitions;
 - (vi) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
 - (vii) responses of the Cabinet to reports of the Committee; and
 - (viii) business arising from Area Committees;
 - (viii) (ix) the business otherwise set out on the agenda for the meeting.
 - (b) A Scrutiny Review Panel shall consider the following business as appropriate:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) the business otherwise set out on the agenda for the meeting.
 - (c) Where the Overview and Scrutiny Committee or Scrutiny Review Panel has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the Overview and Scrutiny Committee and Scrutiny Review Panels be given the opportunity to ask questions of attendees, to contribute and to speak;

- (ii) that those assisting the Overview and Scrutiny Committee or Scrutiny Review Panel by giving evidence be treated with respect and courtesy;
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
- (iv) that reasonable effort be made to provide appropriate assistance with translation or alternative methods of communication to assist those giving evidence.
- (d) Following any investigation or review, the Overview and Scrutiny Committee or Scrutiny Review Panel shall prepare a report, for submission to the Cabinet (via the Overview and Scrutiny Committee in the case of a Scrutiny Review Panel) and shall make its report and findings public.

18. The Party Whip

Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the Committee/Panel's deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

The expression "party whip" can be taken to mean: "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 the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

19. Matters within the remit of more than one Scrutiny Review Panel

Should there be any overlap between the business of any \underline{S} crutiny \underline{R} eviews \underline{Panels} , the Overview and Scrutiny Committee is empowered to resolve the issue.

APPENDIX I

PART FOUR - RULES OF PROCEDURE Section J- Contract Procedure Rules

Part Four, Section J Contract Procedure Rules

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0. Statement of Principles

- 0.1 The Contract Standing Orders provide the framework rules for the Council's procurement of works, goods and services. Following them will ensure value for money, propriety and the proper spending of public money.
- 0.2 The Procurement Code of Practice provides more detail and shall govern Council tendering and contract procedures. The Director of Corporate Resources and Head of Procurement shall maintain and issue the Procurement Code of Practice. Any procurement activity shall proceed in accordance with the Contract Standing Orders and the Procurement Code of Practice and all such other quidance issued by the Head of Procurement.
- 0.3 The Head of Procurement shall make the latest version of the Contract Standing Orders and the Procurement Code of Practice available to every Director, Member and officer of the Council. Directors, or officers acting on their behalf, shall apply the requirements of the Contract Standing Orders and the Procurement Code of Practice when engaging in any procurement activity.
- 0.4 The purpose of procurement activity shall be to achieve best value in accordance with the Council's statutory or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors and collaborating with other public sector bodies within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value with regards the optimal combination of economy, efficiency and effectiveness.
- 0.5 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 English and European Union law.
- 0.6.Directors shall ensure that the Cabinet , Cabinet Procurement Committee or appropriate Member of the Cabinet or Cabinet Procurement Committee is consulted on any procurement activity prior to its publication in the Council's Forward Plan.
- 0.7.Directors must ensure that audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.
- 0.8. No Member shall enter into any contract on the Council's behalf.
- 0.9.No Member shall be permitted to become security under any agreement between the Council and a contractor employed by it.

CONTRACT STANDING ORDERS

1. Introduction

- 1.01. Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is required to ensure that best value works, goods and services are provided. Efficient use of resources in order to achieve best value is therefore an imperative. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.02. For these reasons it is a disciplinary offence to fail to comply with Contract Standing Orders and the Procurement Code of Practice when letting contracts. Employees have a duty to report breaches of Contract Standing Orders to an appropriate senior manager and the Head of Audit & Risk.
- 1.03. Reference should be made to the Procurement Code of Practice for more detailed procurement procedures.

2. Definitions and Interpretation

- 2.01. These Contract Standing Orders are made pursuant to section 135 of the Local Government Act 1972 and shall come into force with this Constitution.
- 2.02. Unless the context otherwise requires, in these Contract Standing Orders the terms below shall have the meanings ascribed to them.
 - a) "Director" means an employee of the Council (inc Alexandra Palace and Park Charitable Trust) holding a post designated as Director, Chief Executive or Assistant Chief Executive.
 - b) "EU" means European Union.
 - c) "Public Contract Regulations" means the Public Contract Regulations 2006 SI 2006 No. 5 as amended from time to time.
- 2.03. In the event of any conflict between EU law, English law and Council policy, the requirements of EU law shall prevail over English law and the requirements of English law shall prevail over Council policy.
- 2.04. In the event of any doubt as to the interpretation of these Contract Standing Orders or the Procurement Code of Practice, or as to the proper procedure to be followed, clarification should be sought from the Head of Procurement.

3. Roles & Responsibilities

3.01 The Cabinet Procurement Committee will:

- a) hold Directors accountable for any decisions they make under their delegated authority or under these Contract Standing Orders.
- b) approve award of contract including any options to extend that are set out within the original contract and valued over £250,000 (two hundred and fifty thousand).
- c) approve any variations or extensions valued over £250,000 (two hundred and fifty thousand) that are not covered in the original decision taken in b) above.
- d) ensure that the award of any contract and any extension (not included in the original decision) or variation valued over £500,000 (five hundred thousand) is a 'key decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.

3.02 Constitution Review Working Group

The Constitution Review Working Group will keep under review these Contract Standing Orders and recommend amendments to full Council for adoption.

3.03 Directors

The Director has responsibility for all contracts let under his/her control. He/she is accountable to the Cabinet for the performance of their duties in relation to contract letting and management, which are:

- a) to ensure compliance with English and EU law and Council Policy;
- b) to ensure value for money in all procurement matters;
- c) to ensure compliance with Contract Standing Orders and the Procurement Code of Practice;
- d) to maintain a departmental scheme of delegation;
- e) to ensure that all relevant officers are familiar with the provisions of Contract Standing Orders and the Procurement Code of Practice and that they receive adequate training on their operation;
- f) to ensure compliance with any guidelines issued in respect of these Contract Standing Orders;
- g) to take immediate action in the event of a breach of Contract Standing Orders or the Procurement Code of Practice within his or her area;
- h) to keep proper records of all bids and contracts etc. including minutes of tender evaluation panels and other meetings;
- i) to keep records of waivers of any provision of these Contract Standing Orders:
- j) to make appropriate arrangements for the opening of bids and their secure retention so as to protect the integrity of the procurement process;

- k) to ensure that the Council's seal is affixed to any document required to be executed as a deed and that where a document is not expressed to be under seal, it is signed by two people as provided for in these Contract Standing Orders;
- I) to ensure original sealed contract documents are held by the Head of Legal Services for safekeeping;
- m) to record all contracts in the Contracts Register;
- n) to ensure effective management of all contracts under his/her control and to a level deemed appropriate in regard to risk or value of each contract.
- o) no contract shall be let unless the expenditure involved has been fully considered and approved beforehand and sufficient money has been allocated in the relevant budget.

3.04 Pensions Committee Corporate Committee

The Pensions Committee <u>Corporate Committee</u> shall have the same powers and duties of the Cabinet Procurement Committee specified in these Contract Standing Orders but limited to procurement decisions and award of contract relating to the Pension Fund.

4. Scope of Contract Standing Orders

- 4.01. These Contract Standing Orders shall apply to all contracts for the procurement by the Council of works, goods and services unless otherwise expressly stated or these requirements are waived in accordance with CSO10.
- 4.02. Where the Council secures funding from an external funding body, and the funding is conditional upon the grant monies being used to facilitate service delivery, Contract Standing Orders shall apply to procurement by the Council of the works, goods, and services to facilitate the service delivery.
- 4.03. These Contract Standing Orders shall **not apply** to contracts of employment, or to contracts relating to any interest in land. For the avoidance of doubt, there are excluded from these Contract Standing Orders any agreement relating to the provision of nomination rights to housing, collateral management arrangements in respect of social housing and the acquisition of rights or benefits pursuant to the Council's Private Sector Temporary Accommodation Leasing Scheme.

5. EU Public Procurement Directives

5.01 Where the value of a works, goods or services contract is equal to, or exceeds, the applicable threshold in relation to the Public Contracts Regulations, the provisions of those Regulations shall govern the tendering process and shall take precedence over the provisions of these Contract Standing Orders in the event of any conflict.

- 5.02. In respect of contracts to which Public Contract Regulations apply:

 a) where the tender is for appointment to a Framework Agreement, the total period of the Framework Agreement including any possible extension, shall not exceed four years except in exceptional circumstances relating to the subject of the Framework Agreement;
 b) all bidders must be notified in writing of a tender selection decision by the Council at least 10 (ten) calendar days prior to the proposed contract award date, provided notification is by facsimile or electronic means. Where the last day of this ten-day notice period falls on a non-working day, the period must be extended to include the next working day. Where notification is not by facsimile or electronic means, the notice period shall be in accordance
- 5.03. Where the subject matter of a contract is not exempt under the Public Contract Regulations and when, for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, it may be awarded only to a particular contractor, a negotiated procedure without prior publication of a contract notice may be used for such award

with the timeframes required by the Public Contract Regulations.

6. Contract Value and Aggregation

- 6.01. Directors must ensure that a pre-tender estimate of the contract value is prepared and recorded in writing and in order to determine whether the thresholds under the Public Contract Regulations apply.
- 6.02. Unless otherwise specifically provided, reference to contract value or an estimated contract value in these Contract Standing Orders means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period, including any extension periods as anticipated in the proposed contract.
- 6.03. Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of Contract Standing Orders or the Public Contract Regulations.

7. Framework and Consortia Arrangements

- 7.01. Subject to the provision of CSO 7.02, these Contract Standing Orders shall **not apply** where the Council procures particular works, goods and services:
 - a) as part of a group of public sector bodies contracting with one or more contractors (consortium arrangement), provided the contract standing orders of one of the public sector bodies constituting the group and/ or where applicable the Public Contract Regulations have been followed, or
 - b) by selecting one or more contractors from a Framework or similar arrangement (including approved lists), established by a public sector body

- in accordance with the contract standing orders of that public sector body and/ or where applicable the Public Contract Regulations.
- 7.02. The Council's decision to enter into a contract with the recommended contractor must be made in accordance with CSO 9.07.
- 7.03. The Council shall observe these Contract Standing Orders where it procures works, goods and services for the benefit, or on behalf of, other public bodies.

8. Procedure for Contracts valued below £100,000

- 8.01. Where a contract has an estimated value of less than £5,000 (five thousand), the relevant Director should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- 8.02. Where a contract has an estimated value of more than £5,000 (five thousand), but less than £100,000 (one hundred thousand), at least three competitive quotations should be obtained from chosen contractors without the need for an advertisement or the tender procedure followed.
- 8.03. The quotation procedure shall replicate CSO 9.02-9.04 and be managed by the:
 - a) relevant Director where the estimated value of the contract is more than £5,000 (five thousand) but less than £50,000 (fifty thousand).
 - b) Head of Procurement where the estimated value of the contract is more than £50,000 (fifty thousand) but less than £100,000 (one hundred thousand).
- 8.04. Where a pre-qualified Framework arrangement (including approved lists) exists in respect of the subject matter and prices have yet to be determined then CSO 9.01e applies.
- 8.05. The Head of Procurement may decide that processes in CSO 8 are not appropriate in order to secure value for money for the Council and to ensure general EU procurement law principles are complied with. If that is the case, he/she may determine another process of selecting a contractor which will meet best value criteria. The decision and process must be properly documented.

9. Procedure for Contracts valued above £100,000

9.01. Except as otherwise provided, contracts with an estimated value of £100,000 (one hundred thousand) or more must be let following publication of an appropriate (tender) advertisement.

Where tenders are to be invited the procedure to be followed shall be determined prior to advertising and shall be one of the following:

- a) open tender (all interested contractors submit a tender in response to an advertisement):
- b) restricted procedure (expressions of interest from interested contractors in response to an advertisement, with a selection of those contractors being invited to submit a tender);
- c) negotiated procedure (expressions of interest from interested contractors in response to an advertisement, with a selection of those contractors being invited to negotiate);
- d) competitive dialogue (expressions of interest from interested contractors in response to an advertisement, followed by dialogue with a selection of those contractors to identify a solution (or solutions) which meets the Council's requirements, and an invitation to the selected contractors to submit tenders based on the solution/s resulting from the dialogue);
- e) Where it is proposed to award a specific contract based on a framework agreement in which all the terms of the proposed contract are not laid down, a mini- competition shall be held in which tenders shall be invited from all members of the framework agreement which are capable of carrying out the requirements of the specific contract.
- f) single tender where the relevant goods are a proprietary product and/or the relevant services relate to such a product and for technical or artistic reasons, or for reasons connected with the protection of exclusive rights, the contract may be awarded only to a particular contractor. The Director of Corporate Resources must first be consulted before this procedure is used. Where applicable, use of this procedure must be compliant with the Public Contract Regulations. Where this procedure is used, an advertisement is not required.

9.02 Receipt and Opening of Bids

- 9.02.1. Other than when electronic procedures are followed (CSO9.03) contractors must be informed that their bids will only be considered if they are:
 - a) sent in a plain envelope or parcel with a label on which is printed either with the word "Tender" or "Quotation" followed by the subject of the contract; and
 - b) contained in a sealed envelope or parcel which does not show the identity of the contractor in any way;
 - c) delivered to the place and by the date and time stated in the invitation.
- 9.02.2. Bids must be kept safe until the date and time for their opening by the officers given this duty by the Director responsible for the process.

- 9.02.3. Bids for a particular contract must be opened at the same time in the presence of two officers, one of whom has had no involvement in the process. These officers shall be responsible for properly recording the price, duration of any works and all other relevant details of each opened bid.
- 9.02.4. The Head of Procurement must approve the training and seniority of all officers employed to open bids and also the arrangements in each Directorate for ensuring the independence of such officers from the teams involved in the competitive process.

9.03 E- Bids

- 9.03.1 Invitations to bid may be dispatched, and responses received, by electronic means with the prior approval of, and in accordance with a procedure specified by the Head of Procurement.
- 9.03.2. Bids received electronically must be stored securely, and must not be accessible until after the closing date and time in respect of submission of the bids.
- 9.03.3. At an appointed time for opening the electronically submitted bids, two authorised officers, one of whom has had no involvement in the process, shall both be present to access the submitted bids, and record the price, duration of any works and all other relevant details of each opened bid.

9.04 Late or Non Compliant Bids

- 9.04.1.Records of any non-compliant bids and of the date and time of receipt of any late tenders must be kept by officers.
- 9.04.2. Bids received late may only be considered if the other bids have not yet been opened and:
 - a) failure to comply is the Council's fault; or
 - b) it is clear that the bid was sent in such a way that in the normal course of events it would have arrived on time.

9.05 E-Auctions

In appropriate cases, the submission of prices for a bid may be conducted by e-auction using an on-line facility, with the prior approval of, and in accordance with a procedure specified by the Head of Procurement.

9.06 Post Tender Negotiations

- 9.06.1. Except where the negotiated procedure referred to in CSO 9.01c and 9.01f applies, negotiation after receipt of formal bids and before the award of contract is only permitted:
 - a) with those contractors submitting the most economically advantageous bid, and

- b) with a view to obtaining an improvement in content in circumstances which do not put other contractors at a disadvantage, distort competition or adversely affect trust in the competitive process, and
- c) if the prior authority of the Head of Procurement has been obtained.
- 9.06.2. There may be circumstances where an officer authorised by the Director may contact a contractor in order to clarify an ambiguous bid. This does not constitute post tender negotiations.
- 9.06.3. All communication with contractors under this Contract Standing Order must be in writing or recorded in writing.

9.07 Bid Acceptance and Contract Award

- 9.07.1. Bids are to be accepted on the basis of either:
 - a) The lowest price;

or

- b) The most economically advantageous tender (i.e. the tender providing the most benefit to the Council) as determined by such criteria, to include whole life costing methodologies, as are relevant to the type of works, goods or services.
- c) A Director may award, assign, or novate contracts valued at £250,000 (two hundred and fifty thousand) or less.
- d) Subject to the provisions of CSO 9.07.1g, all contracts valued over £250,000 (two hundred and fifty thousand) at the time of award may only be awarded, assigned, or novated by the Cabinet. Procurement Committee.
- e) The award of any contract valued at over £500,000 (five hundred thousand pounds) is a 'key decision' and as such must be in the Council's Forward Plan and comply with the other procedures in that regard set out in the Constitution.
- f) In accordance with Part 5 Section C of the Constitution, the award of spot contracts for care packages and contracts for the supply of energy to the Council are not "key decisions".
- g) Contracts for the supply of energy to the Council valued over £250,000 may be awarded by a Director.

9.08. Conditions applying to all contracts:

9.08.1. The tender documents in respect of every contract to which the Public Contract Regulations apply shall include a requirement that the successful contractor must enter into a collateral contract in a form approved by the

Head of Legal Services which provides for the allocation of risks between the parties where the contract has been declared ineffective by a court.

Valued £5,000 or more:

- 9.08.2. Except as provided in CSO 9.08.4, all contracts above £5,000 (five thousand) in value must be in writing by way of a document prepared, or on a basis approved, by the Head of Legal Services.
- 9.08.3. Where the works, goods or services to be provided under a contract are required to commence prior to the issuance and execution of a formal contract, a Director, if satisfied that it is in the Council's best interest in the particular circumstances, may approve issuance of a Letter of Intent pending the issuance and execution of a formal contract. However, the maximum cover afforded by any Letter of Intent shall not exceed 10% of the contract price in respect of works or services contracts, or £50,000 in respect of supplies contracts.
- 9.08.4. A contract made in extreme urgency or a contract for goods or services resulting from a purchase using a Council purchase card need not be in writing so long as it is confirmed in writing within four weeks.
- 9.08.5. Every contract shall specify:
 - a) the works, goods or services to be provided or executed;
 - b) the price to be paid or the precise method of its ascertainment and a statement of any discounts or other deductions; and
 - d) as appropriate, the start and finish dates, or delivery dates, and any maintenance or defects liability period.
 - e) compliance with the Council's insurance requirements. The requirement to comply with the Councils standard insurance requirements may only be waived with the Director of Corporate Resource's approval.
 - f) compliance with the Council's equality policy.
 - g) compliance with regards the protection of personal data.
- 9.08.6. All contracts for the provision of services which may potentially involve either direct contact with children and vulnerable adults or access to their personal records shall contain a provision requiring the service provider (including agents and assigns) to undertake a Criminal Records Bureau check on relevant employees prior to provision of the services under the contract and at appropriate intervals thereafter.
- 9.08.7. All computer software contracts shall contain a clause to the effect that use of the software by the Council's contractors shall not amount to use by a third party for which an additional software licence might otherwise be required.

Valued £25,000 or more:

- 9.08.8. Every contract with a value of £25,000 (twenty five thousand) or more must unless the Head of Legal Services and Director of Corporate Resources agree to the contrary contain clauses to cover the following:
 - a) compliance with all applicable legislation;
 - b) a prohibition on assignment and/or subletting without the written consent of the Director:
 - c) a provision allowing the Council to cancel the contract and recover any resulting loss from the contractor if the contractor does anything which is contrary to the Bribery Act 2010 or incites breach of Section 117 (2) of the Local Government Act 1972:
 - d) a provision to ensure the Council is protected against the contractor's defective performance by default provisions which are appropriate to the contract;
 - e) if the contractor is in breach of contract the Council can do any or all of the following:
 - i. determine all or part of the contract or determine the contractor's appointment;
 - ii. itself perform the contract in whole or in part;
 - iii. recover from the contractor any additional cost resulting from the completion or cancellation of the contract.
 - f) If the contractor has obtained or received by whatever means any information which gives or is intended or likely to give the contractor any unfair advantage over any other tenderer (including the Council's own workforce) in relation to the tendering for, and award of, any works/services contract, that the Council shall be entitled to terminate that contract;
 - g) It shall be a condition of any contract between the Council and any person (not being an Officer of the Council) who is required to manage a contract on the Council's behalf that, in relation to such contract, he/she shall comply in all respects with the requirements of these Contract Standing Orders as if he/she were an employee of the Council.
- 9.08.9. A contract up to and including £250,000 (two hundred and fifty thousand) in value does not require sealing and should be signed on behalf of the Council, by both the relevant Director and by the Head of the relevant business unit. However, if the nature of the works, goods or services is such as to pose a high risk of significant latent defects, then the Head of Procurement may decide to have the contract executed under seal as a deed.

Valued £250,000 or more:

- 9.08.10. A contract over £250,000 (two hundred and fifty thousand) in value must be executed on behalf of the Council under seal as a deed.
- 9.08.11. Every contract which exceeds £250,000 (two hundred and fifty thousand) in value must contain clauses to cover the following:
 - a) if it is a contract for works, that the Council may require the contractor to provide security for completing the contract in the form of a bond;
 - b) that where the contractor is a subsidiary or group company, the contractor may be required to provide a parent or group company guarantee.
- 9.08.12. The decision as to whether or not a bond or parent company guarantee will be required in respect of a contract that exceeds £250,000 will ultimately be made by the Director of Corporate Resources, or an officer acting under his/her delegated authority.

10. Waivers, Variations, Extensions and Novations

10.01 Waivers

- 10.01.1. Contract Standing Orders other than CSO 5 (which relates to the Public Contract Regulations) may be waived on the basis set out in CSO 10.01.2 by:
 - a) the Cabinet Procurement Committee where the contract value is more than £100,000 (one hundred thousand); 250,000; or
 - b) a Cabinet Procurement Committee Member where the contract value is between £100,000 (one hundred thousand) and £250,000 (two hundred and fifty thousand); or
 - \underline{b}) a Director where the contract value is £100,000 (one hundred thousand) or less (save that the Director shall not have authority to waive CSO 9.08)
- 10.01.2. A waiver may be agreed after considering a written report that demonstrates:
 - a) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is such that a departure from the requirements of Contract Standing Orders is justifiable; or
 - b) the contract is for works, goods or services that are required in circumstances of extreme urgency that could not reasonably have been foreseen; or
 - c) the circumstances of the proposed contract are covered by legislative exemptions (whether under EU or English law); or
 - d) it is in the Council's overall interest; or
 - e) there are other circumstances which are genuinely exceptional.
- 10.01.3. Waiver requests must be approved before any related contract awards, variations or extensions.

- 10.01.4. A record of the decision approving a waiver and the reasons for it must be kept and an entry made in a central register maintained and monitored by the Head of Procurement.
- 10.01.5. Where a waiver of Contract Standing Orders is sought for the second time in relation to the same individual contract, a <u>this must be agreed by the</u> Cabinet. Procurement Committee Member must agree those valued at £50,000 (fifty thousand) or less and be agreed by the Cabinet Procurement Committee for those valued £50,000 (fifty thousand) or more.

10.02 Variations and Extension

- 10.02.1. Subject to the provisions of CSO 3.01; the Public Contract Regulations restrictions and compliance with Financial Regulations, a Director may authorise the following:
 - a) any extension provided for within the terms of a contract and previously included in an award of contract decision taken by Cabinet Procurement Committee (but subject to satisfactory outcomes of contract monitoring);
 - b) or a single extension by up to six months, or half the contract term (whichever is less) of the contract not provided for within the original contract award decision; and
 - c) any variation, and if relevant a consequent change in price, determined in accordance with the contract terms.
- 10.02.2. In any other circumstances where the value exceeds £250,000 (two hundred and fifty thousand) the Cabinet Procurement Committee may vary or extend a contract providing that to do so is consistent with the Public Contract Regulations and the Council's Financial Regulations.
- 10.02.3. In addition a Director may authorise variations to a contract where either delay would incur substantial cost penalties to the Council or the proposed variations are unavoidable and/or essential for the contract to proceed or continue, and the additional cost of such variations does not exceed 25% of the value of the contract, up to a maximum of £250,000 (two hundred and fifty thousand). Variations above this level may be authorised by a Director, where the Director considers that circumstances require such authorisation, as long as such variations are reported to the Cabinet Procurement Committee at the earliest opportunity.
- 10.02.4. All variations and extensions must be recorded in writing.

10.03 Novations (Transfers)

In appropriate circumstances the Council may agree to the novation or assignment of a contract. This decision must be taken based on the value of the contract at the date of award.

11. Contract Termination

- 11.01. In the event of a supplier being declared bankrupt, going into administration, receivership or liquidation then a Director may terminate any associated contract(s) and initiate alternative arrangements as may be required taking into account CSO 10.03 in cases of novation or CSO 4.01 in cases that warrant the re-letting of the contract(s).
- 11.02. The decision to terminate a contract early in all other circumstances must be approved by a Director.
- 11.03. In all cases of contract termination for whatever reason where the awarded contract value was more than £250,000, a report must be presented at the earliest opportunity to Cabinet Procurement Committee.

12. Schools

In accordance with the requirements of the Council's Scheme for Financing Schools, and the Financial Regulations for Schools, where a school acts as an agent for the Council, these Contract Standing Orders apply to all schools within the London Borough of Haringey with the exception of Academy and Trust Schools. A school's governing body shall have the powers and duties of the Cabinet Procurement Committee specified in these Contract Standing Orders, except in relation to waivers (CSO 10.01).

13. Care Contracts for Individuals

Adults & Housing Services and the Children & Young People's Service care contracts may be 'block' contracts (where a number of beds, places or services are provided by the contractor at pre-agreed pricing schedules, to which the Council may refer users over the contract period) or 'spot' contracts (one-off contracts meeting an individual user's needs, or contracts where a number of beds, places or services are provided by the contractor without pre-agreed prices, such prices to be agreed upon each referral of a user over the contract period). The Directors of the Adult & Housing Services and the Children & Young People's Service will seek to optimise overall best value for the Council. The following provisions shall apply to the Adult & Housing Services and the Children & Young People's Service care contracts:

- a) All Contract Standing Orders apply to block contracts;
- b) CSO 8.03 (in relation to quotation procedures) shall **not apply** to spot contracts:
- c) The Directors of the Adult & Housing Services and the Children & Young People's Service may award all spot contracts, which shall be reviewed at least annually as part of the review of whether the service provided continues to demonstrate value for money and meet the needs of the service user:
- d) The Directors of the Adult & Housing Services and the Children & Young People's Service shall provide bi-annual reports to the relevant Cabinet Member and an annual report to the Cabinet Procurement Committee detailing the nature, extent and value of spot contracts entered into in the previous period *quarter*.

14. Alexandra Palace and Park

These Contract Standing Orders apply to the procurement of works, goods and services by or on behalf of Alexandra Palace and Park Charitable Trust on the following basis:

- a) The Chief Executive of APPCT shall have the powers and duties of a Director specified in Contract Standing Orders;
- b) The Alexandra Palace and Park Board and Panel shall have the powers and duties of the Cabinet Procurement Committee and a Cabinet Member specified in these Contract Standing Orders;
- c) In the event of any conflict, the requirements of the Charities Act 1993, any regulations made under that Act or charity law in general shall prevail over the provisions of Contract Standing Orders.

15. Disposal of assets

- 15.01. Where Council assets (other than land & buildings) are to be disposed of because they are surplus to requirements, damaged or obsolete, reasonable endeavours must be undertaken to realise the residual value of the assets.
- 15.02. Assets having little or no realisable value may be disposed of as waste with the approval of the relevant Head of Business Unit, provided the disposal shall be in favour of recycling wherever possible.
- 15.03. In respect of assets to be disposed of having an estimated value of less than £5,000 (five thousand), the Director concerned should act in the

- manner most expedient to the efficient management of the service, having kept a record for so doing.
- 15.04. Assets recommended for disposal with an estimated value of more than £5,000 (five thousand), shall be disposed of in such a manner as to secure best value.
- 15.05. Disposal of assets valued at more than £250,000 (two hundred and fifty thousand) must be reported to the Cabinet Procurement Committee.
- 15.06. Under no circumstances shall disposal of Council assets be made to employees or Members of the Council without the prior approval of the Director.

16. Urgent Decisions

- 16.01. These provisions apply where action needs to be taken urgently on any matter between meetings of the Cabinet Procurement Committee and that action would be outside the powers given to a Director <u>under these Contract Standing Orders</u>. or an individual Cabinet Procurement Committee Member. They may only be used in cases of genuine urgency and not to avoid proper forward planning.
- 16.02. All urgent decisions, including waivers and awards of contract, that are not "key decisions", may be taken by the Chair of the Cabinet <u>Member with responsibility for procurement Committee</u> or in his/her absence by the Leader of the Council.
- 16.03. All urgent decisions, including waivers and awards of contract, that are "key decisions", may be taken by the Leader of the Council in accordance with his/her powers under the Constitution and subject to the statutory "Special Urgency" rules where these apply. In the absence of the Leader, the decision may be taken in accordance with the provisions set out in the Cabinet Procedure Rules. by the Chair of the Cabinet Procurement Committee subject to the same procedures being followed.

Section 8 General Delegations

Exclusion from the General Delegations

Excluded from these delegations below are matters which are:

- (i) Key Decisions,
- (ii) Expressly reserved to the Cabinet or Cabinet Committee within its terms of reference
- (iii) Included on the Forward Plan
- (iv) Expressly reserved to full Council within its terms of reference
- (v) Expressly reserved to a non-executive Committee or Sub-Committee within its terms of reference
- (vi) Expressly excluded from the scheme of delegation to officers under paragraphs 4.01 and 4.02 of Part 3 Section E of the Constitution. Such an exclusion will not apply where the power to set fees or charges is specifically delegated in the statutory or non-statutory delegations below.

General Non-Statutory Delegations to all Chief Officers and Deputy Chief Officers:

The Chief Executive, Assistant Chief Executive, Directors and the General Manager of Alexandra Palace & Park, and all Deputy Chief Officers reporting to the afore-mentioned Chief Officers, may exercise any functions, powers and duties of the Council to take management and operational decisions on behalf of the Council. For the avoidance of doubt, these delegations are granted to all the senior officers reporting directly to the Chief Financial Officer. Decisions under these delegations must be taken in accordance with the law in those areas of responsibility assigned to the officers mentioned above in Appendix D of the Constitution from time to time:

- to secure the effective management of their services including the authorisation of any procedures or contracts within the framework of Financial Procedure Rules and Contract Procedure Rules;
- to implement and develop initiatives within the strategic policy framework and other Council plans and policy documents;
- to carry out, or authorise the carrying out, of the functions of the proper officer of the Council in any legislation relating to those areas of responsibility assigned to senior officers in Appendix D.

This authorisation includes power:

- to authorise the service of any statutory notice;
- to authorise officers to enter any land or premises in pursuance of a statutory function of the Council;
- to apply, or to authorise other officers to apply, to a Court for a warrant to enter any land or premises, in exercise of his/her responsibilities;

- to authorise the institution of any process or proceedings for administering or enforcing the functions of the Council;
- to authorise the recovery by legal proceedings of any sum to which the Council is entitled;
- to appoint officers as authorised officers for any statutory purpose;
- to supply photocopies of documents to the general public subject to making such charges as may be agreed in a scheme approved by the Chief Executive and Director of Corporate Resources, subject to the provisions of the Copyright, Designs and Patents Act 1988
- to take action on any urgent matter, whether or not power to do so is specifically delegated elsewhere, between meetings of the Cabinet or any Committee or Sub-Committee of the Council subject to statutory provisions and the provisions of Part 3 Section E of the Constitution;
- to commit the Council to any action or process when the decision-maker is acting as the principal representative of the Council on a subordinate body of the Haringey Strategic Partnership subject to this being in accordance with the Council's Budget & Policy Framework, Finance Procedure Rules and Contract Procedure Rules;

This authorisation includes the following powers in Personnel Matters:

- Taking all decisions relating to changes to the establishment, affecting 20 50 posts or less, where the relevant employees' side are in agreement or have not raised objections within the agreed timetables, but excluding the closure of schools or colleges. Consultation with the relevant Cabinet Member is required before the delegated decision is taken;
- For the avoidance of doubt, when calculating the number of posts affected by a change to the establishment, this means the number of posts to be added or deleted even though a different number of posts and does not include posts that may be changed in nature or scope of delivery or may be subject to alteration of terms and conditions in the same restructuring;
- Power to designate posts as casual or essential users in accordance with criteria as determined by the Head of Human Resources;
- Approval of sickness pay (half and full pay) or extension beyond the national, provincial or local agreements;
- Approval of extension of special leave with pay;
- Extensions of accident pay beyond the national, provincial or local agreements;
- Grant of honoraria and where relevant ex-gratia payments to employees;
- Power to appoint applicants above the minimum permissible increment point upon appointment;
- Power to authorise accelerated increments below Senior Management pay grades;
- Approval to changes to grades on various scales/conditions for all employee groups, except for Chief Officers and Deputy Chief Officers;
- Re-designation of posts subject to normal consultative procedures;
- Decisions not to reclaim financial assistance granted under the Post-Entry Training Scheme;
- Decision not to reclaim maternity pay;

- Deletion of vacant, unfunded posts;
- Approval of minor changes in conditions of service established practice;
- Appointments to vacancies and new posts below Deputy Chief Officer or equivalent level in accordance with agreed procedures;
- The establishment and deletion of Chief Officer and Deputy Chief Officer or equivalent level posts, the setting of the initial terms of employment including the level of starting salary, and any variation of the duties of such posts, are decisions delegated to the Chief Executive for determination in accordance with the decisions(s) previously made by the Cabinet on the service delivery aspects of a service restructuring. All appointments to such Senior Management posts must be made by an Appointments Panel, in accordance with Part 4, Section K of the Constitution, unless the Monitoring Officer advises a different procedure in any individual case for employment law reasons. The remuneration and other terms and conditions of Senior Management posts are subject to review by the Corporate Committee;
- Dismissals and disciplinary/capability action below Deputy Chief Officer or equivalent level in accordance with agreed procedures;
- Approval of more than 5 days carry-over of annual leave to the following leave year.

General Non-Statutory Delegations to all Chief Officers

The Chief Executive, Assistant Chief Executive, Directors, and the General Manager of Alexandra Palace & Park are granted the non-statutory powers set out below.

Administrative Matters

- Power to deal with requests for access to Council premises by the media
- Power to waive charges where justified in exceptional circumstances and where this is legally permissible

Property Matters

Any decision concerning the management or use of land held for the operational requirements of the officers of a Directorate may be taken by the relevant Director or Chief Officer. Any decision on the letting or disposal of land held for the Directorate shall be referred to the Director of Place and Sustainability or the Head of Property in accordance with their respective delegated powers, unless it is a key decision referred to The Cabinet or the appropriate individual Cabinet Member.

Statutory Delegations

The statutory powers in the Schedule below are granted to the Chief Executive, Assistant Chief Executive, Directors and the General Manager of Alexandra Palace & Park, and all Deputy Chief Officers reporting to the aforementioned Chief Officers. For the avoidance of doubt, these delegations are

granted to all the senior officers reporting directly to the Chief Financial Officer.

Those delegated powers, where prior consultation with, or instructions from, a Member or Member body are required before officers can exercise the powers, are shown with an asterisk * in the right hand column.

The statutory delegations listed in the Schedule below include all local authority functions (whether expressed as a power, duty, discretion or otherwise) under the listed sections/parts of the Acts, including any related Schedules, or the whole Act if so stated, and all subordinate legislation arising under the listed Acts. The fact that certain subordinate legislation may be expressly listed, and other subordinate legislation is not listed, does not affect the generality of this delegation. The statutory delegations include all subsequent legislative amendments and additions to the listed provisions. Except where a power is expressly stated to be a "Limited Delegation", the delegations are not limited, conditioned or qualified in any way by the descriptions of the powers in the right hand column which are for information only.

Schedule of Statutory Delegations

Powers to promote adequate use of records and to acquire
by agreement, or accept as gifts, any records of local
interest
Power to defray expenses properly incurred by an officer of
the Council.
Power to microfilm documents and to designate an officer
who shall certify microfilm copies for evidence in Court
Power to enter into any agreement with any other public
body for the supply of goods and services subject to this
being in accordance with the Council's Budget & Policy
Framework, Finance Procedure Rules and Contract
Procedure Rules;

Sections 4, 7 & 8A	Duty to make provision for the persons with needs under the Act who are members of the public or Council employees in Council premises including means of access, parking facilities sanitary conveniences and appropriate signage
Local Government Act 1972	
Section 138 (1)	Limited Delegation: Power to incur such expenditure as is considered necessary in taking action calculated to avert, alleviate or eradicate the effects of an emergency or disaster affecting the whole or part of the Borough which has occurred or is apprehended subject to the arrangements for co-ordinating response to emergencies in Article 11.07 of the Constitution
Health & Safety at Work Etc Act 1974	
Section 2(1)	Duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.
Local Government Act 1974	
Section 36(1)	Power to recover administration costs in addition to actual costs of undertaking work.
Local Government (Miscellaneous Provisions) Act 1976	
Section 16	Power to serve on any person occupying, having an interest in, or managing any land a notice requiring them to furnish the Council with information regarding the nature of their interest in the land and the name and address of others occupying, managing or having an interest in the land.
Representation of the People Act 1983	
Section 35(6)	Power to place the services of any Council officers at the disposal of any person acting as the returning officer at any Greater London Authority election for an electoral area situated wholly or partly in the Borough.
Local Government & Housing Act 1989	
Section 150	Limited Delegation: To exercise and perform any powers and duties contained in any regulations made by the Secretary of State under this section permitting the making of a charge for any Council function for which there is no other statutory power to charge. The power to set any charges or scales of charges shall be exercised in consultation with the relevant Cabinet Member. *
Charities Act 1993	

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Section 78	Power to make arrangements for co-ordinating the activities of the Council and those of any charity established for purposes similar or complementary to services provided by the Council in the interests of persons who may benefit from those services or from the charity and to disclose to any such charity any information obtained in connection with the services provided by the Council.
Civil Evidence Act 1995	
Section 9	Power to certify that any document forms part of the records of the Council for the purpose of admitting that document as evidence in civil proceedings
Local Government Act 1999	
Sections 3 & 3A	Duty to arrange consultation with tax payers, non-domestic rate-payers, service users and other local representatives about fulfilment of the best value duties and duty to involve representatives of local persons in the exercise of Council functions
Local Government Act 2000	
Sections 2, 3 & 4	Limited Delegation: Powers to take steps to promote economic, social and environmental well-being subject to advice from the Head of Legal Services on each proposed exercise of these powers
Section 92	Power to approve compensation payments to remedy complaints in accordance with the Corporate Complaints Procedure and Financial Regulations
Criminal Justice & Court Services Act 2000	
Section 35	Duty to ensure that a person who is disqualified from working with children under the terms of this Act is not offered work in a regulated position (as defined in section 36 of this Act) and that any such person who is so employed is removed from such work.
Criminal Justice and Police Act 2001	

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Sections 50, 52-55, 60-62	Power to authorise any officer exercising a power to enter and/or seize items found on premises to exercise the additional powers of seizure contained in this section, to give the required notice under section 52 of this Act, and to perform the duties contained in sections 53-55 of this Act (to return certain items seized) and sections 60-62 of this Act (to secure certain items seized).
Local Government Act 2003	
Section 93	Power to charge for discretionary services.
Civil Contingencies Act 2004	
Sections 5 & 7	Powers to implement Central Government Orders and Directions on civil protection
Climate Change and Sustainable Energy Act 2006	
Section 3	Duty to have regard to the most recent energy measures report from central government when exercising delegated powers and making recommendations to Members
Local Government and Public Involvement in Health Act 2007	
Section 108	Duty to have regard to relevant local improvement targets specified in the local area agreement when exercising delegated powers and making recommendations to Members
Equality Act 2010	
Section 149	Duty to have due regard, when carrying out any of the Council's functions, to the need to eliminate discrimination, harassment and victimisation and to promote equality of opportunity and foster good relations.

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