

Council on 19 May 2003**Report title: Amendments to the Constitution****Report of: CHIEF EXECUTIVE****1. Purpose:**

To present changes to the constitution for adoption

2. Recommendations:

1. That the report on the process and approach be noted
2. That Appendix A be agreed
3. That Appendix B detailing the Constitutional text amendments be adopted.
4. That the Overview and Scrutiny Committee be delegated authority to approve Terms of Reference for the new Audit and Finance Scrutiny Panel should the existing generic ones prove inappropriate.

**Report authorised by:** Lesley Courcouf, ACE (Organisational Development)**Contact officer:** Chris McLean, Head of Local Democracy**Telephone:** 020 8489 2636**3. Access to information:**

Local Government (Access to Information) Act 1985

- Constitution of the London Borough of Haringey (May 2002)
- Local Government Act 2000
- DTLR Modular Constitution (2001)
- DTLR Guidance – New Council Constitutions Guidance (2001/02)

4. Context

4.1 Section 37 (1) of the Local Government Act 2000 requires local authorities operating executive arrangements (i.e. authorities like Haringey) to prepare and keep up-to-date a document known as the "Constitution". This document must include:

- Such information as the Secretary of State may direct;
- A copy of the local authority's standing orders;
- A copy of the authority's code of conduct for Members;
- Such other information as the local authority considers appropriate.

4.2 The existing Haringey Constitution, adopted by Council in May 2002, is based on the model constitution included in the DTLR guidance pack. This is in line with many other authorities that have used the model, with local variations.

4.3 It was agreed at the same meeting that a review of the constitution be instigated six months hence, to revise and update the document in light of practical experience.

4.4 This report sets out the process adopted for this review, the overall timetable and presents Members with a number of proposals to update the constitution to better reflect practice, to provide clarity and / or to resolve matters of concern that have emerged since its adoption last year.

5. Process

5.1 The General Purposes Committee on 28th October approved a report setting out the approach to the review of the constitution and the mechanisms for identifying, consulting on and subsequently agreeing the amendments required. As part of this, it also approved the establishment of two groups responsible for driving the process, namely the Member-level Constitution Advisory Panel (CAP) and the officer-level Constitution Working Group (CWG). The Terms of Reference for CAP are set out at Part 3 Section 4 para 9 of the constitution:

- To advise the General Purposes Committee on the development of the constitution under the Local Government Act 2000
- To oversee the work of the officer Constitution Review Group in proposing amendments that are desirable or required by new legislation
- To consider mechanisms for the consultation of stakeholders and Haringey citizens.

Its membership consists of councillors Rice (Chair); Jean Brown; Bull; GMMH Rahman Khan; Makanji; Reynolds; Gilbert and Laird.

- 5.2 The officer working group was charged to develop proposals for change following an agreed work programme. This was derived from the concerns about the new constitution raised by both officers and Members, grouped into themes and ordered to reflect Members' priorities. The agreed process is that once officers have followed the prescribed approach (see below) that proposals are submitted to the Constitution Advisory Panel for consideration and in time that body's recommendations are put through to the General Purposes Committee for adoption. Following on from this, the recommendations of GP are fed through to Council. However, in view of the importance of this task and the especial interest all members of the Council will have in it, it was also agreed that a full report detailing the changes to be adopted be submitted to Council every six months. This is the first such report.

6. Approach

- 6.1 The approach adopted by officers for this review is based on learning from the good and bad points of the approach adopted for putting together the new constitution. The key points to emerge from that first process were:
- The importance of a consistent approach
 - The need for proper consultation and debate
 - The benefits of considering best practice elsewhere.

The other councils we have benchmarked with are : Barnet ; Camden; Croydon; Hammersmith and Fulham; Islington; Newham; Tower Hamlets; Waltham Forest.

- 6.2 In addition to those changes which went through the above process, it has also been necessary to reflect recent deletions and additions of the following Council and Executive bodies:
- Deletion of the Audit Panel
 - Addition of an Audit and Finance Scrutiny Panel
 - The Standards Committee recommended that their Terms of Reference be amended and these are attached at Appendix B, as revised by CAP.
 - Showing the Education JCC and Pensioners Forum under the Executive structure.
 - Addition of the Voluntary Sector Grants Committee
 - Changes to the Terms of Reference to the Pensions Panel
- 6.3 Changes are also shown in Appendix B arising from amendments to officer delegations to reflect current structures, namely those relating to property

transactions/management & acting as Receiver appointed by Court of Protection in social services cases.

- 6.4 Appendix B also details those changes in relation to Planning and Licensing delegations approved by Council on 9 December 2002.

7. Proposals for change

- 7.1 Attached at Appendix A is a schedule of recommendations for change.
- 7.2 The detailed Constitutional amendments arising from Appendix A are shown at Appendix B together with those additional amendments referred to at paragraph 6.2 & 6.3. However there are some changes agreed in principle by CAP on 14 April that have yet to be drafted as detailed constitutional amendments because they are either formally deferred, require further consultation or substantial work or cannot be drafted until such consultation/work is carried out.
- 7.3 Following discussions between leading members of the majority and minority parties, an agreement was reached that, in future, any proposed changes to the Constitution will be circulated to each political group a month in advance of the Constitution Advisory Panel being presented with them. This will provide each Group with sufficient time to consider proposals fully before the CAP makes any recommendations concerning the Constitution to General Purposes Committee for adoption by the full Council.
- 7.4 At present, there are generic Terms of Reference for all Scrutiny Panels. However, given the special nature of the new Audit and Finance Scrutiny Panel, consideration needs to be given as to whether the generic terms are sufficient. The Director of Finance will look at this matter in conjunction with the elected Chair. For expedience it is recommended that the Council delegate authority to the Overview and Scrutiny Committee to approve any changes to the Panel's Terms of Reference that may be required.

8. Legal Implications

- 8.1 The Acting Head of Legal Services has been consulted in the preparation of this report.

Appendix A

THEME	RECOMMENDATIONS	PRO FORMA Ref.
Council	<p>Overview of Standing Orders</p> <p>1. ¹Recommended that the deletion of the words "at any meeting" at the end of Standing Order 44 be agreed.</p>	CWG 1
Council	<p>Deputations</p> <p>2. Recommended that the notification period for deputations remains unchanged from 5 working days.</p> <p>3. ²Recommended that a standardised time period of 'working days' be used for receipt of motions, deputations etc.</p>	CWG 4
Council	<p>Questions</p> <p>4. Recommended that the facility of oral and written council questions be retained.</p> <p>5. Recommended that the number of Oral and Written questions for each full Council meeting be limited as follows: -</p> <ul style="list-style-type: none"> • 10 Oral questions - 5 to the Majority Party and 5 to the Minority Party or Parties • 1 Written question per elected member. <p>6. Recommended that the Constitution explicitly states the following ruling for supplementary questions: -</p>	CWG 6

¹ Note: The wording of Council Procedure Rule 44 (relating to committees etc.) was intended to mirror that of Council Procedure Rule 28 which relates to the Mayor's Prerogative concerning interpretation of Standing Orders. The addition of the words "at any meeting" at the end of the sentence seems to have caused confusion in some peoples minds

² Note: Being picked up as part of inconsistency tranche of the review. Proposed that 'working days' as opposed to 'calendar days' be used in those instances.

THEME	RECOMMENDATIONS	PRO FORMA Ref.
	<p>“That no more than two supplementary questions to oral questions will be permitted. The first supplementary will be reserved for the original questioner. Any member of the Council will be permitted to ask a second supplementary question.”</p> <p>7. Recommended that Standing Order No 2 be amended to reflect the receipt of formal questions and provisions of answers.</p> <p>8. Recommended that the Constitution explicitly states that substitution of questioners is permitted.</p> <p>9. Recommended that the deadline for receipt of questions (currently 10am 5 working days before the meeting) remains unchanged.</p> <p>10. Recommended that Council Rule of Procedure 10.5 (d) be amended to reflect the fact that on occasions a written reply may take longer to prepare with the proviso that a time frame be set stating when the answer will be sent to the questioner.</p> <p>11. Recommended that the Council Procedure Rules explicitly state that only elected members of the Council can answer public questions at full Council. (whether asked by a member of the public or and elected member). Non-elected members can not answer questions on behalf of the Council.</p>	

Appendix A

THEME	RECOMMENDATIONS	PRO FORMA Ref.
Council	<p>Minutes & Referred Items</p> <p>12. Recommended that the Council adopts best practise and dispenses with minutes being submitted to full Council.</p> <p>13. Recommended that the Council Procedure Rules explicitly cover the submission of reports and recommendations of the Executive and committees to full Council where appropriate.</p>	CWG 7
Council	<p>Motions and Amendments</p> <p>14. Recommended that the deadline for receipt of motions be 5 working days.</p> <p>15. Recommended that the following wording be used in the Council Procedure Rules regarding the deadline for receipt of amendments to motions [Council Procedure Rule 16.7 (a)] “The mover of any amendment to a motion must give written details of its text and its seconder to the proper officer by 10 am on the day of the Council meeting. The amendment will be circulated to Party Group Leaders no later than 2pm that day”.</p> <p>16. Recommended that based on best practice the Constitution be amended to permit substitution of proposers or seconders of motions.</p> <p>17. Recommended that the wording of paragraph 15(h) of rules of Procedure be amended to “to alter a motion”.</p>	CWG 8

³Note: Possible confusion ensues from the use of the term “to amend a motion” in Council Procedure Rule 15h, which would seem to imply that amendments can be moved without notice. There is a requirement that amendments be notified by 10am on the day of Council. Recommended that the wording of Procedure Rule 15(h) be changed to “to alter or correct a motion”, this would be consistent with Council Procedure Rule 16.8, which is concerned with a motion being altered by its mover. The amendment should emphasise that only the mover of the motion can alter or correct the motion on the grounds of accuracy i.e. typo errors, phraseology etc.

THEME	RECOMMENDATIONS	PRO FORMA Ref.
	<p>18. ⁴Recommended that the Council permits the practice of “delete all” amendments in the light of best practice and that this be explicitly stated in Council Procedure Rule 16.7b.</p> <p>19. Recommended that there should be an explicit reference in the Council regarding the procedure for Votes of No Confidence for all post holders i.e. the Leader, Executive members, Committee & Panel Chairs, the Chair of Alexandra Palace & Park Board, Overview and Scrutiny Ctte and Panel Chairs. Where applicable the relevant Article(s) of the Constitution should be referred to which set out the process E.g. Article 6.05 for votes of no Confidence for Overview and Scrutiny post holders, Article 7.05 for votes of no Confidence for Executive post holders.</p>	
Council	<p>Recorded Votes</p> <p>20. ⁵Recommended that the number of members required to requisition a general recorded vote be increased to 8 members. This is in line with best practice.</p> <p>21. That recorded votes not be allowed in relation to procedural motions.</p>	CWG 9

⁴ Note: In six of the authorities benchmarked with, there is no limit on the number of words that may be changed as long as the amendment does not negate the motion. In the remaining authority, amendments are not allowed where all words are deleted and replaced with an alternative wording, even if the original sentiment is retained.

⁵ Note: It is important for Members to bear in mind the distinction between general recorded votes (all Members) and the right of any individual Members to have his/her vote recorded. This individual right (in CSO 19.5) is statutory and cannot be cut down or qualified.

Appendix A

THEME	RECOMMENDATIONS	PRO FORMA Ref.
Council	<p>References to Contract Standing Orders</p> <p>22. Recommended that the inaccuracy at page 177 of the Constitution be amended to reflect that General Purposes Committee will agree and review Contract Standing Orders, as this is a non-Executive function.</p>	CWG 10
Council	<p>Status of "Standing Orders" vis-à-vis the rest of the Constitution</p> <p>23. Recommended that those sections relating to appointment and disciplinary action (Page 92 & 93 of constitution) are separated from Standing Orders and separate protocols are created.</p> <p>24. Recommended that for senior officer appointments there should be an appointments protocol and that this should clearly state that the Leader and Chair of General Purposes Committee (or their nominee) would agree the membership of member appointment panels.</p>	CWG 11
Council	<p>Chair of Standards Committee</p> <p>25. Recommended that the Council Procedure Rules state that the Chair of Standards Committee will report to full Council in the form of submitting written reports as and when it is necessary but at least once a year at each Annual meeting of the Council.</p> <p>26. Recommended that 'Oversight of the Constitution' be deleted from the terms of reference for the Standards Committee.</p>	CWG 28
Council	<p>Council - Extraordinary Meetings</p> <p>27. Recommended that the business at Extraordinary meetings be restricted to that for which the meeting has been called.</p> <p>28. Recommended that formal oral and written questions should not be permitted at Extraordinary meetings in</p>	CWG 30

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THEME	RECOMMENDATIONS	PRO FORMA Ref.
	line with best practice. 29. Recommended that consideration be given to the hearing of deputations, of which notice has been given, in relation to items on the Extraordinary meeting summons.	
Key Decisions	<p>Definition</p> <p>30.</p> <p>31. Recommended that Executive Member involvement in determining what is (or is not) a key decision is paramount and should be written into the revised protocol.</p> <p>32. Recommended that there be an introduction of an additional criterion for the purpose of defining key decisions in respect of property transactions involving capital acquisitions and disposals. (Constitution Reference Page 233 - Part 5).</p> <p>33. Recommended that Executive Reports should also clearly state whether the decision to be considered is key or non-key. In those cases where the decision is key, the report summary should state why the decision to be taken has been defined as a key decision.</p>	CWG 13
Key Decisions	<p>Decision Making Authority/Process</p> <p>34. Recommended that individual Executive Members have powers allocated by the Constitution to exercise key</p>	CWG 14

THEME	RECOMMENDATIONS	PRO FORMA Ref.
	<p>decisions that fall within their respective portfolio responsibilities.</p> <p>35. ⁶ Recommended that the Leader determines on a monthly basis which decisions may only be taken by the Executive or may be taken by an individual Executive Member.</p> <p>36. Recommended that under the Special Urgency arrangements relating to key decisions, provision be made for the Leader to make a decision where an individual Executive Member or Chair of the decision making body is not available.</p> <p>(Constitution reference Page 42 – Part 3 Terms of Reference of the Executive)</p>	
<p>Key Decisions</p>	<p>The Forward Plan</p> <p>37. Recommended that in future the Council's published Forward Plan cover a four-month period only. However the Forward Plan should be more detailed and accurate.</p> <p>38. Recommended that details of each key decision are included in the Forward Plan individually and that the use of generic headings is discontinued.</p> <p>39. Recommended that the Forward Plan contain all key decisions to be taken over the four month period covered by the Plan and that as soon as the projected date of a key decision is known it be included in the next update of the Forward Plan. As a minimum, key decisions must be included on the Plan in the forthcoming month's lists of decisions.</p>	<p>CWG 15</p>

⁶ Note: discussion required regarding recommendation. Could be argued that the Leader's role should only be in relation to determining sensitive issues / decisions that could have wider political implications and power to change the classification of non-key decisions to key (and vice versa) before each publication of the forward plan. There does need to be a mechanism for determining what body shall take Executive decisions. It will be very difficult to draft hard and fast criteria for allocation as it would be objectively interpreted. Members will need to decide upon an effective mechanism for allocating individual items of business.

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	<p>40. Recommended that where, because of its unforeseen nature, a key decision has not been included in the Forward Plan by the time it is due to be taken, then the General Exception procedure or, exceptionally, the Special Urgency procedure be followed.</p> <p>41. ⁷Recommended that where a key decision is not included in the Forward Plan for the full four months without good reason the Executive Member within whose portfolio the decision falls and the Leader will decide to either delay the date of the decision, or proceed with the decision as planned using the General Exception or Urgency procedures.</p> <p>42. Recommended that the provisions relating to time scales for key decisions also be applied to those 'non-key' and 'other' decisions to be included in the Forward Plan. (Constitution reference Page 110 – Part 4 Access to Information Procedure Rules)</p> <p>43. Recommended that the Constitution clearly states that the urgency provision should not be abused, as could be the case if bad forward planning prevailed re. Preparation of Executive reports etc.</p> <p>44. Recommended that for those key policy and strategy decisions where the Executive is required to make recommendations to Council, a schedule should be agreed at each Annual Council meeting and dates programmed into the forward plan accordingly. This would assist with the forward planning process generally and would enable sufficient time for member consultation and policy discussion to be programmed into the Council timetable.</p>	

⁷ Note: The Protocol for Decision-Making in Part 5 (pg. 237) should distinguish the "General Exception" procedure (where 5 clear days can elapse after notice to the Chair of Overview & Scrutiny) and the "Special Urgency" procedure (where there is no time for delay and the express agreement of the Chair of Overview & Scrutiny is required). These two procedures are provided for separately in Reg. 15 and Reg. 16 of the Access to Information Regs. 2000 & 2002.

THEME	RECOMMENDATIONS	PRO FORMA Ref.
<p>Scheme of Delegations</p>	<p>⁸Delegations to Officers</p> <p>45. ⁹Recommended that the Officer Scheme of Delegation give delegated powers expressly to officers below First Tier level to undertake enforcement action and authorise prosecutions in their areas of operational responsibility. This would apply to the Head of Benefits and Local Taxation, the Head of Building Control, the Commercial Group Manager Environmental Services, Principal Trading Standards Officers and Principal Educational Welfare Officers.</p> <p>46. Recommended that a comprehensive list of statutory powers and non-statutory descriptions be set out in the printed Constitution. There would need to be a sweeping up provision stating that any new statutory powers or any powers missed out of the main schedule for any reason would be allocated in a general way to the appropriate Chief Officer.</p> <p>47. Recommended that a detailed scheme of delegation be drawn up for property transactions starting with Principal Valuers and the Head of Property Services for lower value transactions and going up to the Executive Meeting for the highest value or most politically significant.</p> <p>48. Recommended that the Officer Scheme of Delegation includes the specific delegations to the General Manager of Alexandra Park & Palace by express reference to his/her operational functions under the Alexandra Park & Palace Acts.</p>	<p>CWG 16</p>

⁸ **Note: Developing the officer scheme of delegation will not be short-term project. A wider discussion with the CHx, Senior Officers and relevant members is required regarding the development of the Officer Scheme of Delegation.**

⁹ Note: The Constitution currently defines delegated powers broadly. Threshold decisions and what level of officer takes these types of decisions is not clearly defined in the current Officer scheme of delegation. At present everything is delegated to the Chief Executive and First Tier officers. There are lots of threshold decisions that are taken further down the officer hierarchy. "Threshold" decisions are those decisions that affect the rights of individuals, for example, service of statutory notices, prosecutions and property transactions.

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	<p>49. Recommended that additional references should be listed for the main statutory functions ascribed to each Chief Officer (along the same lines as the Officer scheme under the old committee structure).</p> <p>50. ¹⁰ Recommended that Haringey's Constitution clearly states who has responsibility for maintaining and updating the Officer and Executive Schemes of Delegation. Proposed that for Executive decisions responsibility lies with the Leader and for non-executive decisions the Chair of GP would be responsible. For overlapping decisions, a protocol should be drawn up</p> <p>51. Recommended that it be the duty of the monitoring officer to ensure that changes to existing legislation and new legislation are reported to the Council so that Members can consider not only the effect of these changes on the service for which they are responsible, but also the need to amend the Scheme of Specific Delegations. As amendments or new delegations are agreed the relevant officer (within Local Democracy) should update the relevant part of the officer scheme of delegation document and distribute amendment sheets or additional pages to all Members and senior managers.</p> <p>52. Recommended that a checklist should be produced for what types of decisions (whether executive or non-executive) officers take to ensure that a proper record is kept, much along the same lines as the protocol for member decision making contained within part 5 of the Council's Constitution [pg. 235]).</p> <p>53. Recommended that a protocol for officer decision-making should be added to the Council's Constitution (part 5). This should be in accordance to the relevant Access to Information Regulations</p> <p>54. Recommended that CEMB should determine which decisions directorates would be expected to keep records of and what decisions should be kept centrally. This may pertain to setting value thresholds for officer decisions and/or setting criteria for 'significant' procedural or casework decisions.</p> <p>55. Recommended that in accordance to the relevant Access to Information Regulations all Members to be</p>	

¹⁰ Note: Further discussion between senior members and officers required.

THEME	RECOMMENDATIONS	PRO FORMA Ref.
	circulated records of Officer decisions taken under delegated authority, as is the current practice for decisions taken by Executive members.	
<p>Scheme of Delegations</p>	<p>Role of Executive Members</p> <p>56. Recommended that the Constitution currently prevents individual Executive Members from taking “key decisions” or “relevant decisions”. If the burden of business for the Executive Meetings is to be reduced, the recommendation is to increase the decision-making powers of individual Executive Members by enabling them to take “key” and “relevant” decisions.</p> <p>57. ¹¹ Recommended that the Leader be empowered to review each monthly update of the Forward Plan in order to determine which matters should be decided by the Executive Meeting and which should be referred to individual Executive Members.</p> <p>58. Recommended that the Leader be given power to take any decision (including “key” and “relevant” decisions) personally subject to the existing “urgency” procedures for executive decisions which require the consent of the Chair of Overview and Scrutiny Committee.</p> <p>59. Recommended that officers’ current delegated powers should not be extended in urgent cases. In all instances there should always be member involvement when decisions (whether urgent or otherwise) have policy implications. For Executive decisions power should be given to the relevant Executive member to take urgent decisions under delegated authority. For non-executive decisions the Chief Officer concerned must consult with the relevant Committee Chair. Records should be kept of how many decisions are taken using urgency provisions and regular reports should be presented to the Executive / General Purposes Committee as appropriate.</p>	<p>CWG 17</p>

¹¹ Note: Further discussion on this point. Determining what decisions are referred where should not be based just on judgement but on criterion. Developing the Executive Scheme of Delegation and fuller guidance in relation to determining key and non-key decisions should assist with this process.

THEME	RECOMMENDATIONS	PRO FORMA Ref.
Scheme of Delegations	<p>Joint Arrangements</p> <p>60. ¹²Recommended that a paragraph be added to Article 11.02 explaining the rules of representation on joint committees discharging a mixture of executive and non-executive functions. Where there is only one Member of Haringey Council on the joint committee that person may be, but need not be, a Member of the Haringey Executive. Where more than one Member of Haringey Council is on the joint committee, at least one of them must be an Executive Member.</p>	CWG 18
The Executive	<p>¹³Formalising the role of Assistant Executive Members</p> <p>61. Recommended that the role of Assistant Executive Members be formalised and the following wording be included in the Council's Constitution regarding the role and status of Assistant Executive Members:-</p> <p>“That the Council appoint Assistant Executive Members to provide an effective link between the Executive and other Councillors to assist Executive Members generally and with specific roles within their portfolio. The Assistant Executive Members:-</p>	*New

¹² Note: A purely technical amendment to Article 11 of the Constitution on Joint Committees is required to reflect an amendment to the relevant Statutory Instrument (by S.I. 2001 no. 3861).

¹³ Note: In accordance with the Local Government Act 2000 Assistant Executive members

1. should not be regarded as members of the Executive,
 2. can not take Executive decisions,
 3. can not vote at meetings of the Executive.
 4. can not be members of any decision-making committee of the Executive
- Clarity required on the role Assistant Executive Members would have with Chief Officers
 - Legal clarification required on whether Assistant Executive Members can answer public questions at full Council in the absence of the relevant Executive Portfolio holder

THEME	RECOMMENDATIONS	PRO FORMA Ref.
	<p>(i) May not take Executive decisions;</p> <p>(ii) May have specific areas of focus within the relevant portfolio area;</p> <p>(iii) Will be able to substitute in certain circumstances for the Executive members but not if a decision is to be made as part of the Executive arrangements;</p> <p>(iv) Can attend and participate, in the absence of the relevant Executive Member, at meetings of Executive with the permission of the Leader but can not vote.</p> <p>(v) cannot participate in a Scrutiny Panel or Review that is examining an area of policy within the relevant Executive Member portfolio responsibilities</p> <p>(vi) May put questions to Executive Members at Council Question time but not in respect of the portfolio to which they have responsibility as an Assistant Executive Member.</p> <p>Assistant Executive members may not take part in Executive decision-making in any way”</p>	
<p>The Executive</p>	<p>Formalising the role of the Deputy Leader of the Council</p> <p>62. ¹⁴Recommended that the Deputy Leader of the Council be given specific responsibilities and for these roles to be written into the Constitution. These could include:-</p> <p>(i) When requested by the Leader, to take on a deputising role including chairing meetings of the Executive and Leadership meetings in the Leader’s absence.</p>	<p>*New</p>

¹⁴ Note: Only a member of the Executive can be assigned the position of Deputy Leader of the Council as legally only members of the Executive can formally deputise / take on the decision-making responsibilities of another Executive member in their absence.

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	<p>(ii) In the absence of and by agreement of the Leader, acting as the Council's principal spokesperson on all matters that are the responsibility of the Executive, including representing the Council with regard to its Member contacts with the Government and any Regional, National or International organisations.</p> <p>(iii) The portfolio of Deputy Leader is not a specific whole job, but is a defined task added to one of the Executive Members.</p>	
<p>The Executive</p>	<p>Executive Advisory Committees</p> <p>63. ¹⁵Recommended that the Executive, Executive Sub Committees and Executive members make more use of the provision to set up Executive Advisory Panels to assist them in carrying out their functions. This does not require any constitutional amendment. The setting up of more Executive Advisory bodies would be a good form of member development, would better enable the Executive to engage with non-executive members, and would better facilitate more non-executive member involvement and influence in the development of key policies and strategies.</p> <p>64. Recommended that the role of the CSWG be formalised and its terms of reference written into the Constitution.</p> <p>65. Recommended that the role of the Library Advisory Panel be formalised and its terms of reference written into the Constitution.</p>	<p>*New</p>

¹⁵ The Constitution already gives provision to the Executive to establish Advisory panels from time to time to assist Executive members in discharging their functions. Advisory Panels are NOT decision-making bodies. As such both Executive and Non-Executive members can be members of Executive Advisory Committees. Currently three Executive Advisory bodies have been in operation in 2002/03 - the E-Government Advisory Committee, the Children's Services Working Group and the Library Advisory Panel

THEME	RECOMMENDATIONS	PRO FORMA Ref.
<p>Member Allowances</p>	<p>66. Recommended that the special responsibility allowance payment to the Chair of the Standards Committee be withdrawn.</p>	<p>*New</p>
<p>Schedules to be agreed at each Annual Council Meeting</p>	<p>67. References to aspects of the Constitution listed below appear repetitively throughout the constitution. As such any agreed changes would mean constant updating and revision to the constitution. As such it is recommended that the Annual Council meeting gives provision to agree schedules for the listed items. Where reference is required within the constitution, the following wording should be inserted: -</p> <p>“At each annual meeting the full Council will agree a schedule for [relevant item] subject to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and Government Guidance (or necessary text).</p> <ul style="list-style-type: none"> • The Budget and Policy Framework • Scrutiny panels • Executive Portfolios • Officer (Management) Structure • Standing Orders (Council Procedure Rules) • Committee Structure including Officer Scheme of Delegation and Executive Scheme of Delegation • Calendar of Council Meetings • Process for Council Questions <p>Following agreement at Annual Council, the schedule for [relevant item] would be published in accordance with Access to Information Procedure Rules set out in Part 4 of this Constitution” (or necessary text).</p> <p>Once agreed at Annual Council, the updated schedules would be circulated to all members and officers,</p>	<p>*New</p>

Appendix A

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	published on the web etc.	

APPENDIX B

Documents included are listed as follows:

	Pages
Article 9 - The Standards Committee	22- 23
Article 11 - Joint Arrangements	24- 26
Article 12 - Officers	27- 30
Terms of Reference and Delegation of Powers	31- 52
Scheme of delegation to officers	53 - 60
Council Procedure Rules (Standing Orders)	61 - 98
Contract Procedure Rules	99 - 111
Officer Employment Procedure Rules	112- 114
Protocol for Decision-Making	115- 118

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 eight councillors who may not include the Leader or Mayor and four people ("the independent members"), none of whom are councillors or officers of the Council or any other body having a Standards Committee.

- (a) **Membership.** The Standards Committee is composed of seven councillors and four 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.
 - ii) A Member of the Executive may not chair the committee.
 - iii) The Chair of the Standards Committee will have a casting vote in the event of a vote being tied.

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 church and parent governor representatives;~~
- ~~(b) Assisting Councillors, and co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;~~
- ~~(c) Advising the Council on the adoption of 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 co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;~~
- ~~(f) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;~~

PART 2 – Articles of the Constitution

Article 9 – Regulatory and other Committees

~~(g) 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 an ethical standards officer to the monitoring officer.~~

~~(h) Determining any allegations of breach of the Members' Code of Conduct referred to the Monitoring Officer by an Ethical Standards Officer of the Standards Board for England.~~

(a) To advise the Council on the adoption of a local Code of Conduct for Members, to promote, develop and maintain high standards of conduct by the members and co-opted members of the authority, including:

- i) providing and organising training of Councillors in ethical conduct
- ii) to be a source of advice and guidance to Members on matters of conduct
- iii) giving advice to individual Councillors on such issues as the treatment of personal interests including the declaration and registration of interests, and, generally, on matters of conduct.

(b) To monitor and update the Code as necessary;

(c) To be responsible for the implementation of the Code and providing or organising training for members on ethical conduct;

(d) To consider a report of the Monitoring Officer on any matter referred to them by an Ethical Standards Officer of the Standards Board for England under Sections 60 or 64 of the Local Government Act 2000 and to report any relevant issues to the Council.

(e) To respond to national reviews and consultations on standards related issues

(f) To provide ethical oversight of the following :

- i) internal and external audit.
- ii) complaints and ombudsman cases.
- iii) the Council's Member/officer protocol

9.04 – Additional Roles of the Standards Committee

- ~~• Overview of internal and external audit;~~
- ~~• Overview of the whistle blowing policy; and~~
- ~~• Overview of complaints handling and Ombudsman investigations.~~
- ~~• Oversight of the Constitution~~

Article 11 - Joint Arrangements

11.01 Arrangements to promote well being

The Executive, 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. 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, an Executive Member. Where the Council appoints more than one Member to such a joint committee, at least one of them shall be an Executive Member.
- (c) The Executive may, through the Executive Meeting, establish joint arrangements with of the Executives of one or more local authorities or other organisations to exercise functions that are Executive functions or to advise the Executive. Such arrangements may involve the appointment of joint committees or boards with these other local authorities or bodies. The Executive may, where the legislation allows, also establish other joint arrangements with, for example, health service organisations.
- (d) Except as set out below, the Executive may only appoint Executive 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 Executive may appoint Members to a joint committee or board from outside the Executive 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 Executive 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 in 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 Executive 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 Executive 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 Executive 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.

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 Executive 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.

11.06 Contracting out

- The Council for non-Executive functions, and
- The Executive 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.

PART 2 – Articles of the Constitution

Article 12- Officers

Article 12 - Officers

12.01 Management Structure

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

Post	Functions and areas of responsibility
Chief Executive	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p><u>Legal Services</u></p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Assistant Chief Executive – Organisational Development	Personnel; Organisational Development and Learning; <u>Equalities and Diversity</u> ; Best Value and Performance Management; Member Services.
Assistant Chief Executive – Strategy	Health, Safer Communities and Voluntary Sector; Policy, Partnerships, and Consultation; Economic Regeneration; <u>Communications</u> .
Director of Finance	Finance, Procurement, Corporate Finance, Revenues and Benefits, <u>Property Services</u> .
Director of Education	School Improvement and Inclusion, Regeneration (training) , Community and Lifelong Learning, Resources and Planning
Director of Housing	Housing Strategy and Needs; Housing Management; Technical and Building Services
Director of Environment	Neighbourhood Management, Planning and Environmental control, Recreation Services, Streetscene
Director of Social Services	Children, Adults, Older People, Asylum Seekers
Director of Support Services	IT, Customer Services, Property Services , Legal Services , <u>Libraries</u> .

PART 2 – Articles of the Constitution

Article 12- Officers

- (c) **Head of paid service, monitoring officer and chief financial officer.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Borough Solicitor	Monitoring Officer
Director of Finance	Chief Finance Officer

Such posts will have functions described in Article 11-02-12.04 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 at Part 7 of this Constitution.

12.02 Functions of the head of paid services

- (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 finance officer if a qualified accountant.

12.03 Functions of the monitoring officer

- i) **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.
- ii) **Ensuring lawfulness and fairness of decision making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council or to the Executive 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.
- iii) **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.
- iv) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.

PART 2 – Articles of the Constitution

Article 12- Officers

- v) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports on recommendations in respect of them to the Standards Committee.
- vi) **Proper officer for access to information.** The monitoring officer shall ensure that Executive 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.
- vii) **Advising whether Executive decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- viii) **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.
- ix) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

12.04 Functions of the chief finance officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council or to the Executive in relation to an Executive 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 finance officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The chief finance 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 finance officer will provide financial information to the media, members of the public and the community.

PART 2 – Articles of the Constitution

Article 12- Officers

12.05 Duty to provide sufficient resources to the monitoring officer and the chief finance officer

The Council will provide the monitoring officer and chief finance 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.

Terms of Reference and Delegation of Powers

SECTION I - 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 4.01 (a), above;
- (c) Approving the budget, levying Council Tax and setting the non-domestic rate multiplier;
- (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 Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (g) Appointing the Leader and Members of the Executive;
- (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) Considering reports of the Overview and Scrutiny Committee and the Executive's responses to those reports;
- (j) Agreeing and/or amending the Scheme of Delegations to Officers;
- (k) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- (l) Adopting and amending an allowances scheme under Article 2.05;
- (m) Changing the name of the area, conferring the title of honorary alderman or freedom of the borough and establishing any new Civic Link;

PART 3 – Responsibility for Functions
Terms of Reference and Delegation of Powers

- (n) Confirming the appointment or dismissal of the head of paid service;
- (o) 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;
- (p) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive, or any Committee, Sub-Committee or officer;
- (q) Entering into, or confirming existing, joint arrangements with other local authorities
- (r) Adopting the Members' Code of Conduct;
- (s) Approving Pilot Schemes for Local Elections;
- (t) Adopting Standing Orders for the Council and Standing Orders as to Contracts;
- (u) Making any decisions in respect of non-Executive functions which have not been expressly delegated elsewhere;
- (v) All matters that must be reserved to Council under the Finance Procedure Rules; and
- (w) All other matters that, by law, must be reserved to Council.

SECTION 2 - EXECUTIVE FUNCTIONS

I. The Executive

The Executive shall have the functions as follows:

- (i) To exercise the powers and duties of the Council, except
 - (a) where the exercise of such powers and duties is reserved to the Council;
 - (b) to the extent that statutory provisions preclude the Executive from discharging any responsibility;
 - (c) where different constitutional arrangements for particular functions and responsibilities have been made; or
 - (d) where powers and duties are delegated to a committee or to an officer.
- (ii) To enter into new, or confirm existing, joint arrangements with the Executives of other local authorities.

2. Individual Executive Members

2. (i) Individual Executive Members have powers ~~delegated by the Executive allocated by the Constitution~~ to exercise those functions of the Executive ~~(including “relevant decisions”)~~ which fall within that Executive Member’s specific portfolio responsibilities. This list of portfolio responsibilities is set out ~~in the appropriate Schedule~~ below. ~~An individual Executive Member shall not make any decision defined as a “relevant decision” (which includes a “key decision”) as defined in Part 5, Protocol for Decision Making, paragraph 1.8. Job Descriptions for Executive Members are defined in Part 9 of the Constitution.~~
- 2(ii) On the production of each monthly update to the Forward Plan the Leader shall indicate which decisions may – (a) only be taken by The Executive Meeting, or (b) may be taken by an individual Executive Member.
- 2(iii) If there is any doubt as to which portfolio would cover any proposed decision by an Executive Member, the matter shall be referred to the Leader to determine the appropriate portfolio. The Leader may also determine at any time before that decision is taken by an individual Executive Member that any proposed decision (of any description) shall be referred to an Executive Meeting for decision. ~~Job Descriptions for Executive Members are defined in Part 9 of the Constitution~~
- 2(iv) An individual Executive Member may refer any decision, within that Member’s responsibilities, to a meeting of the Executive for determination.
- 2(v) The Leader may take any decision, including a decision within sub-paragraph 2(ii)(a) above, in accordance with the procedures on urgent decisions in paragraph 1.7 of The Protocol on Decision-Making in Part 5. The Leader may take such a decision alone but will consult with any other Executive Member(s) having relevant portfolio responsibilities so far as is practicable. Where the decision might have been taken by an individual Executive Member or by an officer in consultation with the Chair of a non-executive Committee or Sub-Committee, this power should only be used where relevant Executive Member or Chair is not available and the matter is genuinely urgent.

3. ~~Substitutes~~

- ~~(a) A non-executive Member cannot substitute for an Executive Member at a meeting of the Executive or any of its committees.~~
- ~~(b) If an Executive Member is absent, the Leader will arrange for his/her duties to be carried out by another Member of the Executive, by a Committee of the Executive or by the Executive as a whole.~~

PART 3 – Responsibility for Functions
Terms of Reference and Delegation of Powers

3. Assistant Executive Members

- (i) The Council shall appoint Assistant Executive Members to provide an effective link between the Executive and other Councillors and to assist Executive Members generally and with specific roles within their portfolio
- (ii) The Assistant Executive Members:-
 - (a) May not take Executive decisions
 - (b) May have specific areas of focus within the relevant portfolio area
 - (c) Will be able to substitute in certain circumstances for the Executive Members but not if a decision is to be made as part of the Executive arrangements
 - (d) Can attend and participate in the absence of the relevant Executive Member at meetings of the Executive 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 Executive Member portfolio responsibilities
 - (f) May put questions to Executive Members at Council Question time but not in respect of the portfolio to which they have responsibility as an Assistant Executive Member
- (iii) Assistant Executive Members may not take part in Executive decision-making in any way

4. Deputy Leader of the Council

- (i) The Council shall appoint a Deputy Leader of the Council from among the Executive 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 Executive Member portfolios
- (ii) 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 Executive and Leadership meetings
 - (b) act as spokesperson on all matters that are the responsibility of the Executive
 - (c) represent the Council with regard to Member level contacts or meetings with Central Government and any regional, national or international organisations.

SECTION 3 – 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 General Purposes Committee
2. Overview and Scrutiny Committee

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Terms of Reference and Delegation of Powers

3. Standards Committee
4. Alexandra Palace and Park Board

The Terms of Reference of each committee shall be as set out on the following pages.

I. General Purposes Committee

The General Purposes Committee has: -

- i) all the functions listed below in (ii) and stated not to be the responsibility of the Council's Executive in Reg. 2 and Schedule I 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 are to those in the appropriate Schedule of the Regulations).
- ii) the following Schedule I functions:
 - (a) paragraph A – Town Planning; determining any matters referred from the Planning Applications Sub-Committee
 - (b) paragraph B - Licensing and Registration; determining all policy issues and standard terms and conditions but excluding decisions in individual cases which are delegated to the Licensing Sub-Committee
 - (c) paragraph C - Health and Safety
 - (d) paragraph D – Elections
 - (e) paragraph H – Pensions
 - (f) paragraph I – Miscellaneous; including:
 - all functions relating to public rights of way except the creation, stopping up and diversion of footpaths and bridleways in connection with development control decisions which is delegated to the Planning Applications Sub-Committee
 - making arrangements for proper administration of financial affairs under section 151 Local Government Act 1972
 - approving statements under The Accounts and Audit Regulations 1996
 - appointing proper officers under section 270(3) of the Local Government Act 1972

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- appointing senior officers (Deputy Chief Officers and above) and determining terms and conditions of service of all staff including procedures for dismissal
 - making payments in cases of maladministration
- iii) the following “Local Choice” functions set out in Schedule 2 of the above Regulations: -
- (a) 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
 - (b) the determination of an appeal against any decision made by or on behalf of the authority
 - (c) 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)
- iv) the power to make recommendations to the Council on any of its functions set out in Article 4.02, including the terms of Standing Orders, and the power to establish Sub-Committees to consider and report on any such functions.

2. Overview and Scrutiny Committee

The Overview and Scrutiny Committee may:

- i) exercise an overview of the forward plan;
- ii) review or scrutinise decisions made or actions taken in connection with the discharge of any of the Executive’s or Council’s functions;
- iii) make reports and recommendations to the full Council, the Executive or relevant non-Executive Committee in connection with the discharge of any functions;
- iv) make reports or recommendations on matters affecting the area or its inhabitants;
- v) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive;
- vi) receive the reports and recommendations of its Panels; and
- vii) 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.

3. Standards Committee

3.1 Roles and Functions

The Standards Committee will have the following roles and functions:

- ~~(a) Promoting and maintaining high standards of conduct by Councillors, co-opted members and church and parent governor representatives;~~
- ~~(b) Assisting Councillors, and co-opted members and church 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 co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;~~
- ~~(f) Granting dispensations to Councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct;~~
- ~~(g) 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 an ethical standards officer to the monitoring officer.~~

3.2 ~~Additional Roles of the Standards Committee~~

- ~~● Overview of internal and external audit;~~
- ~~● Overview of the whistle-blowing policy; and~~
- ~~● Overview of complaints handling and Ombudsman investigations.~~
- ~~● Oversight of the Constitution~~

- ~~(a) To advise the Council on the adoption of a local Code of Conduct for Members, to promote, develop and maintain high standards of conduct by the members and co-opted members of the authority, including:
 - ~~i) providing and organising training of Councillors in ethical conduct~~
 - ~~ii) to be a source of advice and guidance to Members on matters of conduct~~
 - ~~iii) giving advice to individual Councillors on such issues as the treatment of personal interests including the declaration and registration of interests, and, generally, on matters of conduct.~~~~

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- (b) To monitor and update the Code as necessary;*
- (c) To be responsible for the implementation of the Code and providing or organising training for members on ethical conduct;*
- (d) To consider a report of the Monitoring Officer on any matter referred to them by an Ethical Standards Officer of the Standards Board for England under Sections 60 or 64 of the Local Government Act 2000 and to report any relevant issues to the Council.*
- (e) To respond to national reviews and consultations on standards related issues*
- (f) To provide ethical oversight of the following :*
 - i) internal and external audit.*
 - ii) complaints and ombudsman cases.*
 - iii) the Council's Member/officer protocol*

(The Standards Committee to elect its own Chair and Deputy Chair).

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.

SECTION 4 - 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

PART 3 – Responsibility for Functions

Terms of Reference and Delegation of Powers

Committees, Sub-Committees, Panels, etc. (as approved by the Annual Meeting) set out in the Appendix to Part 3 of this Constitution.

Under General Purposes Committee

I. Planning Applications Sub-Committee

The Sub-Committee may:

- (i) exercise all the functions which are set out in (ii) 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) (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)
- (ii) exercise the following functions:
 - (a) 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
 - (b) paragraph I - Miscellaneous Functions
 - the creation, stopping up and diversion of footpaths and bridleways in connection with development control decisions
 - preservation of trees
- (iii) enter into highway works agreements under section 278 of the Highways Act 1980
- (iv) approve for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, the Unitary Development Plan
- (v) make recommendations to the Executive on the terms of the Unitary Development Plan to be recommended by the Executive to the Council for amendment or adoption
- (vi) make recommendations to the Executive on the following where consistent with the Unitary Development Plan:
 - (a) planning and land use policy including supplementary planning guidance
 - (b) local guidelines and planning and development briefs
 - (c) the preparation of guidance on the following functions where they relate to the built environment: -

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Terms of Reference and Delegation of Powers

- quality of design
 - heritage and conservation
 - coherence of street furniture
 - street trading
- (d) grant support, scheme design, feasibility studies, tender acceptance and implementation, in relation to development projects (falling within the responsibilities of the Environmental Service Directorate) involving the following: -
- building or refurbishment works
 - conservation and restoration
 - landscaping and environmental enhancement
 - street works and other works in conservation areas
 - community safety
 - economic development and community enterprise
 - area promotion
 - arts development

2. Licensing Sub-Committee

- i) The Sub-Committee has all the functions which are stated not to be the responsibility of the Council's Executive 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, with the exceptions set out in iv) below
- ii) Without prejudice to the generality of i), this includes making decisions in all individual cases concerning the licensing or registration of: -
- amusement machine
 - public entertainments
 - cinemas and theatres
 - door staff
 - street trading
 - night cafes and take-aways
- iii) The Sub-Committee has power to make final decisions on behalf of the Council in relation to its functions in i) and there is no right of appeal against such decisions by any party to the General Purposes Committee.
- iv) Excluded from the Sub-Committee's terms of reference under i) are decisions on all policy issues and standard terms and conditions which are within the jurisdiction of the General Purposes Committee.

PART 3 – Responsibility for Functions

Terms of Reference and Delegation of Powers

- v) The Sub-Committee may make closing orders with respect to take-away food shops under section 4 of the Local Government (Miscellaneous Provisions) Act 1982

Audit Panel

~~To act as the Audit Sub-Committee advising the General Purposes Committee; to consider the Audit Plan and audit reports.~~

3. Pensions Panel

~~To be responsible for the management of the Council's Superannuation Fund, and in particular:~~

- ~~(i) to monitor the Superannuation Fund~~
- ~~(ii) to select specialist external advisers where appropriate~~

1. To exercise functions relating to the Local Government Pensions under Regulations made under Section 7 of the Superannuation Act 1972.
2. To be responsible for the management and monitoring of the Council's Pension Fund, through:-
 - (a) selection and appointment of Investment Managers, master custodian, provider of performance monitoring against benchmarks services, providers for the Council's Additional Voluntary Contributions (AVC) scheme and specialist external advisors as necessary.
 - (b) reviewing Investment Managers performance
 - (c) formulation of investment, socially responsible investments (SRI) and governance policies
 - (d) maintaining a Statement of Investment Principles
 - (e) publicising statements and policy documents as required by legislation, Government directives and best practice.
- 3 To monitor and as appropriate to decide upon Pensions Administration issues including scheme changes and the exercise of the Council's discretionary powers under the scheme regulations and related legislation.
- 4 To receive the Pension Fund Budget annually and monitor spend against this.
- 5 To agree to the admission of bodies into the Council's Pension scheme.
- 6 To receive actuarial valuations.

4. Disciplinary Appeals Panel

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

PART 3 – Responsibility for Functions
Terms of Reference and Delegation of Powers

5. 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.

6. Job Evaluation Appeals Panel

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

7. 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 General Purposes Committee.

(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 General Purposes Committee to meet with Employees' Side representatives for the purpose of negotiation and consultation on matters affecting Soulbury paid officers.

8. Council's Constitutional Advisory Panel

- (a) To advise the General Purposes Committee on the development of the Constitution under the Local Government Act 2000;
- (b) To oversee the work of the officer Constitutional Review Programme Working Group in proposing amendments that are desirable or required by new legislation; and
- (c) To consider mechanisms for the consultation of stakeholders and Haringey citizens.

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~~Education Joint Consultative Committee~~

~~To make provision for the Executive Member (Lifelong Learning) to meet with representatives of the Consultative Council of Teachers for the purpose of negotiation and consultation on matters of mutual~~

~~Pensioners' Forum~~

- ~~(a) In consultation with representatives of Pensioners' groups to identify issues of general concern for discussion with Members of the Executive.~~
- ~~(b) To provide closer liaison between Pensioners' Groups, Officers and Members.~~
- ~~(c) To make recommendations to the Executive of the Council as necessary.~~

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Under Overview and Scrutiny Committee

Scrutiny Panels

- [a] To carry out scrutiny processes relevant to particular services/topics as approved by Overview and Scrutiny Committee and agreed by Council and within parameters, protocols and procedures agreed by Overview and Scrutiny Committee for all scrutiny panels
- [b] Within these scrutiny processes to request and receive submissions, information and answers to questions from Executive 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, to Council through the Scrutiny Committee.
- [d] The following Panels are established initially and others may be created if necessary: -
 - 1. Lifelong Learning
 - 2. Social Services and Health
 - 3. Housing
 - 4. Environment
 - 5. Regeneration and Partnerships
 - 6. Crime and Community Safety
 - 7. Audit and Finance

Under Alexandra Park and Palace Board

The additional bodies are listed in Section 6 below

SECTION 5 - COMMITTEES OF THE EXECUTIVE

The Executive may delegate any of its functions to a Committee of the Executive. Committees of the Executive shall report to the Executive.

The Executive may establish decision-making Committees, which may only include Executive Members. The Executive may establish advisory Committees, the membership of which need not be limited to Executive

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Members. The following Committees are established initially; the Executive may change them, abolish them, or create further ones, at its own discretion:

Decision-Making Committees of the Executive

I. Procurement Committee

The Committee may:

- a) exercise the functions of the Executive 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) 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 annual report of Director of Social Services in relation to 'spot contracts';
 - (vi) agreeing approved lists of contractors.
- c) in respect of procurement of strategic service areas, oversee the process and receive reports at key milestones.
- d) advise the Executive on all matters concerned with procurement generally

2. Voluntary Sector Grants Committee

The Committee may:

- a) consider officer recommendations for future funding and agree the awarding of grant aid to the voluntary and community sector
- b) review funding to organisations where there is a potential breach of conditions of grant aid and/or service level agreement
- c) advise the Executive on all matters concerned with grant aid generally.

Advisory Committees of the Executive

I. E-Government Advisory Committee

- a) The Committee may advise the Executive Member for Resources on all matters concerned with e-government including:

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- i) the development of the Council's E-government strategy and the Implementing Electronic Government (IEG) statement;
 - ii) the formulation of subsidiary strategies such as a corporate technology strategy, information strategy and Internet strategy;
 - iii) the development of Access to Services;
 - iv) on-going review and evaluation of E-government progress including the implementation of major systems and Customer Services; and
 - v) development of E-democracy and the provision of Members' IT facilities.
- b) The Executive Member for Resources and the Members' E-Champion will be members of the Committee.

2. Corporate Parenting Advisory Committee

- (a) To imbed Corporate Parenting into the working of the Executive
- (b) To ensure Corporate Parenting becomes part of the way Councillors operate
- (c) To plan a programme of corporate parenting initiatives for Councillors
- (d) To oversee the Quality Protects work programme for looked after children
- (e) To ensure Corporate Parenting initiatives are relevant, practical and add real value to children looked after by Haringey
- (f) Ensure Councillors receive the appropriate training and support to fulfil their Corporate Parenting role
- (g) To ensure other statutory and voluntary agencies sign up to a Corporate Parenting initiative
- (h) To contribute to the current and future Quality Protects MAP and monitor service delivery and effectiveness against the Plan
- (i) To ensure regular reports and recommendations are made to the Executive

3. Education Joint Consultative Committee

To make provision for the Executive Member (Lifelong Learning) to meet with representatives of the Consultative Council of Teachers for the purpose of negotiation and consultation on matters of mutual

4. Housing Forums

- [a] In consultation with representatives of local tenants' and residents' associations, to identify housing related issues of general concern within the area for discussion with Members and the Director of Housing
- [b] To consider for advisory purposes other matters affecting the community in the area, including scrutinising policy and service delivery affecting the area as appropriate; to provide closer liaison between the communities, officers and Members.
- [c] To make recommendations to the Executive as necessary.
- [d] To consider and comment upon the performance achieved by the Haringey Housing Management Service.

5. Housing Management Board

- [a] To act as a consultative forum enabling members of the Executive to meet with representatives of Council tenants and leaseholders.
- [b] To promote and develop a dialogue between the Executive and the Leaseholders Steering Group.
- [c] To consider reports from officers of the Council and items raised by Leaseholders and tenant representatives for advisory purposes.
- [d] To make recommendations on matters considered by the Executive as appropriate.
- [e] To consider matters referred to the Housing Management Board by the Executive and make recommendations back.

6. Race Equality Joint Consultative Committee

- i. To provide a means for strategic dialogue between the Executive and representatives of Haringey's black and ethnic minority communities on a jointly agreed annual agenda of key race equality and diversity issues.
- ii. To consider, as a key community stakeholder body, strategic issues as outlined in the Council's Forward Plan and the key issues for the Community Side, as identified by the annual Community Consultation Workshop, in a Community Side Forward Plan.
- iii. To consider the obstacles to racial equality and respect for diversity and to examine ways in which Council policies might be continuously improved.
- iv. To monitor the Council's equalities strategy and in particular its impact on race equality and diverse communities

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- v. To make recommendations to and be consulted by the Executive, through the Executive Members and, in particular, the Executive Member for Equalities, and Scrutiny Committee, as appropriate.
- vi. To form an integral part of the Council's corporate consultation strategy.

7. Pensioners' Forum

- (a) In consultation with representatives of Pensioners' groups to identify issues of general concern for discussion with Members of the Executive.
- (b) To provide closer liaison between Pensioners' Groups, Officers and Members.
- (c) To make recommendations to the Executive of the Council as necessary.

8. Children's Services Working Group

- (a) To receive regular reports on the action being taken to address the concerns expressed by the Social Services Inspectorate regarding the provision of children's services within the authority including arrangements for corporate working across Council Services but particularly the Education Service.
- (b) To receive reports on the current position with regard to:
 - i) level of service demand
 - ii) recruitment
 - iii) inspections
 - iv) regulation 22 visits
 - v) performance
- (c) To make such recommendations as necessary to the Executive on matters related to the provision of children's services.

9. Libraries Panel

To draw up proposals for the improvement of library services.

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SECTION 6 - ALEXANDRA PALACE AND PARK

Arising from the Council's role as trustee of Alexandra Palace and Park the following additional bodies shall be established. Please note that the Alexandra Palace and Park Board is of Part 3 of this Constitution. Membership of the additional bodies is as described in the Appointments of Committees, Sub-Committees, Panels, etc. (as approved by the Annual Meeting) set out in the Appendix to Part 3 of this Constitution. 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

Alexandra Palace and Park Consultative Committee
9 Members, 3 non-voting 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.

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- [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 order to prevent or eliminate friction and misunderstanding.
- [e] 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.-

- i. the general policy relating to the activities and events arranged or permitted in the Park and Palace;
- ii. the effects of such activities and events upon the local inhabitants and local environment;
- iii. 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;
- iv. the adequacy of car parking arrangements within the Park and Palace so as to avoid overflow into adjoining residential streets;
- v. any proposals which require planning permission;
- vi. the establishment and maintenance of the Park as a Metropolitan Park;
- vii. the furtherance of recreation and leisure in the Alexandra Park and Palace.'

SECTION 7 - AREA ASSEMBLIES

- a) To work with Council directorates, partner organisations and local communities in an advisory and consultative capacity to enhance the quality, co-ordination and accountability of services provided within neighbourhoods.

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- b) 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 policies to develop services.
- c) To be fully consulted on the management and delivery of regeneration and partnership schemes that are operating within neighbourhoods, ensuring that local people are able to communicate effectively with the Council and regeneration partnerships.
- d) To be fully consulted on the long-term development of neighbourhood plans to feed into the community planning process.
- e) To operate as a sounding board for local consultation on Council strategies and plans put forward by the Council or its partners.
- f) To refer recommendations to the Executive and to the Overview and Scrutiny Committee and to partner organisations in accordance with the above, and to monitor implementation of those service improvements arising from previous Assembly meetings.

SECTION 8 - 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 Executive 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 9 - EMERGENCY PROCEDURES IN ELECTION YEAR

In the year of the ordinary election of Borough Councillors, the Mayor may sanction between the fourth day after the election and the day of the Annual Meeting the exercise of any of the Council's functions. Decisions made by the Mayor in

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accordance with this paragraph shall be reported to the next meeting of the appropriate body.

SECTION 10 - GROUP MEETINGS

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 Executive 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 Executive Member shall be made aware of information provided to a Minority Group unless it is of routine or trivial nature.

SECTION 11 – CREATION OF NEW BODIES

Creation of New Executive Bodies

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

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 General Purposes Committee with details of the proposed membership, terms of reference and comments by the Head of Local Democracy on the staffing implications.

SCHEME OF DELEGATION TO OFFICERS

I. INTRODUCTION

General Principles:

- 1.1 This scheme delegates the powers and duties of the Council to chief officers. It shall be subject to annual review and the scheme confirmed or amended by the annual Council Meeting.
- 1.2 This scheme delegates powers and duties within broad functional descriptions and includes powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation, including appointment and dismissal of staff up to but excluding Deputy Chief Officers.
- 1.3 This scheme operates under Section 101,151 and 270 of the Local Government Act 1972 in relation to the delegation of non-Executive functions by the Council and under section 15 of the Local Government Act 2000 in relation to the delegation of Executive functions by the Executive. Chief Officers are authorised to exercise the functions of the London Borough of Haringey, both Executive and non-Executive relating to their areas of responsibility as set out in Part 7 of this Constitution including professional and managerial functions relating to the relevant Service subject to the limitations and reservations of the scheme.
- 1.4 This scheme includes the obligation on officers to keep Members properly informed of activity arising within the scope of these delegations and to ensure a proper record of such activity is kept and available to Members and the public in accordance with legislation.
- 1.5 The Council may require an officer to consult an Executive Member before exercising the delegation in specific circumstances.
- 1.6 Powers exercised by an officer pursuant to this Scheme shall be in accordance with the Council's Policy Framework and Budget, Employment Policies, Equal Opportunities Policies, the Officers' Code of Conduct, the Protocol on Officer/Member Relations, Council Procedure Rules, Contract Procedure Rules, Finance Procedure Rules and all other provisions of this Constitution and any statutory restrictions and requirements.
- 1.7 The Chief Executive as Head of Paid Service, after consulting such Directors as he considers appropriate, shall be responsible for Corporate strategy, policy initiatives and integrated planning and service delivery.
- 1.8 If the post or office of any employee of the Council is vacant, or the employee is absent or otherwise unable to act, the most suitable senior officer available is hereby authorised to exercise the responsibilities of the vacant office and such action shall be recorded in writing by the Director with responsibility for the post or officer in question.

General Limitations:

- 1.9 This scheme does not delegate to chief officers
 - i) Any matter reserved to full Council;
 - ii) Any matter which by law may not be delegated to an officer;
 - iii) Any matter expressly reserved to the Executive within its Terms of Reference or otherwise, Standing Orders or Financial Regulations or withdrawn from delegation by this scheme or by the Executive or full Council;
 - iv) Change to fees, charges or concession policies;

- v) Decisions on permanent savings in the budget to achieve the Executive's policies;
- vi) The making of an order for the compulsory acquisition of land;
- vii) The acquisition of land in advance of requirements;
- viii) The confirmation of any order or the issue of grant of any permission, consent, licence or other determination that is the subject of a statutory right of appeal that has been duly exercised.
- ix) The adoption, amendment or deletion of any strategic plan or policy as set out in the Terms of Reference of the full Council, the Executive or any Committee of the Council.

1.10 Chief Officers shall not be authorised by virtue of these provisions:

- [i] to incur any capital or revenue expenditure in excess of the estimates allocated to a function under the relevant head of expenditure, but subject to such modifications as may be made in accordance with Financial Regulations;
- [ii] to authorise the adoption, exercise or discharge of any policy, power or duty of a kind which has not previously been undertaken by the Council;
- [ii] significantly to extend or modify or discontinue any policy or the exercise of any power or duty which has been previously undertaken by the Council;

1.11 Where action needs to be taken on any urgent matter between meetings of the Executive, individual Executive Members or any Committee or Sub-Committee of the Council and, by virtue of paragraph 1.10 above, such action would not be authorised within these provisions, the following rules shall apply:

- [i] in the case of executive functions, a report will be prepared for the Executive Member with portfolio responsibility for that Member to take the decision in advance of the scheduled meeting. The Protocol for Decision-Making shall be followed for "relevant decisions".
- [ii] where the matter has been allocated in the Forward Plan to the Executive Meeting and subsequently becomes urgent, the decision shall be referred to the Leader in accordance with the provisions on Executive Functions in Part 3, Section 2, paragraph 2(v).
- [iii] in the case of non-executive functions, a report will be prepared so that the chief officer having operational responsibility can take the decision in consultation with the Chair of the Committee or Sub-Committee having the matter within its terms of reference. The Protocol for Decision-Making shall be followed for "relevant decisions".

Further Provisions:

- 1.12 In this scheme "Chief Officer" means the holder of any post named in this scheme as having delegated powers and duties. Any reference to legislation in this scheme shall include subordinate legislation within the meaning assigned in the Interpretation Act 1978 and requirements of European law having effect in English law.
- 1.13 This scheme includes the power for officers vested with delegated powers to nominate in writing other officers (described by name or post) to exercise any of their administrative functions either fully or under the general supervision and control of the officer primarily responsible. Nominations shall be notified to, on the forms supplied by, and recorded in a register kept by, the Head of Local Democracy. Nominations may be made across departmental boundaries.

(Any officer exercising powers or duties in pursuance of delegation will be politically restricted under Section 2 (1)(g) of the Local Government and Housing Act 1989).

- 1.14 All action taken under the terms of these delegations shall be properly documented in accordance with arrangements approved by the Executive.
- 1.15 It shall always be open to an officer to consult with the Committee or with appropriate Members on the exercise of delegated powers; or not to exercise delegated powers but to refer the matter to the Executive or to a Committee of the Council.
- 1.16 In exercising delegated powers, officers shall consult with such other officers as they determine appropriate and shall have regard to any advice given.
- 1.17 In exercising delegated powers, officers shall consult the relevant Executive Member as required in Financial Regulations or Contract Standing Orders.
- 1.18 A power specifically delegated by this Scheme to one officer shall not be exercised by another officer without the consent of the former.
- 1.19 Regular reports shall be presented to the Executive Meeting, in the case of executive functions, and to the General Purposes Committee, in the case of non-executive functions, recording the number of decision taken under urgency provisions. There should be no abuse of urgency provisions especially since this would undermine proper forward planning.
- 1.20 The Chief Executive's powers shall include the power to act where necessary in relation to any matter which is not the specific responsibility of a Director or where the appropriate Director is absent or prevented from acting and no other arrangements have been made.
- 1.21 This scheme operates from the date approved by the full Council.

2. GENERAL DELEGATIONS

The Chief Executive, Assistant Chief Executives, Directors and the General Manager of Alexandra Palace & Park may exercise any functions, powers and duties of the Council to take management and operational decisions on behalf of the Council in accordance with the law in those areas of responsibility assigned to the respective Directorates in Part 7 of the Constitution from time to time:

- (1) to secure the effective management of their Services including the authorisation of any procedures or contracts within the Framework of Financial regulations and contract standing orders;
- (2) to implement and develop initiatives within the strategic policy framework and other Council plans and policy documents;
- (3) to act or authorise the carrying out of functions of proper officer of the Council assigned by the scheme of delegation;

This authorisation will include the power:

- [a] to authorise the service of any statutory notice;
- [b] to authorise officers to enter premises in pursuance of a statutory function of the Council;
- [c] to authorise the institution of any process or proceedings for administering or enforcing the functions of the Council;

- [d] to take action on any urgent matter between meetings of the Executive or any Committee or Sub-Committee of the Council subject to statutory provisions and relevant considerations.

3. SPECIFIC DELEGATIONS

3.3 TO THE CHIEF EXECUTIVE

- (a) All the powers delegated to the other Chief Officers and shall be able to exercise those powers in the place of that Chief Officer. Further, in the event of any dispute or doubt as to the delegated powers of any other Chief Officer, the Chief Executive shall have the authority to determine which Chief Officer is to exercise that power.
- (b) The corporate management of the Authority and specifically through the Chief Executive's Management Board
- (i) Advice to the Council on the Policy Framework
 - (ii) The preparation and consultation in draft of the Forward Plan on a monthly basis
 - (iii) The responsibility for the discharge of the Council's functions in implementation of statutory and non-statutory plans including the modernisation, collation, indexation and publication of policies and practices of the Council within the evolving Policy Framework as the Council and the Executive shall determine
- (c) the authority to institute, defend or settle any legal proceedings or arbitration where urgent action is needed to protect the interests of the Council.
- (d) To be Head of the Paid Service.
- (e) The power to incur expenditure, including jointly with other authorities in the event of a civil emergency.
- (f) To nominate other senior officers of the Council, whether orally or in writing, to take administrative decisions in the event of a civil emergency.
- (g) In the event that all Members of the Executive are removed from office under Article 7.05 (in Part 2), to exercise all Executive functions in consultation with the Mayor until the Council shall appoint a new Executive.

3.4 TO THE DIRECTOR OF SOCIAL SERVICES

All Social Services functions of the Council, except those powers and responsibilities undertaken by the Executive or Executive Member with this portfolio or reserved to the Council and excluding decisions on the permanent closure, relocation or change of use of residential establishments and day establishments, which shall be reserved to the Executive.

3.5 TO THE DIRECTOR OF HOUSING SERVICES

All Housing Services functions of the Council, except those powers and responsibilities undertaken by the Executive or Executive Member with this portfolio or reserved to the Council.

3.6 TO THE DIRECTOR OF EDUCATION SERVICES

All Education Services functions of the Council, except those powers and responsibilities undertaken by the Executive or Executive Member with this portfolio or reserved to the Council. Excluded from this delegation are :

- i) Local Management of Schools – significant variations to the Scheme and any cases of a withdrawal of delegated powers;
- ii) The adoption of a syllabus of religious education on the recommendation of the Standing Advisory Council on Religious Education (SACRE);
- iii) Determination of Discretionary Awards
- iv) The withdrawal or modification of public Library facilities
- v) Establishment or discontinuance of Schools

3.7 TO THE DIRECTOR OF ENVIRONMENTAL SERVICES

All Environmental Services functions of the Council, except those powers and responsibilities undertaken by the Executive or Executive Member with this portfolio or reserved to the Council including: Planning, Transportation, Highways, Parking, Waste Management, Environmental Regulation, Private Sector Housing, Building Recreation, Leisure, Catering and Cleaning, Building Control, Trading Standards, Licensing and Regeneration Projects

and excluding:

- i) Transport Supplementary Grant and Transport Supplementary Credit Approvals – the annual bid to the Government Office for London for Transport Supplementary Grant and Transport Supplementary Credit Approvals via the Interim Transport Plan and the successor system following the establishment of the Greater London Authority;
- ii) Interim Transport Plan/Local Implementation Plan – the addition of the scheme to, or deletion of a scheme from, the active preparation programme;
- iii) “Major Greater London Road Network Schemes” – Council response to public draft line, side road and compulsory purchase orders.
- iv) Major Capital Transportation Proposals:
 - choosing a preferred route or option following public consultation;
 - authorising the promotion of Compulsory Purchase and Side Road Orders;
- v) The functions delegated to the Planning Applications Committee and Licensing Sub-Committee unless specifically delegated to him or her by those Sub-committees.

3.8 TO THE DIRECTOR OF FINANCE

All Financial Services functions of the Council, except those powers and responsibilities undertaken by the Executive or Executive Member with this portfolio or reserved to the Council. Included within this delegation are:

(a) all matters relating to the acquisition, disposal and management of land or interests in land

(b) at the request of the Director of Social Services, acting as Receiver appointed by the Court of Protection.

3.9 TO THE DIRECTOR OF SUPPORT SERVICES

All Support Services functions of the Council, including:

~~all matters relating to the stewardship of land:~~

~~at the request of the Director of Social Services, to act as Receiver appointed by the Court of Protection~~

- (a) Customer Services;
- (b) E-Government; and
- (c) Libraries.

but excepting those powers and responsibilities undertaken by the Executive and Executive Member with this or other portfolios or reserved to the Council.

3.10 TO THE GENERAL MANAGER OF ALEXANDRA PARK AND PALACE

All management and operational powers to implement decisions of the Alexandra Park and Palace Board in accordance with his/her terms of employment by the Council as Trustee under the Alexandra Park and Palace Acts and Order 1900 to 1985.

3.11 TO THE HEAD OF BENEFITS AND LOCAL TAXATION

Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including action to prevent fraud in relation to Housing Benefits and Council Tax.

3.12 TO THE HEAD OF BUILDING CONTROL

Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including the Building Acts, Building Regulations and the safety of sports grounds.

3.13 TO THE COMMERCIAL GROUP MANAGER ENVIRONMENTAL SERVICES

Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including environmental protection, licensing and registration, health and safety, public health and food safety.

3.14 TO PRINCIPAL TRADING STANDARDS OFFICERS

Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including trading standards, weights and measures and the protection of the public and consumers.

3.15 TO PRINCIPAL EDUCATION WELFARE OFFICERS

Authorising all enforcement functions, prosecutions and legal proceedings in the area of operational responsibility of the post including legislation relating to school attendance.

3.16 TO PLANNING OFFICERS FROM THE PLANNING APPLICATIONS SUB-COMMITTEE

The delegated authority from the Planning Applications Sub-Committee to (i) Assistant Director, Planning and Development Control Services (ii) Group Planning Manager (iii) Head of Development Control East and Head of Development Control West, shall relate to the following categories of development/matters only, and shall be exercised by any one or more of the above officers acting in consultation with the Chair of the Sub-Committee:-

1. Development within the curtilage of an existing residential property, including extensions, alterations and ancillary buildings and works, and including works which would be permitted development but for the use of the premises as flats or the effect of express planning conditions.
2. Conversion of dwelling houses or non-residential buildings into two or more self-contained dwellings.
3. Formation of vehicular access, or alterations to existing vehicular access, on to highways.
4. Minor amendments to the siting and design of buildings following approval of original development.
5. The erection of not more than 5 dwellings.
6. Changes of use of up to 500 sq. metres of floor space (including applications for H.M.O's and hostels).
7. Erection, or extension, of non-residential buildings where the new build does not exceed 500 sq. metres of total floor area (including installation of underground fuel and other storage tanks).
8. Installation of shopfronts.
9. Continuation of temporary planning permissions.
10. Display of advertisements.
11. Listed building consent applications, and applications for demolition of buildings or structures in Conservation Areas.
12. Works to Trees, (including pruning lopping or felling), covered by a Tree Preservation Order, and works to Trees within a Conservation Area; works to trees covered by a planning condition.

13. Certificates of Lawfulness for Proposed or Existing Development.
14. Sundry minor developments not included above and not involving the provision of more than 100 sq. metres of floorspace, (e.g. walls, fences, windows, replacement roofs or walls, electricity installations, external staircases, satellite dishes, cash dispensers, and the like).
15. The determination of the need for further details on outline applications; the approval of reserved matters following the grant of outline permission, and the approval of matters subject of condition on a full planning permission.
16. The determination of proposals for erection or installation of telecommunications equipment, including masts, antennae, and equipment cabinets, including those submitted under the Prior Notification procedures of the General Permitted Development Order.
17. Any other applications where the officer's recommendation is for refusal unless requested by the Chair to be considered at the Planning Applications Sub-Committee.
18. Any other applications where the officer's recommendation is for approval, and the proposal is in accordance with agreed planning policy and there have been no objections as a result of consultation, following discussion of the case with the Chair or Vice-Chair of the Planning Applications Sub-Committee.
19. All Enforcement Action (including in respect of Conservation Area, Listed Buildings, Trees, Advertisements, and all powers to prosecute) within the Sub-Committee's terms of reference.

3.17 TO ENVIRONMENTAL CONTROL OFFICERS FROM THE LICENSING SUB-COMMITTEE

The delegated authority from the Licensing Sub-Committee to (i) The Assistant Director Planning and Environmental Control Services (ii) The Group Manager Commercial and Environmental Protection and (ii) The Team Leader Trading Standards shall relate to the following functions and may be exercised by one or more of the above officers

1. Everything relating to the functions set out in paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. no. 2853 as amended) with the exception of: -
 - (a) any case where there is any objection to an application for the grant, renewal or variation of a licence or permit (however described)
 - (b) any case where the applicant or licence holder has a statutory right to be heard by the licensing authority
 - (c) any case where an application for the grant, renewal or variation of a public entertainments or night café licence is unopposed but the proposed hours of operation would exceed those of comparable licensed premises in the vicinity and any application if the proposed hours of closing are later than 2.00 a.m.
2. All enforcement action within the Sub-Committee's terms of reference including powers to prosecute, the exercise of statutory rights of entry to premises and the execution of works in default.
3. Members have the right to call for a report on any particular case.

Council Procedure Rules (Standing Orders)

Part I

Council Procedure Rules

1. TIMING AND BUSINESS

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

1. Elect a person to preside if the Mayor is not present;
2. Elect the Mayor;
3. Elect the Deputy mayor;
4. Approve the minutes of the last meeting;
5. Receive any announcements from the Mayor and/or head of the paid service;
6. Elect the leader;
7. Agree the number of Members to be appointed to the Executive and appoint those members of the Executive;
8. Appoint a Scrutiny committee, a Standards Committee and such other committees and subordinate bodies as the Council considers appropriate - to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table I of this Constitution). To agree the size, terms of reference and elect Members to such committees and subordinate bodies;
9. Agree the scheme of delegation - or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
10. Approve programme of ordinary meetings of the Council for the year;
11. Consider any business set out in the notice convening the meeting.
12. All appointments to committees will be made in accordance with the political balance rules;
13. To make appointments to outside bodies except where appointment to those bodies has been delegated by the Council.

2. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- i. Elect a person to preside if the Mayor and Deputy Mayor are not present;
- ii. Approve the minutes of the last meeting;
- iii. Receive any declaration of interest from Members;
- iv. Receive any announcements from the Mayor, leader, members of the Executive, the head of paid service or Monitoring Officer;

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- v. Receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- vi. Provide written answers to written questions from Members and receive oral questions from, and provide oral answers to questions from Members;
- vii. Deal with any business from the last Council meeting;
- viii. Receive reports from the Executive and the Council's committees and receive questions and answers on any of those reports;
- ix. Receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- x. Consider motions;
- xi. Consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the scrutiny committee for debate.
- xii. To make appointments to Council committees and outside bodies;
- xiii. To hear deputations and receive petitions relating to items of business on the agenda or, in extraordinary circumstances, other matters, in each case with the agreement of the Mayor.

3. EXTRAORDINARY MEETINGS

3.1 Requests

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- i. The Council by resolution;
- ii. The Mayor;
- iii. the monitoring officer; and
- iv. any five members of the Council if they have signed a requisition presented to the chair of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

The only business to be transacted at an extraordinary meeting shall be that stated in summons.

3.3 Questions

Questions shall not be permitted at extraordinary meetings and Rule 10 shall not apply.

3.4 Deputations

Rule 11 shall apply to extraordinary meetings but the reception of a deputation shall only be permitted where its stated purpose is related to an item of business stated on the summons.

4. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the [proper officer] and notified in the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the proper officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

References in these rules to the mayor also include the deputy mayor and any person elected to preside at a meeting of the Council in the absence of the mayor. The person presiding at the meeting may exercise any power or duty of the mayor.

7. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately for three minutes whilst a bell is rung for one minute. If there is no quorum after three minutes, the Mayor will terminate the meeting. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

If there is no quorum after 15 minutes from the time appointed for the start of the meeting, the meeting shall be postponed to a future date to be determined by the Mayor.

8. DURATION OF THE MEETING

8.1 Interruption of the meeting

Council meetings shall end at 10 p.m. on the day of the meetings, provided that the Mayor has discretion to extend the time to allow for adjournments and to complete the item then under discussion.

Before the Mayor concludes the meeting, a motion shall be put detailing the outstanding minutes of Committees not disposed of and asking that the Council adopt them without debate; all other business remaining shall fall.

8.2 Recorded Vote

If a recorded vote is called for during this process it will be taken immediately.

8.3 Close of the meeting

When all motions and recommendation have been dealt with, the Mayor will declare the meeting closed.

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9. QUESTIONS BY THE PUBLIC

9.1 General

Subject to Rule 10(10), members of the public may ask questions of members of the Executive, chairs of committees and the leader of the Council at ordinary meetings of the Council.

9.2 Order of questions

Questions will be asked in the order notice of them was received in except that the Mayor may group together similar questions.

9.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the [proper officer] no later than 10 am six days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

9.4 Number of Questions

At any one meeting no person may submit more than 1 questions and no more than 2 such questions may be asked on behalf of on organisation.

9.5 Scope of Questions

The proper officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information.

9.6 Record of questions

The proper officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Members no later than at the meeting and will be made available to the public attending the meeting.

9.7 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, a written reply will be given.

9.8 Supplementary questions

A questioner who has put a question in person may also put one supplementary question for elucidation only without notice to the member who has replied to his or her original question.

A supplementary question must arise directly out of the original question or reply. The Mayor may reject a supplementary question on the grounds of rule 9.5 above.

9.9 Written answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of non-attendance of the member to whom it has been put, will be dealt with as a written answer.

9.10 Reference of question to the Executive or a committee

Any member may move that a matter raised by a question be referred to the Executive or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

9.11 Time limit

A total time limit of 20 minutes, excluding any adjournment shall be allowed for public questions and answers. A question being answered at the time limit shall be completed.

10. QUESTIONS BY MEMBERS

10.1 On reports of the Executive

A member of the Council may ask the leader or the chair of a committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule ~~10.4~~ 10.5, a member of a committee or sub-committee may ask:

- a member of the Executive;
- the Leader; or
- the chair of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affect the Borough.

10.3 Questions on notice at committees and sub-committees

Subject to Rule 10.5, a member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affect the borough and which falls within the terms of reference of that committee or sub-committee.

10.4 Number of Questions

The number of questions that may be asked at any meeting of the Council shall be limited to:

10 oral questions (asked and answered orally) of which 5 may be asked by Members of the Majority Party and 5 by Members of the Minority Party or Parties. If more than 5 questions of either kind are asked, only the first 5 questions notified in accordance with Rule 10.5 shall be allowed.

1 written question (asked and answered in writing) from each Member.

10.5 Notice of questions

~~A member may ask up to 4 questions of which 2 (to be specified by the questioner) may be asked orally, with all other asked and answered in writing; no supplementary questions may be asked on such written answers.~~

A member may only ask a question under Rule 10.2, ~~or~~ 10.3 or 10.4 if either:

- (a) By 10 am 5 working days before the meeting they have given notice in writing of the question to the proper officer; or
- (b) the question relates to urgent matters, they have the consent of the Member to whom the question is to be put and the content of the question is given to the proper officer by 10 am on the day of the meeting.

Another Member may ask a question on behalf of the Member giving notice of the question.

10.6 Response

An answer may take the form of:

- (a) a direct oral answer (which another member may answer on behalf of the member);
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication ; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (d) Written answers to written questions shall be supplied to all Members no later than at the meeting except where this is impracticable and in that case the questioner will be informed at the meeting of the date by which the answer will be supplied.

10.7 Supplementary question

A member asking a question under Rule 10.2 or 10.3 may ask no more than two supplementary questions without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. The first supplementary will be reserved for the original questioner. Any Member of the Council will be permitted to ask a second supplementary question. No supplementary questions may be asked on written answers.

10.8 Scope of Questions

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The proper officer may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the borough;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- Requires the disclosure of confidential or exempt information.

10.9 Time limit

A total of 30 minutes (allowing for any adjournments) shall be allowed on oral questions and answers under this Standing Order; a question being answered at the time limit (and any supplementary questions to it) shall be completed.

Any oral questions remaining unanswered after the time limit must be answered in writing and shall be circulated to all Members on or before the fourth working day after the Council meeting.

10.10 Only Members to Answer Questions

Only an elected Member of the Council may answer a question (whether asked by another Member of the Council or a member of the public) on behalf of the Council at a meeting of full Council.

11. DEPUTATIONS AND PETITIONS

A. Deputations

1. A deputation wishing to be received at a meeting of the Council must give the Chief Executive notice in writing at least five working days' before the meeting. The deputation must also send, with the written notice, a statement of their purpose. This must relate to a local government matter concerning the Borough.
2. The Council shall decide whether or not to receive the deputation or whether or not to refer it to an appropriate committee, sub-committee, or other body.
3. A deputation shall not exceed six people. Only one member of the deputation may address the Council meeting but any member of the deputation may reply to questions from Council Members.
4. The total time allowed to a deputation shall normally be a maximum of five minutes to address the Council and five minutes for questions from Members, unless the meeting approves some other limit.

B. Petitions

1. Any person(s) wishing to present a petition at a meeting of the Council must give notice in writing to the Chief Executive at least five working days before the meeting. The petitioner(s) must also send, with the notice, a statement of the terms of the petition. This must relate to a local government matter concerning the Borough.

2. The Council shall decide whether or not to receive the petition or whether or not to refer it to an appropriate committee, sub-committee, panel or other body.
3. A petition shall be presented by not more than two persons who shall not address the Council but may reply to questions from members of the Council. (The Mayor may ask the Chief Executive or his/her representative to read or summarise briefly the substance of the petition.)

12. SUBMISSION OF COMMITTEE MINUTES RECOMMENDATIONS AND REPORTS

~~1. Committee minutes shall contain recommendations to the Council, and the recorded decisions of all other matters considered. The Chief Executive shall submit a report listing (i) calls in of minutes in the order in which they were received; (ii) any recommendations from Overview and Scrutiny Committee requiring policy change or Executive action.~~

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- ~~2. Minutes shall be submitted to the Council on a motion by the Chair of the Committee that they be received and adopted and any recommendations contained therein be approved, subject to any issues highlighted in the report of the Chief Executive as set out in Paragraph (1) above. In the absence of the Chair, the Deputy Chair or another member of the Committee may so move.~~
- ~~3. The Chair or mover may refer to any item for the purpose of making a statement on moving adoption of the minutes.~~
- ~~4. With reference to the report of the Chief Executive mentioned at 12(1) above, the Mayor shall ask each Member calling in a minute to move the variation of action proposed. Each motion will be debated in accordance with Standing Order No. 16 (Rules of Debate).~~
- ~~5. Any member wishing to speak to any item in the minutes (without moving a variation of action) shall give notice in writing to the representative of the Proper Officer within 15 minutes of the starting time of the meeting. No other member will be called but the Chair (or Deputy Chair) of the Committee will have the opportunity to respond to any points raised.~~
- ~~6. With reference to the report of the Chief Executive mentioned at 12(1) above, the Mayor shall itemise, in turn, each area of dispute between the Executive and the Scrutiny Committee and shall call for a debate on each item. At the conclusion of the debate on each item, the Mayor shall call for a vote to be taken on the item concerned.~~
- ~~7. The adoption of the minutes of a Committee (subject to any amendments approved by the Council) shall be signified by the Mayor putting the motion to receive them.~~
- ~~8. Any Committee minute before the Council shall be deemed to be amended by the correction of any clerical or printer's errors. A statement of corrections shall be circulated by the Chief Executive at the meeting. (See also Standing Orders Nos. 9.6 Adoption of Minutes and Recommendations, and 10.8 Motions on Committee Resolutions/Recommendations.)~~

1. The Chief Executive shall submit a report listing any recommendations from Overview and Scrutiny Committee requiring policy change or Executive action. The Mayor shall itemise, in turn, each area of dispute between the Executive and the Scrutiny Committee and shall call for a debate on each item. At the conclusion of the debate on each item, the Mayor shall call for a vote to be taken on the item concerned.
2. Where the Executive or a Committee is making a recommendation to full Council requiring a decision or resolution of the Council a report shall be submitted on the matter. Where the Executive or a Committee consider that any matter coming before them merits being drawn to the notice of the full Council, then a report shall be submitted to the next practicable meeting of the Council.
3. In all other cases decisions of the Executive, Committees and other bodies may be implemented once the decision is made subject to the procedures on suspending definitive action contained in Rule 34, the Call-In Procedure Rules in Part 4 and any statutory action by the Monitoring Officer.
4. The Chair of the Standards Committee will submit a written report on the proceedings of the Committee as often as the Committee considers necessary but at least once a year at the annual meeting of the Council.

13. MOTIONS ON NOTICE

13.1 Notice

Except for motions which can be moved without notice under Rule 15, written notice of every motion, signed by at least 2 Members, must be delivered to the proper officer not later than 10 am 7 5 days before the date of the meeting. These will be entered in a book open to public inspection.

13.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

13.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect Borough.

14. EMERGENCY MOTIONS

Any Member may ask the Mayor to consider the admission of an emergency motion as urgent business, provided that due notice could not reasonably have been given (in accordance with Standing Order No. 10.1 above). All other Standing Order provisions relating to motions requiring notice must be complied with, including notice in writing to the Chief Executive and the names of the proposer and seconder. Notice should be given to the Chief Executive, if possible by 10am on the day of the Council meeting, and in any event before the commencement of the meeting.

15. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to *amend alter* a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;

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- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member names under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.
- (q) to extend the time for speeches by 2 minutes.
- (r) to move an emergency motion where the Mayor has given consent.

16. RULES OF DEBATE

16.1 Length of debate

Discussion on any one motion, including amendments, shall not exceed 30 minutes in total.

16.2 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

16.3 Substitution of movers and seconders

Another member may speak on behalf of the mover or seconder who gave written notice of a motion

16.4 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

16.5 Seconder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

16.6 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes without the consent of the meeting, except that the proposer will be given 7 minutes and the seconder or mover of an amendment will be given 5 minutes.

16.7 When a member may speak again

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except;

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

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- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

16.8 Amendment's to motions

- (a) The mover of any amendment to a motion must give written details of its text and its seconder to the proper officer by 10 am on the day of the Council meeting. The amendment will be circulated to Party Group Leaders by no later than 2pm that day.
- (b) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out a word or words;
 - (iii) to leave out any or all words and insert or add another or others; or
 - (iv) to insert or add a word or words.

As long as the effect of (ii), (iii) or (iv) is not to negate the motion completely.

- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

16.9 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting.
- (b) A member may alter a motion which he/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be significantly without discussion.
- (c) Only alterations which would be made as an amendment may be made.

16.10 Withdrawal of motion

A member may withdraw a motion he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

16.11 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

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- (b) If an amendment is moved, the mover of the motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) Any member who is subject to a personal accusation in the course of debate that identifies that member has a right of reply limited to answering the accusation immediately after the speech of the accuser.

16.12 Motion which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 2.14.

16.13 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the chair thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) on a motion to adjourn the debate or to adjourn the meeting, if the Mayor/Chair is of the opinion that the matter before the meeting has been debated sufficiently, he/she may refuse to accept either of these motions and instead put the motion that the question now be put; if the Mayor is satisfied that the business cannot reasonably be debated sufficiently on that occasion, he/she shall put the adjournment motion to the vote without giving any right of reply at that time; if the Mayor believes that the business can be debated sufficiently, the debate or the meeting shall continue and the closure motion falls.

16.14 Point of order

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

16.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

17. STATE OF THE BOROUGH DEBATE

17.1 Calling of debate

The leader will call a state of the Borough debate annually on a date and in a form to be agreed with the Mayor.

17.2 Results of debate

The results of the debate will be considered by the leader in proposing the budget and policy framework to the Council for the coming year.

18. PREVIOUS DECISIONS AND MOTIONS

18.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 20 Members.

18.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 20 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

19. VOTING

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority vote. There will be no restriction on how the chair chooses to exercise a casting vote.

19.2 Chair's casting vote

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

19.3 Show of hands

Unless a recorded vote is demanded under Rules 17.4 and 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.4 Recorded vote

If + 8 members present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. This rule *does not apply to procedural motions and* is subject to the right of the Mayor to reject any demand for a recorded vote that is considered to be frivolous or vexatious.

19.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

19.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20. MINUTES

20.1 Signing the minutes

The chair will sign the minutes of the proceedings at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

20.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

20.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the chair put them.

21. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

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22. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

23. MEMBERS' CONDUCT

23.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the chair. If more than one member stands, the chair will ask one to speak and the others must sit. Other Members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

23.2 Chair standing

When the chair stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

23.3 Member not to be heard further

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

24. DISTURBANCE BY PUBLIC

24.1 Removal of member of public

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

24.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

25. SMOKING AND EATING DURING COUNCIL MEETINGS

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There shall be no smoking nor any food eaten nor any alcohol drunk in the Chamber during meetings of the Council.

The Mayor shall order the removal from the Chamber of anybody who disregards a request to refrain from the such action.

26. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

26.1 Suspension

All of these Council Rules of Procedure except Rule 17.6 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

26.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

27. MATTERS AFFECTING NAMED INDIVIDUALS OR COUNCIL EMPLOYEES OR FORMER COUNCIL EMPLOYEES

1. If, during the course of a Council meeting, an issue arises concerning a named individual or about an individual Council employee or former Council employee, the Council must first decide whether or not to exclude the public and press before discussing the matter further.
2. At no time shall there be discussion of any individual employee or former employee subject to outstanding disciplinary / appeal / grievance proceedings as such discussion could affect these proceedings.
3. In the event of Members wishing to criticise individual employees/former employees at a Council meeting, regard shall be given to the requirements of **Standing Order No 53** (Criticism of Individual Employees/Formers Employees).

28. VOTES OF NO CONFIDENCE

1. A vote of no confidence relating to any office holder may only be moved if notice of it appears on the agenda of the relevant meeting of the Council
2. In accordance with Article 7.05 above, a member of the Executive, including the Leader, shall cease to hold office as an Executive member or Leader 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.
3. The responsibilities of that member shall be carried out by the Executive collectively until such time as the appointment of a replacement or the reappointment of the member concerned by full Council.

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4. In the event of all members of the Executive having been removed from office in this way at any time, Executive functions shall in the interim be carried out by the Chief Executive in consultation with the Mayor.

5. 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. Rule 32.3 shall apply until such time as the appointment of a replacement as Chair, or the re-appointment of the member concerned, by full Council.

6. For the avoidance of doubt, Rule 28.5 applies to all other bodies exercising non-executive functions including the Alexandra Palace and Park Board. Rule 28.5 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 28.5 shall not apply to the Chair of the Standards Committee but Article 9.02(c) shall apply.

29. MAYOR'S PREROGATIVE ON INTERPRETATION OF STANDING ORDERS

The ruling of the Mayor on the interpretation or application of any of these Standing Orders, or on any procedures of the Council Meeting, shall not be challenged.

Part 2

COUNCIL PROCEDURES IN RESPECT OF COMMITTEES

30. APPOINTMENT OF COMMITTEES, SUB-COMMITTEES, ETC.

1. The Council at its annual meeting shall establish such Committees, Sub-Committees and other bodies as may be required by law or be necessary to carry out the work of the Council, and shall prescribe the number of voting members of each Committee or other body having regard to political balance in accordance with the 1989 Act, define their terms of reference and delegate to them such functions, powers and duties (except the power of levying the Council Tax) as the Council shall think fit or statute may require.
2. The Council may resolve that non-voting members, assessors and advisers shall also be appointed to any such committee or other body, and shall hold office until the annual meeting in the year following their appointment or for so long as the Council deem appropriate, whichever is the earlier; and if they resolve to make such appointments, shall specify the number of appointments to be made and the functions in relation to the body that each person so appointed may exercise.
3. Although for administrative convenience the appointments to Sub-Committees and other bodies are made by the Council, they shall be deemed for all purposes to have been made by their parent Committee (or, in the case of joint Sub-Committees and other bodies, by their parent Committees) and to be subordinate bodies of the Committee(s), which may make arrangements for a sub-committee to discharge any of the functions of the authority which the committee may discharge.
4. Chairs and Deputy-Chairs of Sub-Committees and other bodies appointed by the Council shall be deemed to have been appointed by their parent Committee(s).
5. From time to time other bodies may be established for the purpose of assisting or advising Committees in the exercise of their functions. They may be authorised to coordinate executive action across several Services or to develop policy in areas where special consideration is desirable.
6. Unless expressly provided for in the respective constitution, the proceedings of subordinate bodies shall be regulated by these Standing Orders.
7. Whenever
 - (a) the Council is required to review the allocation of seats on committees between political groups, or
 - (b) the Council resolves to carry out such a review, or
 - (c) a committee is required to review the allocation of seats on a sub-committee between political groups, or
 - (d) a committee resolves to carry out such a review,

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the Chief Executive shall submit a report to the Council or committee (as the case may be), showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the 1989 Act.

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 sub-committee 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.
10. These rules in respect of committees shall apply to the Standards Committee with the exception of the rules on political balance.

31. MEETINGS OF COMMITTEES, SUB-COMMITTEES, ETC.

1. The meetings of Committees and Sub-Committees shall be organised in accordance with a timetable approved each year by the Council and/or the Executive. 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.
2. 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.
3. 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.
4. 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.
5. 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. 47 below.
6. The notice convening a special meeting shall set out the business to be considered, and no other business shall be considered.
7. No meeting shall continue after 10 p.m., except that discussion of the specific item or case in hand at 10 p.m. may continue thereafter at the discretion of the Chair of the meeting. Consideration of any business remaining shall be deferred to the next ordinary meeting, except where the matter(s) falls to be dealt with under the urgency provisions.

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8. In the absence of the Chair, the Deputy-Chair(s) shall have authority to act for any of the purposes set out in paragraphs 1-4 above.

32. CHAIRS AND DEPUTY CHAIRS OF COMMITTEES, SUB-COMMITTEES, ETC

1. At each annual meeting, the Council shall appoint the members of the Executive and a Chair and Deputy Chair(s) for every Committee, Sub-Committee and other body for the year ahead, unless the constitution provides otherwise. If a vacancy arises during the year, the Chief Executive shall report to the next ordinary meeting of the Council to enable a member to be appointed to fill the vacancy.
2. If any appointment possible under the previous paragraph is not made, the committee, sub-committee or other body shall, from among their voting members, appoint a person to preside at their meetings.
3. In the absence of the Chair from a meeting, the Deputy-Chair shall preside. In the absence of both the Chair and a Deputy-Chair from a meeting and providing the meeting is quorate, any member may propose, at the request of the Head of Democratic Services or his/her representative, the election of a voting member present to preside at the meeting.
4. If, while another member is presiding at a meeting, the Chair or Deputy-Chair enters the meeting, the member presiding shall stand down in favour of the Chair or Deputy-Chair at the conclusion of the item under discussion.

33. QUORUM

1. No business shall be transacted at any meeting of a committee, sub committee or other body, unless at least one quarter of the whole number of voting members are present, provided that in no case shall any business be transacted unless at least two voting members are present.
2. Commencement of Meeting
If there is no quorum after fifteen minutes from the time appointed for the start of the meeting, that meeting shall be postponed to a future date, to be determined by the Chair after consultation with the Opposition spokesperson.
3. During Meeting
If at any time after the commencement of a meeting there is not a quorum present, the Chair shall suspend the business for three minutes. If there is still no quorum at the end of three minutes the Chair shall terminate the meeting.

34. LIMITATION ON DELEGATED POWERS

Each Committee, Sub-Committee, or other body shall act in accordance with the Terms of Reference and Scheme of Delegation of Powers as approved by the Council (and in accordance with its own constitution) subject to the following general reservations:-

- (a) Where powers have been delegated to a Committee, Sub-Committee, or other body it shall be competent for that body to refer any matter to the next higher authority for decision by them and the Head of Local Democracy shall so arrange. A Chair of a body may, within two working days of a decision being made and before definitive action has been taken, delay by written notice to the Head of Local

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Democracy, such definitive action to enable the decision to be confirmed or otherwise by the next higher authority.

(b) A matter referred by a joint body to the higher authority under sub-clause (a) above shall be submitted to the relevant parent body/bodies having responsibility for that aspect of the joint body's terms of reference.

(c) Definitive action on a decision of the Planning Applications Sub-Committee shall be delayed pending confirmation or otherwise by the General Purposes Committee if a quarter of the members of the Sub-Committee present at the time the decision is made (and acting immediately after it is made) require it by giving notice to the Chair in the hearing of those present, or if eight members of the Council deliver a written request to the Head of Local Democracy within two working days.

35. QUESTIONS AND PRESENTATIONS

A. Public Questions

1. Any resident, council tax payer or national non domestic rate payer of the borough may ask the Chair of any Committee or its sub bodies any question on anything for which the Committee is responsible at any ordinary meeting.
2. Notice of questions must be given in writing to the Head of Local Democracy by 10 a.m. on the seventh day before the meeting (i.e. Monday for a Monday meeting). The notice must give the name and address of the sender.
3. The [proper officer] may reject a question if it:
 - Is not about a matter for which the local authority has a responsibility or which affects the borough;
 - Is defamatory, frivolous or offensive;
 - Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - Requires the disclosure of confidential or exempt information.
4. The Head of Local Democracy may put questions into an appropriate form without affecting their substance and redirect them if necessary.
5. The questions to be asked shall be supplied to all Members no later than at the meeting.
6. The Head of Local Democracy shall announce the question number and the name and address of the questioner. The questioner shall ask the question and the member shall reply orally or may ask another member to reply on his/her behalf.
7. The Chair may allow one supplementary question for elucidation only.
8. A total time of 20 minutes (excluding any adjournment) shall be allowed for public questions and answers, but a question being answered at the time limit shall be completed.
9. Any questions remaining unanswered after the time limit, and any questions for which the questioner is neither present shall be answered in writing.

B. Presentations

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1. Presentations shall be made to Committees at the discretion of the Chair on matters of interest or concern to residents of the borough which fall within the scope of the Committee's terms of reference.
2. The total time allowed for a presentation shall not exceed 30 minutes, including the time allowed for questions, unless the meeting approves some other limit.

36. DEPUTATIONS AND PETITIONS

A. Deputations

1. A deputation wishing to be received at a meeting of a committee, sub-committee or other body must give to the Head of Local Democracy notice in writing at least five working days before the meeting. The deputation must also send, with the written notice, a statement of their purpose. This must relate to a matter concerning the body's Terms of Reference.
2. The body shall decide whether or not to receive the deputation, or whether or not to refer it to another Committee, sub committee or other body.
3. A deputation shall not exceed six people. Only one member of the deputation may address the meeting but any member of the deputation may reply to questions from Members.
4. The total time allowed to a deputation shall normally be a maximum of five minutes to address the meeting and five minutes for questions from Members, unless the meeting approves some other limit.

B. Petitions

1. Any person(s) wishing to present a petition at a meeting of a committee, sub-committee or other body must give to the Head of Local Democracy notice in writing at least five working days before the meeting. The petitioner(s) must also send, with the notice, a statement of the terms of the petition. This must relate to the body's Terms of Reference.
2. The body shall decide whether or not to receive the petition or whether or not to refer it to another committee, sub-committee, or other body.
3. A petition shall be presented by not more than two persons who shall not address the meeting, but may reply to questions from members of the body. (The Chair may ask the Head of Democratic Services or his/her representative to read or summarise briefly the substance of the petition.)

37. CONFIRMATION OF MINUTES

1. Minutes of every meeting shall be presented to the next ordinary meeting.
2. The Chair shall put the question that the minutes of the meeting held on the (date) be confirmed as a correct record and signed.

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3. No discussion shall take place upon the minutes except upon their accuracy. If no question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

38. RULES OF DEBATE

1. Meetings are to be conducted with as little procedural formality as is consistent with the need for good order and the despatch of business.
2. The Chair shall conduct the debate and shall seek to prevent a member from wasting time, being repetitive or using unbecoming language. In matters of doubt the Chair shall have regard to the appropriate provisions of these Standing Orders. Each speaker must direct his or her speech to the question under discussion, or to a point of order, or to a personal explanation.

39. DISORDERLY OR OFFENSIVE CONDUCT BY A MEMBER

1. **Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that member be not heard further. If seconded, the motion will be voted on without discussion.

2. **Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

3. **General disturbance**

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she thinks necessary.

40. DISTURBANCE BY MEMBERS OF THE PUBLIC

1. **Removal of member of public**

If a member of the public interrupts proceedings, the chair will warn the person concerned. If they continue to interrupt, the chair will order their removal from the meeting room.

2. **Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

41. VOTING

1. Voting shall be by a show of hands.
2. Immediately after the vote is taken, a member may require to be recorded in the minutes whether he/she voted for or against the decision or abstained.

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3. In the case of an equality of votes, the Chair shall have a second or casting vote, unless the constitution of the body as approved by the Council provides otherwise.
4. Proposals carried are recorded as resolutions or recommendations. Proposals lost are not recorded, except as provided for in (2) above.

42. ATTENDANCE

1. Any member of the Council may attend the public part of all meetings whenever he/she wishes and, with the Chair's consent, may take part in the business of a meeting of which he/she is not a member but may not move a resolution nor vote.
2. With the Chair's consent, any member of the Council may attend the exempt part of meetings whenever he or she wishes and may take part in the business of a meeting of which he or she is not a member but may not move a resolution nor vote. No Member, other than the appointed Members of the bodies concerned, may attend certain meetings involving the circumstances of specific individuals as may be specified from time to time by the Proper Officer, such as appointments, hearings and appeals.
3. Every member attending a meeting shall sign his/her name on the attendance sheet provided for that purpose.
4. Where a Member is unable to attend a meeting of a particular Committee/Panel to which they have been appointed they may if they so wish arrange for the attendance of a named Member in their place providing that they have notified the Head of Local Democracy in writing three clear days in advance of the Committee/Panel meeting of the name of the Member who will attend on their behalf.

Substitutes properly appointed will be recorded in the minutes and shall carry full voting and other rights and responsibilities.

43. MATTERS AFFECTING NAMED INDIVIDUALS OR COUNCIL EMPLOYEES OR FORMER COUNCIL EMPLOYEES

1. If, during the course of a meeting, an issue arises concerning a named individual or about an individual Council employee or former Council employee, the body must first decide whether or not to exclude the public and press before discussing the matter further.
2. At no time shall there be discussion of any individual employee or former employee subject to outstanding disciplinary/appeal/grievance proceedings as such discussion could affect these proceedings.
3. In the event of Members wishing to criticise individual employees/former employees at a meeting, regard shall be given to the requirements of Standing Order No. 53 (Criticism of Individual Employees/Former Employees).

44. NO SMOKING AT MEETINGS

There shall be no smoking nor any food eaten nor any alcohol drunk during meetings.

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The Chair shall order the removal from the meeting room of anybody who ignores this Standing Order after being asked to stop.

45. CHAIR'S PREROGATIVE ON INTERPRETATION OF STANDING ORDERS

The ruling of the Chair on the interpretation or application of any of these Standing Orders, or on any proceedings of the Committee, Sub Committee, Panel or other body, shall not be challenged at any meeting.

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Part 3 : APPOINTMENT AND DISCIPLINE OF EMPLOYEES

~~29. APPOINTMENT OF EMPLOYEES – CANVASSING ETC~~

Canvassing

- ~~1. Candidates for any appointment under the authority must not canvass Members either directly or indirectly. If a candidate does so, he/she shall be disqualified. A statement to that effect must be included in bold type on any application form.~~

Testimonials

- ~~2. Members must not solicit for any person any appointment under the authority. However, this rule does not preclude a member from giving a written testimonial of a candidate's ability, experience or character, or from offering to serve as a referee to the candidate in respect of an application for appointment.~~
- ~~3. A member who has given a testimonial or stood as a referee must not take part in the appointment process involving that individual.~~

Relationship to Member or Senior Officer

- ~~4. A candidate for any appointment under the authority who knows that he/ she is related to a member or a senior officer of the Council must give details on the application form. A candidate who does not do so is disqualified. A statement to that effect must be included in bold type on any application form.~~
- ~~5. Every member and senior officer of the authority who knows he or she is related to a candidate for an appointment under the authority must report the details.~~

~~30. APPOINTMENT AND DISCIPLINARY ACTION RELATING TO CHIEF OFFICERS~~

Appointment

- ~~1. All appointments of first and second tier Officers shall be made by Members and shall include the Executive Member for Resources. In respect of each such appointment:
 - ~~(a) a statement shall be drawn up specifying the duties of the officer concerned, and any qualifications or qualities to be sought in the person to be appointed;~~
 - ~~(b) arrangements shall be made for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and~~
 - ~~(c) arrangements shall be made for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.~~
 - ~~(d) all applicants for the post shall be interviewed, or a short list of such applicants shall be drawn up and those included on the short list interviewed.~~~~

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- ~~2. All appointments to other politically restricted posts shall be made by a Member Panel determined by the Head of Paid Service after consultation with the Leader. All other appointments shall be made by officers only.~~
- ~~3. All Members taking part in Appointments Panels shall undertake appropriate training, provided by the Human Resources Section.~~

Disciplinary Action

- ~~4. No disciplinary action in respect of the head of the authority's paid service (unless he is also a council manager of the authority), its monitoring officer or its chief finance officer, except action described in paragraph 5, may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders)(England) Regulations 2001 (investigation of alleged misconduct).~~
- ~~5. The action mentioned in paragraph 4 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.~~

PART 4 3: DECLARATION OF INTERESTS

46. INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

Registration

1. Within one month of a member attending a meeting of the Council, a Committee, sub-committee or other body to which he/she has been appointed, a member must give notice of his/her registrable interests and must thereafter give further notice whenever necessary to revise the information previously given. The Register of Members' Interests shall be open to inspection by members of the public, through the office of the Head of Democratic Services.

Declaration

2. Any member of a Committee, Sub-Committee or other body, whether elected, non-elected, voting or non-voting, which is to consider a contract, proposed contract or any matter in which he or she has a personal or prejudicial interest, must disclose that fact.
3. Where any member has declared such an interest, he/she shall leave the meeting while the matter is under consideration unless:
 - (a) the disability to discuss, or vote upon any matter arising from the contract or other matter has been removed by a dispensation granted by the Standards Committee under section 81(4) of the Local Government Act 2000 and Regulations made thereunder; or
 - (b) the contract, grant, proposed contract or other matter is under consideration by the meeting as part of the report or minutes of a committee or sub-committee (in the case of a meeting of the council) or of a sub-committee (in the case of a meeting of a committee), and is in either case not itself the subject of debate.

Arrears with Housing Rent

4. Any member who is in arrears for two or more months with housing rent and is present at a meeting of the Council, or of a Committee, Sub-Committee or other body when any matter concerning rents of local authority housing is to be discussed, shall disclose this fact and shall not vote.

Arrears with Community Charge or Council Tax

5. Any member who is in arrears for two or more months with the payment of Community Charge or Council Tax and is present at a meeting of the Council, or of a Committee, Sub-Committee or other body when matters detailed below are to be discussed, shall disclose the fact and shall not vote.
 - (a) The calculation of budgets and Council Tax, whether the original or substitute as a result of limitation or capping.
 - (b) Any recommendation, resolution or other decision which might affect the making of such calculation.

- (c) Any issues relating to registration, administration, collection and recovery of Community Charge or Council Tax.

47. INTERESTS OF OFFICERS IN CONTRACTS AND OTHER MATTERS

1. If it comes to the knowledge of any employee of the authority, that he/she has a personal interest, direct or indirect, in any contract which has been, or is proposed to be, entered into by the authority, or in some other matter which is to be considered by the council or any committee or sub-committee, and which (in either case) is not
 - (a) the contract of employment (if any) under which he serves the authority
 - (b) the tenancy of a dwelling provided by the authority,

he/she shall as soon as practicable give notice in writing to the Head of Paid Service of the fact that he/she is interested therein.

2. For the purposes of this standing order, a personal interest is an interest that, if the employee were a member of the council, and if the contract or other matter were to be considered at a meeting of the council at which he/she were present, he/she would have to disclose under the Members' Code of Conduct.
3. The Head of Paid Service shall record in a book to be kept for the purpose particulars of any notice of a personal interest given by an employee of the authority. The book shall, during the ordinary office hours of the authority, be open for inspection by any member of the council.

PART 4: MISCELLANEOUS

48. SEAL OF THE COUNCIL

1. The common seal of the Council shall be kept in a safe place in the custody of the Borough Solicitor.
2. The common seal of the Council shall be affixed to a document only on the authority of
 - (a) a resolution of the Council;
 - (b) a decision by the Council, or by a duly authorised committee, sub committee or officer, to do anything where a document under the common seal is necessary to complete the action.
3. On civic or ceremonial occasions, the seal shall be attested by the Mayor or Deputy Mayor or another member of the Council and by the Chief Executive or Borough Solicitor.
4. On all other occasions the Seal on documents shall be attested in accordance with Article 14.05 (in Part 2) or by any one of the following officers:

Chief Executive
Director of Finance
Borough Solicitor
Deputy Borough Solicitor
5. An entry of every sealing of a document must be made and numbered consecutively in the book kept for the purpose and each entry must be signed by the person or persons who attested the Seal.
6. The Borough Solicitor, or in his/her absence the Deputy Borough Solicitor is authorised to sign any document to secure the effective administration of the functions for which the Legal Service is responsible, or any document to secure the effective implementation of any function, power, duty, policy, programme or decision of the Council or of any Committee, Sub-Committee, or other body or Chief Officer acting within their terms of reference and delegated powers.

49. ATTESTATION OF DOCUMENTS

1. Any notice, order or other document which a local authority are authorised or required by or under any enactment to give, make or issue may be signed on behalf of the authority by the proper officer of the authority.
2. Any document purporting to bear the signature of the proper officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by authority of the local authority.

3. In addition to any other person who may be authorised by resolution of the Council for the purpose, the proper officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the head of the authority's paid service, the Borough Solicitor, any chief officer of the Council concerned with the matter to which the document relates or any officer authorised in writing by such chief officer.

50. PAPERS AND ADVICE

1. Draft reports shall be circulated to the Head of Local Democracy and other appropriate officers no later than 12 working days before a meeting.
2. The agenda and papers for consideration at any meeting will normally be despatched to appropriate members of the Council 7 calendar days before the meeting.
3. Services shall ensure that all papers are delivered to the Head of Local Democracy by noon on the ninth day before the meeting (i.e. on Monday for a meeting on Wednesday in the following week).
4. The Chair of a Committee, Sub-Committee, or other body may only allow a late item/report to be considered at a meeting if satisfied that there are special circumstances. The special circumstances which, in the Chair's opinion, justify such action must be recorded in the Minutes of the meeting.
5. The agenda and papers for any part of a meeting open to the public shall be made available for inspection by members of the public.

51. CONFIDENTIALITY OF REPORTS

Exempt Reports

1. Reports and documents which are to be presented to meetings of the Council or of Committees, Sub-Committees, or other bodies and which in the opinion of the Head of Democratic Services, are likely to be the subject of a resolution to exclude the press and public from the proceedings on any of the grounds set out in the Local Government (Access to Information) Act 1985 must be marked in the top right hand corner "Not for Publication" because they contain exempt information under one of the following categories:
 - (i) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under, the authority.
 - (ii) Information relating to a particular employee, former employee or applicant to become an employee of, or a particular officer, former officer or applicant to become an officer appointed by -

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- (a) a magistrates' court committee, within the meaning of Section 19 of the Justices of the Peace Act 1979; or
- (b) a probation committee appointed under paragraph 2 of Schedule 3 to the Powers of Criminal Courts Act 1973.
- (iii) Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority.
- (iv) Information relating to any particular applicant for, or recipient or former recipient of, any service provided by the authority.
- (v) Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority.
- (vi) Information relating to the adoption, care, fostering or education of any particular child.
- (vii) Information relating to the financial or business affairs of any particular person (other than the authority).
- (viii) The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
- (ix) Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.
- (x) The identify of the authority (as well as of any other person, by virtue of paragraph (vii) above) as the person offering any particular tender for a contract for the supply of goods or services.
- (xi) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.
- (xii) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with
 - (a) any legal proceedings by or against the authority, or
 - (b) the determination of any matter affecting the authority,(whether, in either case, proceedings have been commenced or are in contemplation).

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- (xiii) Information which, if disclosed to the public, would reveal that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- (xiv) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- (xv) The identity of a protected informant.

Confidential Reports

2. The Local Government (Access to Information) Act 1985 also specifies certain types of information, described as 'confidential', which the Council is prohibited from publishing. "Confidential information" means -
 - (a) information furnished to the Council by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
 - (b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a Court.
3. Reports containing such confidential information must be marked on the top right hand corner as follows:-

"Confidential: This report must not be published as it contains (eg) information furnished to the Council by a Government department upon terms which forbid its disclosure to the public."

Duty not to disclose information

4. It shall be the duty of all Council Members, other voting and non-voting members of committees or other bodies, assessors and advisers appointed to committees or other bodies and Officers of the Council not to disclose any information contained in reports and documents classified as 'confidential' or 'exempt' until the Committee, Sub-Committee or other body in question decides to make the information public, and appropriate sanctions will be taken in the event of this being breached.

Declassification of exempt reports

5. It shall be the responsibility of the Proper Officer (Head of Democratic Services) to determine as necessary whether at any future date it is appropriate to declassify any exempt reports.

52. INSPECTION OF DOCUMENTS

- I. A member of the Council shall have the right to inspect and be provided with copies of the following documents in the Council's possession or under its control:-
 - (a) Any document which the Local Government (Access to Information) Act 1985 requires to be open for public inspection.
 - (b) Any document containing any material relating to any business to be transacted or which has been transacted at any meeting of the Council, or of a Committee, Sub Committee or other body, unless the Head of Democratic Services is of the opinion that the document should be exempt from disclosure to that particular Member because it contains information falling within paragraphs (i) to (vi), (ix) (xi), (xii) and (xiv) of Standing Order 48(1) above.
 - (c) Any other document in respect of which the member can satisfy the Chief Executive that he/she has a need to know about information contained in that document in the course of his or her role as a member. However, the Chief Executive may, on the advice of the Borough Solicitor, refuse to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.
 - (d) Any other information not in the form of a document which is in the possession, or under the control of, the authority, access to which is necessary for the proper discharge of his/her functions as a member of the Council, although such information need not be given if the cost of providing the access is unreasonably high or during such period as the giving of access would unreasonably disrupt the work of the authority.
2. A member must not use any information obtained in the exercise of the rights under this Standing Order for any purpose other than the performance of his/her role as a member of the Council and must not knowingly inspect or request copies of any document relating to any matter in which he or she is professionally or personally interested or in which he or she has directly or indirectly any pecuniary interest within the meaning of Section 94 of the Local Government Act 1972. A member should never disclose or use confidential or exempt information for the personal advantage of him/herself or of anyone known to them, or to the disadvantage or discredit of the Council or anyone else.

53. INSPECTION OF LAND AND BUILDINGS

No member of the Council and no other member (whether voting or non-voting) of a committee, sub-committee or other body shall have any claim by virtue of his/her position:

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- (a) to enter any land or buildings occupied by the authority to which the public do not have access or to which members of the Council do not regularly have access except with the permission of the chief officer responsible for the service of the Council for which the land or buildings are occupied;
- (b) to exercise any power of the authority to enter or inspect other land or buildings, except where specifically authorised to do so by the authority;
- (c) to exercise any other power of the authority;
- (d) to issue any order with respect to any works which are being carried out by, or on behalf of, the authority, or with respect to any goods or services which are being, or might be, purchased by the authority.

54. ABSENCE FROM MEETINGS

Any member who for six months fails to attend any meeting of the authority or its committees, sub-committees or other bodies shall cease to be a member unless within that period his or her absence is approved by the authority.

55. STATEMENT OF ATTENDANCES

A statement showing the actual and possible attendances of each member at meetings of the Council and its Committees and Sub-Committees since and including the last annual meeting shall be presented annually to the Council at its last meeting in each municipal year and be entered in the minutes. In addition, Members' attendance at meetings of other bodies - appointments, appeals, grievance panels and other bodies with variable membership may also be reported.

56. CRITICISM OF INDIVIDUAL EMPLOYEES OR FORMER EMPLOYEES AT A MEETING

In the event of Members wishing to criticise an individual employee or former employee of the authority at a meeting:

- (a) This should take place only in a situation where he/she has the opportunity to reply to the criticism and be represented if he/she so wishes.
- (b) Public criticism of individual employees or former employees should not take place unless there have been previous complaints with a warning that public criticism may follow. In such instances, Members are reminded that officers retain their lawful rights of redress. Such criticism should be channelled through the Chair of the (former) employing Committee for the Service of the individual(s) in question and/or the Chief Officer of that Service.
- (c) It should be recognised that officers may sometimes have a duty to give advice that may be unpalatable to some or all Members.

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STATEMENT OF PRINCIPLES

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.
2. The Procurement Code of Practice provides more detail and shall govern Council tendering and contract procedures. The Director of Finance 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.
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 and Member of the Council. Directors or officers acting on their behalf shall apply the requirements of the Standing Orders and the Procurement Code of Practice when engaging in any procurement activity.
4. The purpose of procurement activity shall be to achieve best value for local people in accordance with the Council's statutory or approved objectives. This should include an innovative approach to building partnerships with the private and not-for-profit sectors within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness.
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 legislation.
6. Nothing in the Contract Standing Orders or the Procurement Code of Practice shall be construed as removing or diminishing the responsibility of all involved to meet individual and collective accountabilities.
7. Directors shall ensure that the Council Executive or a member of the Executive is consulted on any procurement activity of a controversial nature.
8. Directors must ensure that audit trails are in place for all procurement activity in accordance with the Procurement Code of Practice.
9. No Member shall enter into any contract on the Council's behalf.
10. No Member shall be permitted to become security under any agreement between the Council and a contractor employed by it.

CONTRACT STANDING ORDERS

I. INTRODUCTION

- 1.1 Procurement decisions are among the most important decisions a manager will make because the money involved is public money and the Council is concerned to ensure that high quality goods, works 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.
- 1.2 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 and employees have a duty to report breaches of Contract Standing Orders to an appropriate senior manager and the Head of Audit.
- 1.3 Reference should be made to the Procurement Code of Practice for more detailed procurement procedures.

2. DEFINITIONS AND INTERPRETATION

- 2.1 These Contract Standing Orders are made pursuant to section 135 of the Local Government Act 1972 and shall come into force with this Constitution
- 2.2 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 holding a post designated as Director, Chief Executive or Assistant Chief Executive.
 - b) **"EU"** means European Union.
 - c) **"Executive"** means the Executive of Haringey Council.
- 2.3 In the event of any conflict between European Union law, English law and Council policy, the requirements of European Union law shall prevail over English law and the requirements of English law shall prevail over Council policy. In particular caution should be exercised when considering the use of an approved list as this may conflict with EU Procurement legislation.

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- 2.4 In the event of any doubt as to the interpretation of these Contract Standing Orders, or as to the proper procedure to be followed, reference should be made to the Head of Procurement.

3. THE ROLE AND RESPONSIBILITIES OF DIRECTORS

The Director has responsibility for all contracts tendered and let by his/her Directorate. He/she is accountable to the Executive for the performance of his/her duties in relation to contract letting and management, which are:

- a) to ensure compliance with English and EU legislation 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 staff 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 contracts, tenders 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 tenders and their secure retention so as to protect the integrity of the tendering 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;

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- l) to ensure original contract documents are forwarded to the Borough Solicitor for safekeeping;
- m) to keep a register of all contracts over £5,000;
- n) to ensure effective monitoring of all contracts in his/her area.

4. THE ROLE AND RESPONSIBILITY OF THE EXECUTIVE AND THE GENERAL PURPOSES COMMITTEE

- 4.1 ~~The Executive will agree and keep under review these Contract Standing Orders.~~ The Executive will hold Directors accountable for any decisions he/she makes under his/her delegated authority or under these Contract Standing Orders.
- 4.2 The General Purposes Committee will keep under review these Contract Standing Orders and recommend amendments to full Council for adoption.
- 4.3 The Executive or any other formally constituted member body operating within the terms of its reference will award contracts valued over £250,000 (two hundred and fifty thousand) provided that the award of any contract valued over £3,000,000 (three million) 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.

5. CALCULATION OF CONTRACT VALUES

- 5.1 Directors must ensure that a pre-tender estimate of anticipated costs is prepared and recorded in writing. Where EU Public Procurement rules apply, Directors must also ascertain the value of a contract in accordance with those rules.
- 5.2 Unless otherwise specifically provided, where a value or an estimated value is given in these Contract Standing Orders it means the aggregate value payable in pounds sterling exclusive of Value Added Tax over the entire contract period.
- 5.3 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.

6. SCOPE OF CONTRACT STANDING ORDERS

- 6.1 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 paragraph 7.
- 6.2 Where a contract has an estimated value of less than £3000, the Director concerned should act in the manner most expedient to the efficient management of the service, having kept a record for so doing.
- 6.3 Where a contract has an estimated value of more than £3000 but less than £25,000 quotations should be obtained or the tender procedure followed. However the Director may decide that such processes are not appropriate in order to secure value for money for the Council. If that is the case, the Director may determine another process of selecting a contractor which will meet best value criteria. The decision and process must be properly documented.
- 6.4 Except as otherwise provided, contracts must be let following a competitive tendering process in accordance with the procedures set out in these Contract Standing Orders and any guidelines or Codes of Practice issued from time to time under these Contract Standing Orders.
- 6.5 No contract shall be let unless the expenditure involved has been fully considered and approved and sufficient money has been allocated in the relevant budget.
- 6.6 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 supervise 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.
- 6.7 These Contract Standing Orders shall not apply to contracts of employment, or to contracts relating to any interest in land.

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Consortium contracts

- 6.8 These Contract Standing Orders shall not apply where the Council is part of a consortium of borough councils contracting with the same contractor in respect of the provision of a particular good or service, and the contract has been tendered and the form of contract agreed in accordance with the contract standing orders of another borough council in the consortium.

Education

- 6.9 For the avoidance of doubt, these Contract Standing Orders apply to all schools within the London Borough of Haringey. A school's governing body shall have the powers and duties of a Director specified in these Contract Standing Orders, except in relation to waiver (paragraph 7.2).

Social services care contracts for individuals

- 6.10 Social Services care contracts for individuals are either 'block contracts' (where a set number of beds, places or services is provided by the contractor to which the Council may refer users over the contract period) or 'spot contracts' (one-off contracts meeting an individual's needs). The Director of Social Services will seek to maximise the use of block contracts where this represents best value for the Council. The following provisions shall apply to Social Services care contracts for individuals:

- a) All Contract Standing Orders apply to block contracts;
- b) Contract Standing Orders 8, 9 and 10 (in relation to tender procedures and formation of contract) shall not apply to spot contracts;
- c) The Director of Social Services may award all spot contracts;
- d) The Director of Social Services shall provide quarterly reports to the relevant Executive Member and an annual report to the Executive detailing the nature, extent and value of spot contracts entered into in the previous year.

7. WAIVER OF CONTRACT STANDING ORDERS

- 7.1 Where Contract Standing Orders apply to a contract (see Contract Standing Order 6 above) any individual provision in them other than paragraph 8.1 (which relates to EU procedures) may be waived by the appropriate person specified in paragraph 7.2 on the basis set out in paragraph 7.3.

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- 7.2 A waiver of a provision of these Contract Standing Orders may be agreed by:
- a) the Executive [or any other formally constituted member body operating within the terms of its reference]; or
 - b) a Director where the contract value is £50,000 or less (save that the Director shall not have authority to waive any of the provisions of Contract Standing Order 12 which relate to conditions applying to contracts); or
 - c) an Executive Member where the contract value is between £50,000 and £250,000.
- 7.3 A waiver may be agreed by the appropriate person if they are satisfied after considering a written report by the appropriate officer that the waiver is justified because:
- a) the nature of the market for the works to be carried out or the goods or services to be provided has been investigated and is demonstrated to be 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.
- 7.4 A record of the decision approving a waiver and the reasons for it must be kept and an entry made in the appropriate register.

8. TENDER PROCEDURES

EU procedures

- 8.1 Where the value of a contract is equal to or exceeds the threshold set in respect of the Public Works Contracts Regulations 1991, the Public Supply Contracts Regulations 1995 or the Public Services Contracts Regulations 1993 (whichever is relevant), and the regulations require open competition, then the

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relevant regulations shall govern the tender process and paragraph 8.2 shall not apply. Where the subject matter of the contract is exempt from EU tendering requirements, paragraph 8.2 shall apply.

General procedures

- 8.2 Where tenders are to be invited (other than in accordance with the open competition requirements of the regulations referred to in paragraph 8.1), 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); or
 - d) Where an approved list of contractors exists in respect of the subject matter of the contract to be tendered, the approved list procedure (a selection of contractors previously approved being invited to submit a tender).

9. RECEIPT AND OPENING OF TENDERS

- 9.1 Contractors must be informed that their tenders will only be considered if they are:
- a) sent in a plain envelope or parcel with a label on which is printed the word "Tender" followed by the subject of the contract; and
 - b) contained in a sealed envelope or parcel which does not show the identity of the tenderer in any way; and
 - c) delivered to the place and by the time stated in the tender invitation.
- 9.2 Tenders which do not meet the requirements of Contract Standing Order 9.1 may only be considered if the other tenders have not yet been opened and:
- a) failure to comply is the Council's fault; or

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- b) a tender is late, and it is clear without any contact with the contractor that the tender was sent in such a way that in the normal course of events it would have arrived on time.
- 9.3 Tenders must be kept safe until the time for their opening by an officer given this duty by the:
- a) Director for contracts with an estimated value of £150,000 or less, and
 - b) Borough Solicitor for all other contracts

Records of the time and date of receipt of all tenders must be kept by that Officer.

- 9.4 Tenders for a particular contract must be opened at the same time in the presence of two officers who have not been involved in the tendering process and who are responsible for properly recording receipt.

10. POST TENDER NEGOTIATIONS

- 10.1 Except where the negotiated procedure referred to in paragraph 8.2(c) applies, negotiations after receipt of formal bids or tenders and before the letting of contract(s) with those tenderers submitting the most economically advantageous tender, with a view to obtaining an improvement in content in circumstances which do not put other tenderers at a disadvantage, distort competition or affect adversely trust in the competitive tendering process, may only take place if the prior authority of the Director has been obtained.
- 10.2 In addition there may be circumstances where an officer authorised by the Director may contact a contractor in order to clarify an ambiguous tender. This does not constitute post tender negotiations.
- 10.3 All communication with contractors under this Contract Standing Order must be in writing or recorded in writing.

11. TENDER ACCEPTANCE AND CONTRACT FORMATION

- 11.1 Tenders are to be accepted on the basis of either

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- 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 as are relevant to the type of works, goods or services.
- 11.2 A Director may award all contracts valued at £250,000 or less.
- 11.3 Subject to the provisions of paragraph 11.4, the Executive must award all contracts valued over £250,000.
- 11.4 The award of any contract valued over £3,000,000 (three million) 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.
- 11.5 Requirements for signing of contracts are set out in paragraph 12.

12. CONDITIONS APPLYING TO CONTRACTS

Form and execution of contracts

- 12.1 Except as provided in clause 12.2, all contracts above £50 in value must be in writing and by way of a document prepared by or on a basis approved by the Borough Solicitor.
- 12.2 A contract made in extreme urgency need not be in writing so long as it is confirmed in writing within two weeks.
- 12.3 Every contract shall specify:
- a) the works, goods or services or 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.
 - c) as appropriate, the start and finish dates, or delivery dates, and any maintenance or defects liability period.
- 12.4 A contract up to and including £150,000 in value does not require sealing. If signed on behalf of the Council, such a contract must be signed by both the relevant Director and the Head of the relevant business unit.

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12.5 A contract over £150,000 in value must be executed on behalf of the Council under seal as a deed.

Conditions applying to all contracts with value of £25,000 or more

12.6 Every contract with a value of £25,000 or more must unless the Borough Solicitor and Director of Finance agree to the contrary contain clauses to cover the following:

- a) compliance with all legislation;
- b) compliance with the Council's insurance requirements;
- c) a prohibition on assignment and/or subletting without the written consent of the Director;
- d) 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 Prevention of Corruption Acts 1889 to 1916 or incites breach of Section 117 (2) of the Local Government Act 1972;
- e) a provision to ensure the Council is protected against the contractor's defective performance by default provisions which are appropriate to the contract;
- f) if the contractor is in breach of contract the Council can do any or all of the following:
 - a. determine all or part of the contract or determine the contractor's appointment;
 - b. itself perform the contract in whole or in part;
 - c. recover from the contractor any additional cost resulting from the completion or cancellation of the contract.
- g) 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;
- h) that the contractor shall be required to make available to the Council or its auditors such documents or access to information or access to the staff/officers of the contractor as

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is necessary to conduct any audit investigation into the contract;

- i) that the contractor shall be required to make available to the Council upon request such information the Council considers necessary whether in relation to staff or otherwise, to enable the Council to meet its duties in relation to retendering the contract.

Conditions applying to all contracts over £150,000

12.7 Every contract which exceeds £150,000 in value must contain clauses to cover the following:

- a) 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.

Conditions applying specifically to computer software contracts

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.

13 VARIATIONS AND EXTENSIONS

13.1 Subject to any statutory restrictions and compliance with Financial Regulations a Director may authorise the following variations to an existing contract:

- a) a single extension of the contract by up to six months;
- b) a variation and if relevant a consequent change in price determined in accordance with the contract terms.

13.2 In any other circumstances the Executive may vary or extend a contract providing that to do so is consistent with the provisions of Financial Regulations.

13.3 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 £150,000. 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 Executive at the earliest opportunity.

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13.4 Where a contract provides for an extension of the contract for a particular period, a Director may exercise the right to such an extension within the terms of the contract. This is subject to satisfactory outcomes of contract monitoring, such information having been provided to the relevant Executive Member.

13.5 All variations and extensions must be recorded in writing.

14 NOVATIONS (TRANSFERS)

In appropriate circumstances the Council may agree to novate (transfer) a contract. This decision must be taken by the Executive [or a Committee of the Executive operating within the terms of its reference] for contracts of a value in excess of £250,000, and by the Director for contracts of a value up to £250,000.

Officer Employment Procedure Rules

I. Recruitment and Appointment

(a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor, the mayor or officer of the Council; or of the partner of such persons.
- ii) Any candidate who fails to disclose such a relationship will be disqualified from appointment. The content of this paragraph will be included in any recruitment information.
- iii) No candidate so related to a councillor, the mayor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- iv) Every member and senior officer of the authority who knows of a relationship to a candidate for appointment must report the details to the chief officer of the relevant service.

(b) Seeking support for appointment.

- i) The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or the mayor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) No councillor or the mayor will seek support for any person for any appointment with the Council. This rule does not prevent a member from offering or providing a written reference about a candidate but the member shall not take part in the appointment process involving that candidate.

2. Recruitment of Head of Paid Service, Chief Officers and Deputy Chief Officers

Where the Council proposes to appoint a Head of Paid Service, chief officer or deputy chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

(a) draw up a statement specifying:

- i) the duties of the officer concerned; and
- ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement mentioned in sub-paragraph (a) to be sent to any person on request.

(d) all applicants for the post shall be interviewed, or a short list of the more suitable applicants shall be drawn up and those applicants shall be interviewed.

3. Appointment of Head of Paid Service

- (a) The Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. The membership of that committee or sub-committee will be determined by the Leader and the Chair of the General Purposes Committee (or by their nominees). That committee or sub-committee must include at least one member of the Executive.
- (b) The Council may only make or approve the appointment of the Head of Paid Service where:
- (i) no objection has been made by any member of the Executive, or
 - (ii) if any objection is made, the committee or sub-committee recommending the appointment has declared itself satisfied that the objection is not material or well-founded
- (c) The procedures in (a) and (b) above will apply to the dismissal of the Head of Paid Service.

4. Appointment of Chief Officers and Deputy Chief Officers

- (a) A committee or sub-committee of the Council will appoint chief officers and deputy chief officers. The membership of that committee or sub-committee will be determined by the Leader and the Chair of the General Purposes Committee (or by their nominees). That committee or sub-committee must include at least one member of the Executive.
- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where:
- (i) no objection has been made by any member of the Executive or
 - (ii) if any objection is made, the appointing committee or sub-committee is satisfied that the objection is not material or well-founded
- (c) The procedures in (a) and (b) above will apply to the dismissal of Chief Officers and Deputy Chief Officers.

5. Member Training

All Members taking part in appointments or disciplinary proceedings shall undertake appropriate training provided by The Head of Personnel.

6. Other appointments

- (a) Officers below deputy chief officer. Appointment of officers below deputy chief officer (other than assistants to political groups and an assistant to the mayor) will be made by the Head of Paid Service or his/her nominee.
- (b) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group

(c) Assistant to the mayor. An assistant to the mayor may only be appointed by the mayor.

7. Disciplinary action

- (a) Suspension. The head of paid service, monitoring officer and chief finance officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) Independent person. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

8. Dismissal

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

9. Definitions

In these Rules:

- (a) "chief officer" means a statutory chief officer or a non-statutory chief officer who, as respects all or most of the duties of his/her post, reports directly to the Head of Paid Service.
- (b) "deputy chief officer" means an officer who, as respects all or most of the duties of his/her post, reports directly to a chief officer.
- (c) an officer whose duties are solely secretarial, clerical or administrative in nature shall not be regarded as a chief officer or deputy chief officer.

Protocol for Decision-Making

Provisions with respect to proceedings of the Executive and Executive Committees and Non-Executive Committees and Sub-Committees

This protocol constitutes provisions for the allocation of functions under Section 15(2) and provisions in respect of the proceedings of the Executive and Executive Committees under Schedule 1, Paragraph 4 of the Local Government Act 2000; is incorporated into the terms and conditions of employment of officers; and breach of this Protocol shall be a breach of the local Code of Conduct for Councillors.

The Executive, an Executive Committee, *an individual Executive Member*, a Non-Executive Committee or Sub-Committee shall not take any “relevant decision” until the following requirements have been complied with:

- 1.1. All relevant decisions shall be allocated to the Executive or delegated to a Committee or Sub-Committee.
- 1.2. No relevant decision shall be taken except upon a written report in accordance with this Protocol.
- 1.3. A Director, or other Senior Manager of the Authority shall, prepare a written report which shall be the subject of consultation with
 - (i) the Director of Finance and the Monitoring Officer (except to the extent that they agree otherwise in respect of certain clauses of report)
 - (ii) other professional Chief Officers as appropriate
 - (iii) service Directors whose service may be affected by the proposal.
- 1.4. The written report shall set out: -
 - (a) the body proposing to take the decision
 - (b) the issue to be decided
 - (c) an executive summary of the issue, where the length of the report so requires for clarity
 - (d) any recommended restrictions upon the publication of the report or public attendance at the making of the final decision,

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- (e) the facts upon which any decision must be based
 - (f) the Solicitor to the Council comments on any legal implications on legislative requirements, including any HRA issues
 - (g) any policy of the Authority relating to the issue
 - (h) any relevant national or regional guidance
 - (i) the options available to the decision-making body
 - (j) the staffing implications of the issue
 - (k) the Director of Finance comments on the financial implications
 - (l) any consultations undertaken, the views of any consultees and a summary of any other representations received
 - (m) any implications for any other areas of the Authority's activities
 - (n) the comments of any other professional officer or Service Director where appropriate
 - (o) if an Executive matter, the Executive Portfolio which the issue falls within
 - (p) the electoral areas which are particularly affected by the issue under consideration
 - (q) the recommendation in respect of the proposed decision and the reasons supporting the recommendation
 - (r) the place, date and time at which the body proposes to make its decision
 - (s) a list of any background papers
- 1.5. At least 5 ~~working~~ clear days before the proposed date and time for taking the final decision, the Executive Management Office shall send a copy of the report, or arrange for a copy of the report to be sent to all Members of the decision-making body.
- 1.6. The requirements for consultation and public participation set out above are to be regarded as a minimum, and officers are responsible for

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determining when further consultation and public participation would be appropriate.

1.7. Urgent Decisions

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 Executive decision-making process set out above the decision may be deemed “urgent”:

- (a) 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 Vice-Chair of the Overview and Scrutiny Committee is required. In the absence of both, the consent of the Mayor shall be required.
- (b) the Director shall use their best endeavours, as far as the urgency of the matter permits, to consult those persons whom he would have been required to consult had the full Executive decision-making process been followed; and
- (c) 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.

1.8. Relevant Decisions

A decision shall comprise a relevant decision if either:

- (a) it is a “Key Decision” within the meaning of Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) regulations 2000 OR
- (b) it is not within an approved budget; or
- (c) it is in conflict with a policy approved by the Council; or
- (d) it raises new issues of policy; or
- (e) it requires:

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- (i) a virement of funding in excess of the virement limits approved by the Council
 - (ii) the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objection, the approval of a Minister of the Crown
 - (iii) the initiation or adoption of legislation; or
- (f) is of such significance to the locality, the Authority or the services which it provides that the Director is of the opinion that it should be treated as a relevant decision.